

## LICENSING BOARD

**Venue:** Town Hall, Moorgate  
Street, Rotherham. S60  
2TH

**Date:** Monday, 27 October 2014

**Time:** 9.30 a.m.

## A G E N D A

1. To determine if the following matters are to be considered under the categories suggested in accordance with the Local Government Act 1972.
2. To determine any item which the Chairman is of the opinion should be considered as a matter of urgency.
3. Apologies for absence
4. Declarations of Interest
5. Minutes of the previous meeting held on 15th September, 2014 (Pages 1 - 8)
6. Minutes of the meetings of the Sub-Committee of the Licensing Board (Pages 9 - 14)

*Minutes of the sub-committee meetings, held on:-*

- > 28th August 2014
- > 17th September 2014
- > 8th October 2014

7. Hackney Carriage and Private Hire Licensing Policy (Pages 15 - 156)
8. Date and time of next meeting
  - Thursday 13 November 2014 – sub-committee of five Members;
  - Wednesday 10 December 2014 – sub-committee or full Licensing Board

*Meetings begin at 9.30 am*

**LICENSING BOARD**  
**Monday, 15th September, 2014**

Present:- Councillor Dalton (in the Chair); The Mayor (Councillor Foden); Councillors Buckley, Cutts, Ellis, J. Hamilton, N. Hamilton, McNeely, Parker, Roddison and Sims.

Apologies for absence were received from Councillors Beck, Doyle, Havenhand and Reeder.

**P7.           DECLARATIONS OF INTEREST**

There were no Declarations of Interest made at this meeting.

**P8.           MINUTES OF THE PREVIOUS MEETING OF THE BOARD HELD ON 11TH JUNE, 2014**

The minutes of the previous meeting of the Licensing Board held on 11th June, 2014, were considered.

Resolved:- That the minutes of the previous meeting be approved as a correct record for signature by the Chairman.

**P9.           MINUTES OF THE MEETINGS OF THE SUB-COMMITTEE OF THE LICENSING BOARD**

Resolved:- That the contents of the minutes of the meetings of the Sub-Committee of the Licensing Board held on (a) 9th July, 2014 and (b) 13th August, 2014, as now submitted, be noted.

**P10.         BOROUGH-WIDE DESIGNATED PUBLIC PLACE ORDER - UPDATE**

The Crime and Anti-Social Behaviour Manager presented an update on the current position and use of the Borough-wide Designated Public Place Order (DPPO) which had been approved by the Licensing Board on 21<sup>st</sup> March, 2012 (Minute No. 51 refers).

In Rotherham the DPPO was enforced by Police Officers, Police Community Support Officers and, under new shared/accreditation powers, RMBC Wardens although they could not issue a Penalty Notice for Disorder. South Yorkshire Police worked with voluntary, statutory and business partners to deliver an integrated approach to reducing violent crime in the Borough. A partnership delivery plan was in place which focussed on maximum visibility, effective use of legislation and joint partnership working. To complement the work on reducing alcohol-related violence, the principals of the Community Alcohol Partnerships had been rolled out across all Wards to reduce alcohol-related anti-social behaviour.

Although the Police did not record the number of times the powers of the DPPO had been used, the partnership work was reliant upon DPPO's to assist officers to prevent drinking in streets/public places which was likely to cause violence or anti-social behaviour and the designated DPPO signs acted as a visible reminder to potential offenders.

Over the past 6 months the DPPO had been used to complement Dispersal Legislation with 122 individuals having been issued a Dispersal Notice. Dispersal Notices were then followed by a letter of advice stating that should they be involved in further alcohol-related anti-social behaviour, a breach of DPPO or disorderly behaviour over the next 2 months then they would be placed on an Acceptable Behaviour Contract (ABC). To date, 104 had been issued to offenders from the night time economy (1 had gone on to reoffend and had been placed under an ABC) and 18 to day time drinkers (2 had reoffended and been made the subject to Anti-Social Behaviour Orders). Those that breached a DPPO or were issued a Dispersal Notice were also provided information on alcohol units and the Milton House Project.

DPPOs would be replaced by Community Protection Orders (Public Spaces) on 20<sup>th</sup> October, 2014, under the new Anti-Social Behaviour, Crime and Policing Act 2014. The new Legislation recognised that many authorities would already have signage in place for the existing DPPO and the Home Office had stated that it could be retained for a maximum period of 3 years from the 20<sup>th</sup> October.

The main purpose of the new Public Spaces Protection Orders was to deal with a particular nuisance or problem in a particular area that was detrimental to the local community's quality of life by imposing conditions on the use of that area. Examples of potential use was dog control, alleygating and stopping certain individuals going to a particular place.

The Council would issue them, following consultation with the Police, the Police and Crime Commissioner and other relevant bodies, if it was satisfied on reasonable grounds that 2 conditions were met; firstly that the activities carried on in a public place within the Authority's area had had a detrimental effect on the quality of life of those in the locality and secondly that it was likely that the activities would be carried on in a public place within that area and that they would have such an effect. The Order was valid for 3 years.

The restrictions could be set by the Council i.e. it could be a blanket requirement or targeted against certain behaviours by certain groups at certain times. It could be enforced by a Police Officer, Police Community Support Officer or a Council Officer. Breach of the Order was a criminal offence with a Fixed Penalty Notice of up to £100 or prosecution up to level 3.

Anyone who lived in an area, regularly worked in the area, visited the area could appeal against a Public Space Protection Order in a High Court

within 6 weeks of issue or variation of the Order being applied for.

More than 1 restriction could be added to the same area i.e. a single Order could deal with a wide range of issues such anti-social behaviour, drinking of alcohol, dog control. There was also no reason why a Public Spaces Protection Order could not run alongside a DPPO.

Discussion ensued with the following points raised/clarified:-

- Concern that the Police did not record how many times they had used the DPPO powers – if the power was exercised by the Council's Wardens it was recorded and passed onto the Police
- The system operated by EDS was still in use whereby businesses could ring to alert others of potential anti-social behaviour
- In theory if a tenant was found to be in breach of a Public Spaces Protection Order it could be used as a means of terminating their tenancy if the definition of "locality" was satisfied. The definition of "locality" would refer to housing tenancy management
- The new Legislation was intended to complement existing work such as Community Alcohol Partnerships

Resolved:- (1) That the current position on the use and effectiveness of the Designated Public Place Order be noted.

(2) That the continued use the Designed Public Place Order in the Borough as an effective tool to tackle alcohol related anti-social behaviour be supported.

(3) That a further update be submitted in 6 months.

(4) That a letter be sent to the District Commander requesting the collection of data by the Police on the use of Designated Public Place Orders in Rotherham.

(5) That consideration be given to the most suitable means of informing Members and officers of the new Community Protection Orders (Public Space).

## **P11. HOUSE TO HOUSE COLLECTIONS**

The Licensing Manager presented an update on the current guidance issued by NALEO (National Association of Licensing and Enforcement Officers), Institute of Fundraising and Cabinet Office (Office for Civil Society) in relation to the determination of applications for House to House Collections.

The licensing of charitable door to door collections was principally governed by the House to House Collections Act 1939 together with the House to House Collections Regulations 1947. With the exception of a limited number of major national charities which held national exemptions

issued by the Cabinet Office, the majority of charitable door to door collectors must obtain a licence from the relevant licensing authority.

The report set out in detail:-

- Instances where an authority may refuse to grant a licence or revoke a licence as well as the obligations on Charities with regards to charitable collections
- What constituted as Charitable Purpose
- What was not a Charitable Purpose
- Relevance of Percentages when considering applications
- How an Authority could be sure that the amount of proceeds going for Charitable Purposes was adequate
- A summary of important issues for consideration when determining applications

A model application form had been devised that was recommended for use by Licensing Authorities. If approved, the form would be adapted for use for applicants wishing to apply in Rotherham.

The Cabinet Office was currently dealing with 2 appeals against the Council to refuse licences.

Discussion ensued on the report with the following issues raised/clarified:-

- The recycling of old clothing, bric a brac etc. had created an industry. Private companies saw it as an opportunity for increased recycling with charities quite happy to be given a token payment instead of having to organise collection. The number of applications had increased in recent years
- There had been some successful prosecutions in Rotherham around unlicensed collections; recycling could cause confrontation on the streets from some companies
- There was a suggestion that there was a problem in Rotherham with some charities using contractors as volunteers as they had allegedly experienced intimidation from private collectors
- Acknowledgement that the Legislation in force dated back to 1939 and was out of date but, provided that there was a contract between the fund raisers and the Charity, it met the terms of the Legislation

Resolved:- (1) That the model application form, to be adapted for Rotherham, and guidance attached to the report submitted be noted.

(2) That a letter be sent to the Cabinet Office expressing the need to bring the Legislation in line with present day circumstances.

**P12. HACKNEY CARRIAGE/PRIVATE HIRE LICENCES - POINTS BASED ENFORCEMENT SCHEME**

The Community Protection Manager presented a report on the proposed introduction of a points based enforcement scheme for vehicles, drivers and operators licensed by the Licensing Authority.

The Council, as Licensing Authority, had a duty to regulate certain types of passenger carrying vehicles with the main objective of protecting the travelling public and maintaining the quality and safety of the licensed trade. Serious breaches of legislation or licence conditions were presented to the Magistrates Court or to the Licensing Board Sub-Committee where suspension or revocation was considered. However, the position was limited with regard to minor breaches.

The proposed introduction of a points based approach would allow the minor breaches to be formally recognised and drivers/operators/owners issued with points by Council Officers. It would provide a fast and efficient way of dealing with the minor breaches of the licence regime and reflect their compliance record. It would be additional to all existing enforcement options available to the Council and would help provide an open and transparent method of how a licence holder would be assessed in terms of the 'fit and proper person' test contained within the law.

Full details of the proposed scheme were set out in the report.

Discussion ensued on the proposal with the following issues raised/clarified:-

- 3 Points issued per incident and accrued up to the "trigger level" of 12 at which point the licence holder would be referred to the Licensing Board Sub-Committee
  - The list of minor breaches was open ended due to the large number of potential offences under different legislation/policies
  - The points would be recorded on the license holder's personal record held on the Council's specialist licensing database
  - Points would remain on a licence for 2 years from the date of issue unless they were considered during that period by the Licensing Board Sub-Committee who may replace them for a formal sanction or extend the period
- Where a licence holder accumulates the "trigger level" more than once in any three years' period, the Licensing Board Sub Committee will consider whether they believe the repeated accumulation of points indicates that the driver is not a 'fit and proper person'; each case will be considered on its own merits;
- An appeal would be heard by the Licensing Board Sub-Committee
  - All licensed individuals would be sent a letter with details of the proposed scheme
  - The scheme would not circumvent any circumstances where a serious incident occurred and would be put before the Sub-Committee for consideration
  - A number of local authorities nationally had opted for such a scheme
  - The accumulation of points had no sanction other than appearing

before the Sub-Committee, therefore, the drivers would be allowed to continue driving

Resolved:- (1) That consultation on the possible introduction of a points based enforcement scheme for the Hackney Carriage/Private Hire Trade commence.

(2) That a further report on the outcome of the consultation be submitted to the next Board meeting together with the complete Policy for ratification.

**P13. REVIEW OF THE COUNCIL'S LICENSING PROCESSES IN RELATION TO TAXIS AND HACKNEY CARRIAGES**

The Director of Housing and Neighbourhoods submitted a report outlining the current processes that were followed with regard to the issuing of licences to drivers, vehicles and private hire operators. It also set out proposals to improve driver and vehicle standards, strengthen existing policy and processes and provided an overview of the actions that the Licensing Team would be taking in light of the findings of the Independent Inquiry into Child Sexual Exploitation in Rotherham 1997-2013 (Professor Alexis Jay OBE).

The report set out in detail:-

- Overview of the licensing of hackney carriages, private hire vehicles, private hire operators and drivers
- Police notifications
- Responsible Authorities meeting
- Actions to be taken by Licensing following publication of the Alex Jay report
- Clarification of the current scheme of delegation/proposal for revised delegation in relation to hackney carriage and private hire licensing
- Proposals to strengthen the existing application process
- Mandatory child safeguarding and other training
- Vehicle standards
- Knowledge test

Discussion ensued with the following issues raised/clarified:-

- There was new Legislation working its way through Parliament with regard to someone other than the licensed driver driving the vehicle
- A vehicle owner's character could not be taken into account when considering whether to licence the vehicle according to Legislation
- In many cases the licensed operator did not actually drive the vehicle(s). There was no clear legal definition of what constituted a Fit and Proper Person and this was open to a degree of local interpretation. Drivers/potential drivers who came before the Board were dealt with on the information before them and the Board decided

- as to whether the person was fit and proper
- Included in the review was the appropriateness/availability of Enforcement Officers
- There was a condition attached to the licence requiring companies to keep records of where their taxis were at all times
- A limousine company that provided alcohol had to be dual licensed
- Operators that had large vehicles were licenced through VOSA (Vehicle and Operator Services Agency) but could use a smaller vehicle and be exempt from being licensed by the local authority. VOSA did not carry out individual driver checks. VOSA was being challenged on this issue
- The Police would not automatically be notified if a licensed driver's licence was revoked but there was an internal escalation policy which clearly set out which agencies should be notified. If there were concerns relating to the welfare of children or vulnerable adults, this would be referred to the appropriate agency such as Children's Services, Adult Safeguarding and the Police
- A number of local authorities had a policy whereby a vehicle could be no more than 5 years old. Rotherham did not have such a policy but a check was made on a vehicle when an application was made. The new Policy would accord with national standards
- The Authority had actively encouraged taxi drivers to install CCTV cameras in their vehicles for some time and could be included as part of the consultation
- The review was welcomed to bring the Authority in line with others

Resolved:- (1) That the current processes in relation to driver licence applications, suspensions and revocations be noted and it is confirmed that the Licensing Board was satisfied that the current arrangements met the Council's obligations in relation to taxi/private hire licensing.

(2) That the actions proposed by the Licensing Team in light of the findings of the Independent Inquiry into Child Sexual Exploitation in Rotherham be approved and supported.

(3) That the clarification of the delegation to officers by the Licensing Board, as detailed in Appendix 2, be approved.

(4) That the development of proposals to strengthen the application process (in consultation with the taxi/private hire trade and other relevant stakeholders) with a view to submitting a report to the December meeting of the Licensing Board, or sooner, seeking the introduction of the reviewed application process.

(5) That the development of revised/consolidated vehicle standards (in consultation with the taxi/private hire trade and other relevant stakeholders) be approved with a report being submitted to the December meeting of the Licensing Board, or sooner, seeking the introduction of the revised vehicle standards.



(6) That a consolidated and comprehensive Taxi and Hackney Carriage Licensing Policy be submitted to the December meeting of the Licensing Board, or sooner, suitable for public consultation.

(7) That an update be submitted to the December Board meeting on discussions with VOSA with regard to the licensing of limousines.

**LICENSING BOARD-SUB-COMMITTEE  
28th August, 2014**

Present:- Councillor Dalton (in the Chair); The Mayor (Councillor John Foden), Councillors Beck, Buckley and Parker.

**Q11. EXCLUSION OF THE PRESS AND PUBLIC**

Resolved:- That, under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in the Police Act 1997 and Paragraphs 3 and 7 of Part I of Schedule 12A to the Local Government Act 1972 (business affairs and prevention of crime).

**Q12. APPLICATIONS FOR THE GRANT/RENEWAL/REVIEW OF HACKNEY CARRIAGE/PRIVATE HIRE DRIVERS' LICENCES**

The Sub-Committee of the Licensing Board considered a report, presented by the Licensing Manager, relating to applications for the review of hackney carriage / private hire drivers' licences in respect of Messrs. F.S, M.Rk., M.Rd. and M.O.T.

The Licensing Manager reported that representations had been made by Messrs. F.S. and M.Rk. for a deferment due to them not having had sufficient time to arrange legal representation.

Members discussed the request and unanimously agreed that all 3 cases be deferred due to the linkages between them.

Mr. M.O.T. attended the meeting and was interviewed by the Board.

Resolved:- (1) That the applications for the review of hackney carriage/private hire drivers' licences in respect of Messrs. F.S., M.Rk., and M.Rd. be deferred until 17<sup>th</sup> September, 2014.

(2) That a proposed policy be submitted to the Licensing Board on the content of statements/information presented to Board Members.

(3) That, further to Minute No. Q72(5) of the meeting of the Licensing Board held on 16th April, 2014, the suspension of the hackney carriage/private hire driver's licence in respect of Mr. M.O.T. is now lifted with attention drawn to the need to comply with the conditions attached to the licence breach of which will result in presentation before the Board.

**Q13. DATE AND TIME OF THE NEXT MEETINGS**

Resolved: - (1) That the next meetings of the Sub-Committee of the Licensing Board take place on the following dates beginning at 9.30 a.m. in the Rotherham Town Hall: -

- Wednesday 17<sup>th</sup> September, 2014;
- Wednesday 8<sup>th</sup> October, 2014.

(2) That the next meeting of the Licensing Board take place on Wednesday 3<sup>rd</sup> September, 2014, to start at 9.30 a.m. in the Rotherham Town Hall.

**LICENSING BOARD-SUB-COMMITTEE**  
**17th September, 2014**

Present:- Councillor Dalton (in the Chair); The Mayor (Councillor John Foden), Councillors Beck, Buckley and Cutts.

**Q14. EXCLUSION OF THE PRESS AND PUBLIC**

Resolved:- That, under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in the Police Act 1997 and Paragraphs 3 and 7 of Part I of Schedule 12A to the Local Government Act 1972 (business affairs and prevention of crime).

**Q15. APPLICATIONS FOR THE GRANT/RENEWAL/REVIEW OF HACKNEY CARRIAGE/PRIVATE HIRE DRIVERS' LICENCES**

The Sub-Committee of the Licensing Board considered a report, presented by the Licensing Manager, relating to applications for the grant/renewal of hackney carriage/private hire drivers' licences in respect of Messrs. Y.D.S., R.M.A.K., S.A.M., F.S., M.Rk., and M.Rd.

- (a) Mr. Y.D.S. attended the meeting and was interviewed by the Board.
- (b) Mr. R.M.A.K. did not attend the meeting.
- (c) Mr. S.A.M. and his representatives, Mr. T. and Mr. A. attended the meeting and were interviewed by the Board.

Councillor Beck left the meeting before this item was considered.

- (d) Messrs. F.S., M.Rk. and M.Rd. attended the meeting together with Mr. H. (legal representative) and a representative from the Hackney Carriage Association.

Mr. I. (complainant) was in attendance together with Mr. R. (legal representative) and a representative from the Private Hire Association.

Police Officer Berry and Messrs. Ainsworth and King (Enforcement Officers) were also in attendance.

A DVD showing CCTV coverage of the incident in question was viewed by the Sub-Committee and all parties.

Resolved:- (1) That the application for the grant of a hackney carriage/private hire driver's licence in respect of Mr. Y.D.S. be approved and he be granted a licence for 3 years and his attention be drawn to the need to comply with the conditions attached to the licence breach of which would result in presentation before the Board.

(2) That the application for the renewal of a hackney carriage/private hire driver's licence in respect of Mr. R.M.A.K. be deferred due to non-attendance.

(3) That the application for the grant of a hackney carriage/private hire driver's licence in respect of Mr. S.A.M. be granted for 1 year with a written warning as to his future conduct.

(4) That Messrs. F.S., M.Rk. and M.Rd. be issued with a written warning as to their future conduct.

(5) That a letter be sent to the Chairmen of the Hackney Carriage and Private Hire Associations expressing the Sub-Committee's disappointment at the current situation and that a meeting be arranged to discuss the way forward.

**LICENSING BOARD-SUB-COMMITTEE**  
**Wednesday, 8th October, 2014**

Present:- Councillor Dalton (in the Chair); Councillors Buckley, Cutts, Ellis and Havenhand.

Apologies for absence were received from The Mayor (Councillor Foden) and Councillor Reynolds.

**Q16. EXCLUSION OF THE PRESS AND PUBLIC**

Resolved:- That, under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in the Police Act 1997 and Paragraphs 3 and 7 of Part I of Schedule 12A to the Local Government Act 1972 (business affairs and prevention of crime).

**Q17. APPLICATIONS FOR THE GRANT/RENEWAL/REVIEW OF HACKNEY CARRIAGE/PRIVATE HIRE DRIVERS' LICENCES**

The Sub-Committee of the Licensing Board considered a report, presented by the Licensing Manager, relating to applications for the grant and review of hackney carriage / private hire drivers' licences in respect of Messrs. A.H.F., N.M., M.I. and S.M. and Mrs. V.R.

Messrs. A.H.F., N.M., M.I. and S.M. and Mrs. V.R. all attended the meeting and were interviewed by the Board.

Resolved:- (1) That, further to Minute No. 39(2) of the meeting of the Licensing Board held on 9th December, 2009, the application for the grant of a hackney carriage/private hire driver's licence in respect of Mr. A.H.F. be refused.

(2) That the application for the grant of a hackney carriage/private hire driver's licence in respect of Mr. N.M. be approved and he be granted a licence for three years.

(3) That, further to Minute No. 60(3) of the meeting of the Licensing Board held on 12th February, 2014, the application for the grant of a hackney carriage/private hire driver's licence in respect of Mr. M.I. be approved and he be granted a licence for three years.

(4) That, further to Minute No. 45(2) of the meeting of the Licensing Board held on 18th January, 2006, the hackney carriage/private hire driver's licence in respect of Mr. S.M. be revoked.

(5) That the hackney carriage/private hire driver's licence in respect of Mrs. V.R. be suspended pending the outcome of the legal proceedings being brought against her.

(After receipt of legal advice, Councillor Ellis made the following declarations:-

: that one of the applicants attending before this Sub-Committee is resident in the electoral Ward she represents; as the applicant is not known to her, Councillor Ellis remained in the meeting and participated in the consideration of that person's application;

: that, with regard to the circumstances of another of the applicants attending before this Sub-Committee, Councillor Ellis has detailed local knowledge of the area in which a specific, reported incident had occurred; again, as the applicant is not known to her, Councillor Ellis remained in the meeting and participated in the consideration of that person's application)

**ROTHERHAM BOROUGH COUNCIL**

<b>1.</b>	<b>Meeting:</b>	<b>Licensing Board</b>
<b>2.</b>	<b>Date:</b>	<b>Monday 27<sup>th</sup> October 2014</b>
<b>3.</b>	<b>Title:</b>	<b>Hackney Carriage and Private Hire Licensing Policy</b>
<b>4.</b>	<b>Directorate:</b>	<b>Neighbourhoods and Adult Services</b>

**5. Summary**

The publication of the Jay report has had a significant impact on public confidence in Rotherham's taxi and private hire industry. This report outlines how RMBC can improve and strengthen its regulation of the industry to ensure that the standards applied in Rotherham are amongst the most stringent operating anywhere in the country. This approach is intended to ensure that using taxis in Rotherham is a safe, reliable, and pleasant experience, providing reassurance for local people, and as a result Rotherham has a high quality, sustainable taxi trade.

**6. Recommendations**

**Licensing Board is asked to:**

- 6.1 Consider the draft Hackney Carriage and Private Hire Policy and agree that the policy can be the subject of public consultation.**
- 6.2 Request a further report detailing the outcome of the public consultation by February 2015.**
- 6.3 Request a final draft of the policy, revised in the light of public consultation is returned to the licensing Board by February 2015.**



## **7. Background**

The Alexis Jay report into historical cases of child abuse in Rotherham, published in August 2014, included a number of references to the local taxi trade and taxi drivers. This has impacted significantly on the public perception of the industry and those working within it.

To tackle the potential issues raised by the report and to provide public reassurance, the Council has revisited its approach to taxi trade regulation with a view to improving and strengthening current arrangements.

The Licensing Board received a report on 15<sup>th</sup> September 2014 which recommended that a new comprehensive hackney carriage and private hire policy was introduced. The Board requested that this policy be presented on the 27<sup>th</sup> October 2014. If approved by the Board it is intended that the report will go out to eight weeks' public consultation before returning to the Board with appropriate recommendations and progressing to Full Council for consideration.

This report concerns the new policy which is attached at Appendix A. The policy will encompass a range of matters relating to the taxi trade which are currently dealt with as individual policy or guidance documents. The main elements of this policy will relate to driver, vehicle and operators' standards.

Currently local authorities are able determine their own approach to regulation based on a wide range of Acts of Parliament and guidance documents. Consequently wide variation exists in the standards that apply to the trade from one area to another.

The Law Commission has recently undertaken a review of taxi licensing, publishing its report and a draft bill on the 23<sup>rd</sup> May 2014. If this passes into law as it currently stands, this would herald the introduction of national standards for all taxis (i.e hackney carriages) and private hire vehicles, set by the Secretary of State, with the power for local licensing authorities to set additional standards for taxi services only. Local authorities would, however, remain responsible for issuing licences and enforcement in relation to both taxis and private hire vehicles.

Given the possibility that the draft bill could take a considerable period of time before it reaches the statute book, it is proposed that in the meantime, Rotherham introduces new more stringent standards in accordance with industry best practice, and guidance issued by Local Government Regulation in September 2010.

## **8. Proposed Policy**

The attached policy seeks to raise the standards of the taxi trade operating within the borough. For the first time it brings together in one place the various individual policies which have been used to regulate the trade.

The main elements of this relate to:

### **I. Driver Requirements**

- The application process.
- A more stringent approach to the 'Fit and Proper Person' test.
- The requirement for Disclosure and Barring Service checks
- Similar background checks for individuals who have resided abroad
- An approach to convictions, cautions and concerns which will prevent anyone who is believed to have committed the most serious violent or sexual offences from working as a taxi driver
- A higher threshold in relation to other offences, especially those concerning dishonesty
- Training requirements
- Medical assessments
- Licence duration

### **II. Vehicle Requirements**

- Vehicle specifications
- Insurance
- Vehicle age
- Identification as private hire or hackney carriage

### **III. Operator Conditions**

- Requirements for licence
- Conditions
- Insurance
- Potential additional fees if operators work with out of borough drivers.

### **IV. Limousines and special purpose vehicles**

### **V. Compliance, enforcement and quality assurance.**

The easy-to-read policy sets out a clear approach to these matters suitable for use by officers, members of the trade or the general public. It contains a series of separate appendices which set out in specific detail the individual elements of the policy.

## 9. Significant Changes

The policy represents probably the biggest overhaul of licensing policies conducted by this authority at any single point in the last 20 years. As such it introduces a number of major changes.

The main changes include:

### I. The application and vetting process.

- Drivers will have to successfully complete at their own expense the BTEC Level 2 Certificate “The introduction to the role of the professional private hire and taxi driver”. This course will ensure that drivers understand a wide range of relevant matters including customer care, disability awareness, and matters relating to adult and child safeguarding.
- There will be a new tougher communication and knowledge test
- The introduction of a dress code.

### II. Past convictions, cautions and concerns

- The report recommends that the licensing board should ensure that they have sufficient information to make an informed decision on any potential previous criminality. For citizens of the UK that have not lived abroad this is ordinarily achieved by having an Enhanced Disclosure and Barring Service report. Applicants that have lived abroad for considerable periods will need to satisfy the board that they can prove their previous good character.
- New, significantly more rigorous standards will be applied to the consideration of past criminality. This is particularly the case in respect of offences concerning sexual activity, violence or children and vulnerable adults. Matters concerning dishonesty or drug dealing will also be dealt with more robustly.

### III. Consolidated and updated vehicle standards

- The consolidation of a range of previous policies
- Specific conditions relating to car emissions
- Age restrictions for vehicles
- New requirements relating to the identification markings of both Hackney Carriages and Private Hire Vehicles

### IV. Revised Limousine and special vehicle standards.

- Specifically the licensing by this authority of limousines with less than 9 seats.

V. Taxi Quality Assurance

- The introduction of a 'scores on the doors' type approach – similar to that employed to grade the level of hygiene within food premises - to offer a degree of quality assurance to customers, to include CCTV as part of the highest standard.
- A mystery shopping process to assess customer experiences.

**10. Next Steps**

If agreed by Board, it is proposed that the policy becomes the subject of an eight-week public consultation process.

It is proposed that the consultation process comprises the following elements:

- The production of a consultative document summarising the main elements of the new policy. To be distributed to all operators (for sharing with their drivers) and hackney carriage drivers, and other interested bodies on demand
- Publicity for the consultation, including information released to print and broadcast media with links to information online (see below)
- The production of a consultation questionnaire
- The publication on the web of all policy documents, the summary consultation document and the consultation questionnaire.
- Three separate invite only meetings to be held with a small number of representatives from the Hackney Carriage, Private Hire and Operator representative bodies.
- A meeting and/or written consultation with the three MPs,
- A report to the Overview and Scrutiny Management Board to enable member opinion to be included.
- A programme of telephone interviewing to canvass the opinions of approximately 500 members of the public.
- The opportunity for the licensing board to review the outcome of the consultation process, prior to recommending the policy for Council approval.

During this period and subject to feedback an equality analysis will be undertaken by the council's community engagement service.

**11. Finance**

This report has financial implications for both taxi professionals and the council.

For taxi professionals it is inevitable that there will be additional costs relating to the application process (in particular the training course) and also relating to vehicle signage, the provision of newer vehicles and if any specific vehicle upgrades are required. The total cost can only be determined by the owner of the vehicle.

For the council, it is likely that fewer applicants will seek to be licensed in Rotherham, this will reduce licence fees. Again this cannot be determined at this point.

## **12. Risks and Uncertainties**

The existing policies are compliant with current legislation. New legislation is likely following the Law Commission report earlier this year, but this may take several months if not years, before it actually reaches the statute book. In the meantime not strengthening our current standards may mean that we are not able to offer Rotherham taxi customers the level of safety, comfort and reassurance that they could expect. To achieve this, it is our intention that Rotherham will have some of the highest standards in England.

Maintaining the existing licensing position also runs the risk that the current poor perception of the Rotherham taxi trade continues, custom dwindles, revenues decline and vehicle standards fall.

Operators and drivers may be concerned about the impact of the proposed new processes and the impact on their business and customers.

## **13. Policy and Performance Agenda Implications**

This policy has a direct link with the Corporate Plan 2013-16. In particular it addresses priority 2, 'protecting our most vulnerable people', and priority 3 'ensuring all areas of Rotherham are safe'.

It is particularly relevant at this time as it deals with one of the major areas of attention for the Corporate Governance Inspection.

## **14. Background Papers and Consultation**

These changes will need to be subject to public consultation, see above.

## **15. Contact Name:**

Dave Richmond, Director of Housing and Neighbourhood Services

T: 823451

E: [dave.richmond@rotherham.gov.uk](mailto:dave.richmond@rotherham.gov.uk)

## **Appendix A**

### **Driver Licence Application Process**

Rotherham MBC will only issue licences to those applicants that it considers to be 'fit and proper' to hold a licence.

There is no statutory definition of what constitutes a 'fit and proper' person, however Rotherham MBC will take a number of factors into account, and set specific criteria for applicants, when considering a licence application. These factors and criteria are detailed below:

1. Applications will only be accepted from applicants that have held a full UK driving licence for at least five years (please note that the requirement is to have held the full licence for at least five years, not five years since the date that you passed your driving test). Applicants that hold full EU licences will have the length of time that they have held such licences taken into consideration, however holders of EU licences will only be issued with a licence for 12 months – the licence will not be renewed unless the EU licence is exchanged for a full UK licence (as required by national legislation).
2. From 1<sup>st</sup> April 2015, all applicants for the grant of a driver's licence must have satisfactorily completed the BTEC Level 2 Certificate in "The introduction to the Role of the Professional Private Hire and Taxi Driver". Equivalent or higher level qualifications may accepted, such as an NVQ Level 2 in "Road Passenger Vehicle Driving".

Renewal applications will only be accepted after 1<sup>st</sup> April 2016 from applicants that have satisfactorily completed the BTEC Level 2 Certificate in "The introduction to the Role of the Professional Private Hire and Taxi Driver". Equivalent or higher level qualifications may accepted.

3. Applicants will be required to obtain an Enhanced Disclosure Certificate from the Disclosure and Barring Service. The contents of this certificate will be assessed in accordance with the council's policy on convictions in determining the fit and properness of the applicant.

Licences will not be granted unless the applicant is able to provide at least five years UK address history except in the following cases:

- The applicant is able to provide a document from an EU member state, which is the equivalent of a UK issued Enhanced DBS Certificate
- If this cannot be provided then an official document provided by the embassy of a non-EU member state will be acceptable, provided that the document can be verified and is comparable to a UK issued Enhanced DBS Certificate

In either of the cases above, the onus is on the applicant to obtain such a document, and the applicant remains liable for all associated costs.

4. Applicants are required to pass the council's communication and knowledge test. This test will assess the applicants knowledge and ability in relation to:
  - i. Literacy and numeracy
  - ii. Child / adult safeguarding awareness
  - iii. Disability awareness
  - iv. Road Safety
  - v. Basic vehicle maintenance
  - vi. Customer care / customer awareness
  - vii. Local knowledge

A fee is payable by the applicant prior to them undertaking the test. If the applicant fails the test then they may retake it at a later date (subject to the payment of the appropriate fee). However, if an applicant fails the test after retaking it for a second time they will not be permitted to take the test again until at least 6 months has passed since the date of the most recent failure.

5. Applicants are required to satisfactorily complete an advanced driving skills test to Driver and Vehicle Standards Agency standards. Details of the test will be provided to the applicant by the Licensing Office.
6. All applicants must agree to the council verifying their DVLA driving licence, this will be done via a third party organisation and will require the applicant to give their consent to such a check being carried out.
7. Before a licence is issued, applicants must provide a certificate from their GP stating that the GP has conducted a medical examination and reviewed the applicant's medical history and is satisfied that the applicant meets the "Group 2" standards.

There will be a fee for this examination and this should be paid directly to the GP.

A medical to Group 2 standards will be required on first application. Then every five years from the age of 45. On reaching the age of 65 a medical will be required annually and therefore a licence will only be issued for a period of 1 year.

n.b The Council may also request a medical at any other time it feels may be necessary to ascertain a persons' fitness to drive a licensed vehicle.

Applications should be made on the appropriate form(s), and should include the following:

- 5 years' address history for the applicant

- One colour passport standard photograph, which is a good likeness of the applicant
- DVLA driving licence & photo-card (or paper licence if the photocard licence is not held by the applicant)
- Documents required as part of the DBS check
- Proof that the applicant is legally permitted to work in the UK
- the correct fees (non-refundable)
- any other documents an officer may ask you for to help progress your application.

In certain cases, applications may need to be referred to the Council's Licensing Board. In these cases the Licensing Board make a decision on what length of licence to grant; or to refuse to grant a licence. This is usually if you have any conviction or police caution, reprimand or warning on your DBS record, but may also be for other reasons.

Once a licence expires, the applicant will be required to complete the application as if it were for a grant of a licence (i.e. the whole process must be undertaken from the start, regardless of how many years the applicant has held a licence previously).



## **Appendix B**

### **Disclosure & Barring Service (DBS) Application Process**

In processing your application, the council will make the assumption that you will transport unsupervised children or vulnerable adults in your vehicle on more than two occasions in any 30 day period. If you are not doing so you must inform the Licensing Manager **in writing**. Your application may then be referred to the Licensing Board for consideration. When writing to the Manager you must say how you will avoid transporting unsupervised children and vulnerable adults at any time.

The Hackney Carriage / Private Hire application pack includes a Disclosure & Barring Service (DBS) Application form (this is a white and pink form). It will also include a DBS "Applicants Guide" booklet. The booklet will help you fill in the DBS application form and to provide the correct documents for identification. The DBS also have a "code of practice" a copy of this document is available on the DBS website <https://www.gov.uk/government/organisations/disclosure-and-barring-service> or on request from RMBC.

Complete the DBS application form accurately and in **BLACK** pen. If you fill it in in another colour the Licensing Assistant acting on behalf of the DBS will have to reject it and will pass it back and ask for a new form to be completed. Any missing information or errors on your form will mean the DBS will reject the form and you will have to do another one and pay the fee again.

You should bring this form back to the Licensing Office with the correct fee and all documents required to prove your identity. You must bring this form back in person. If you post it, the form cannot be accepted. **DO NOT POST THIS FORM DIRECTLY TO THE DBS.**

Where information is contained on documents or required on forms e.g. last name, first name, address(es) then this information must be identical on all the forms and all the documents that you supply. (So your surname, first & second name(s) must be the same on your hackney carriage / private hire driver licence application and your DBS Application, passport and DVLA Licence.)

You will have to complete the DBS Application when you make your first application for a hackney carriage/private hire driver licence and then every time you renew your licence.

If your licence lapses you will have to start the whole application process again which will mean doing another DBS record check.

Once the council has received your DBS application form, and verified the documentation that you have provided, it will submit the form to the DBS for processing. You are able to track your application online via the DBS website (address above).

Once the DBS have completed all relevant checks, they will send you your Enhanced Disclosure Certificate in the post. The council will not be provided with a copy of the certificate by the DBS.

Once you have received your certificate from the DBS you must provide it to the council so that it can be reviewed and considered as part of the application process. The council will use the information contained within your Disclosure Certificate (along with other information) to assess whether you are a fit and proper person to hold a driver licence, it will do this with reference to council's Hackney Carriage and Private Hire Convictions Policy.

Your application will not progress until the council has received the Enhanced Disclosure Certificate for you.

The Disclosure & Barring Service (DBS) has asked the Licensing Section to include a copy of the authorities statement of policy for the recruitment of ex-offender's, this policy statement is below for you to read. However it is important that you should understand that the Licensing Section does NOT employ or recruit any person for the purposes of becoming licensed to driver hackney carriage and/or private hire vehicles.

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### **RMBC Policy Statement on the Recruitment of ex-Offenders**

- As an organisation using the Disclosure & Barring Service (DBS) service to assess applicants' suitability for positions of trust, Rotherham Metropolitan Borough Council complies fully with the DBS Code of Practice and undertakes to treat all applicants for positions fairly. It undertakes not to discriminate unfairly against any subject of a disclosure on the Basis of conviction or other information revealed.
- Rotherham Metropolitan Borough Council is committed to the fair treatment of its staff, potential staff or users of its services, regardless of race, gender, religion, sexual orientation, responsibilities for dependants, age, physical/mental disability or offending background.
- We actively promote equality of opportunity for all with the right mix of talent, skills and potential and welcome applications from a wide range of candidates, including those with criminal records. We select all candidates for interview based on their skills, qualifications and experience.
- A Disclosure is only requested after a risk assessment has indicated that one is both proportionate and relevant to the post concerned. For those positions where a Disclosure is required, all application forms, job adverts and recruitment briefs will contain a statement that a disclosure will be requested in the event of the individual being offered the position.
- Where a Disclosure is part of the recruitment process, we require all applicants called for interview to provide details of their criminal record at an early stage in the application process.
- Unless the nature of the position allows Rotherham Metropolitan Borough Council to ask questions about your entire criminal record we only ask about "unspent" convictions as defined in the Rehabilitation of Offenders Act 1974.
- We ensure that all those in Rotherham Metropolitan Borough Council who are involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of offences. We also ensure that they have received appropriate guidance and training in the relevant legislation relating to the employment of ex-offenders e.g. the Rehabilitation of Offenders Act 1974
- At Interview, or in a separate discussion, we ensure that an open and measured discussion takes place on the subject of any offences or other matter that might be relevant to the position sought could lead to withdrawal of an offer of employment
- We make every subject of a DBS Disclosure aware of the existence of the DBS Code of Practice and a copy is available on request.
- We undertake to discuss any matter revealed in a Disclosure with the person seeking the position before withdrawing a conditional offer of employment.

Having a criminal record will not necessarily bar you from being licensed by us. This will depend on the nature of the position, the nature of the offence, how long ago and what age you were when it was committed and any factors which may be relevant.

Failure to declare a conviction, caution or pending police action, will disqualify you from appointment or result in summary dismissal if the discrepancy comes to light. If you would like to discuss whether a conviction you have would debar you from working with children, you may telephone Human Resources on (01709) 824141 in confidence, for advice.

**Appendix C**

**Rotherham Metropolitan Borough Council**  
**Hackney Carriage and Private Hire Convictions Policy**

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## 1. Introduction

- 1.1 This policy provides guidance to the Licensing Board and its sub-committee (referred to as the Licensing Authority) on the criteria to take into account when determining whether or not an applicant or an existing licence holder is a fit and proper person to hold a Hackney Carriage and/or Private Hire driver or Operator Licence.
- 1.2 It is the responsibility of Rotherham MBC (referred to as the Council) to issue Hackney Carriage and Private Hire licences under the Local Government (Miscellaneous Provisions) Act 1976. In exercising this duty the Council will consider the need to ensure the safety of the public as its primary consideration.
- 1.3.1 In seeking to safeguard the safety of the public. The licensing authority will be concerned to ensure:
- That a person is a fit and proper person in accordance with Sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 (Part II)
  - That the person does not pose a threat to the public
  - That the public are safeguarded from dishonest persons
  - The safety of children, young persons and vulnerable adults
- 1.4 The term “Fit and Proper Person” for the purposes of licensing is not legally defined and in assessing whether someone may be “Fit & Proper” the Council will consider the following, and any other relevant information into account:
- Criminality
  - Human Rights
  - Period of holding a driver’s licence
  - Number of endorsed driving licence penalty points
  - Right to work, and
  - Medical fitness
  - Driver and Vehicle Standards Agency (DVSA) taxi assessment

In addition the Council will also consider further information sources such as the Police (including abduction notices), Children and Adult Safeguarding Boards and other statutory agencies.

- 1.5 This policy provides guidance to any person with an interest in taxi and private hire licensing. In particular, but not exclusively:
- Applicants for a driver’s licence
  - Existing licensed drivers whose licences are being reviewed
  - Licensing officers
  - Members of the licensing committee/sub-committee
  - Magistrates hearing appeals against local authority decisions

- 1.6 In considering this guidance the Licensing Authority will be mindful that each case must be considered on its individual merits and, where the circumstances demand, the committee may depart from the guidelines.
- 1.7 In this policy the word "Conviction" is to be defined as including convictions, cautions, warnings, reprimands and other relevant information. In this policy 'from date sentence has ended' means from the date the sentence given has ended and not sentence served has ended.
- 1.8 In this policy the word applicant refers to either new applicants, or those existing licence holders who are seeking renewal. It also includes existing licence holders who are being considered by the Licensing Authority by virtue of offending activity having recently come to light.

## **2. General Policy**

- 2.1 Whilst the committee may consider that a person with a conviction for a serious offence may not need to be automatically barred from obtaining a licence, it is however to be normally expected that the applicant would be required to:
- a. Remain free of conviction for an appropriate period as detailed below; and
  - b. Show adequate evidence that they are a fit and proper person to hold a licence (the onus will be on the applicant to produce such evidence). Simply remaining free of conviction may not generally be regarded as adequate evidence that a person is a fit and proper person to hold a licence.
- 2.2 The Licensing Authority shall only depart from this policy in exceptional circumstances. The otherwise good character and driving record of the applicant or licence holder will not ordinarily be considered as exceptional circumstances

## **3. Appeals**

- 3.1 Any applicant refused a driver's licence, or who has their licence suspended or revoked on the grounds that the licensing authority is not satisfied they are a fit and proper person to hold such a licence has a right to appeal to the Magistrate's Court within 21 days of the notice of refusal [Local Government (Miscellaneous Provisions) Act 1976, s 77 (1)].

## **4. Powers**

- 4.1 Section 61 and Section 62 of the Local Government Miscellaneous Provisions Act 1976 allow the licensing authority to suspend, revoke or refuse to renew a licence if the application/licence holder has been convicted of an offence involving dishonesty, indecency, violence; failure to comply with the provisions of the Town Police Clauses Act 1847; failure to comply with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976; or any other reasonable cause.

- 4.2 The Rehabilitation of Offenders Act 1974 (Exceptions)(Amendment) Order 2002, allows the licensing authority to take into account all convictions recorded against an applicant or the holder of a Private Hire Vehicle or Hackney Carriage driver's licence, whether spent or not. Therefore the licensing authority will have regard to all relevant convictions, particularly where there is a long history of offending or a recent pattern of repeat offending. Applicants need to be aware that, in accordance with this Act, all convictions, cautions, warnings and reprimands must be declared.
- 4.3 Under the provisions of Sections 51, 55 and 59, Local Government (Miscellaneous Provisions) Act 1976, the licensing authority is required to ensure that an applicant for the grant or renewal of a Hackney Carriage and/or a Private Hire Vehicle driver's licence and/or Private Hire Vehicle Operator's licence is a "fit and proper" person to hold such a licence. However, if an applicant has any convictions, warnings, cautions or charges awaiting trial, the licensing authority will look into:
- How relevant the offence(s) are to the licence being applied for
  - How serious the offence(s) were
  - When the offence(s) were committed
  - The date of conviction
  - Circumstances of the individual concerned
  - Sentence imposed by the court
  - The applicant's age at the time of conviction
  - Whether they form part of a pattern of offending
  - Any other character check considered reasonable (eg personal references)
  - Any other factors that might be relevant
- 4.4 Existing holders of driver's licences are required to notify the licensing authority in writing within seven days of receiving a driving licence endorsement, fixed penalty notice or criminal conviction (including cautions). To fail to do so, will raise serious questions for the Licensing Authority as to the honesty of the licence holder and will be taken into account as part of any subsequent renewal applications.
- 4.5 Applicants can discuss further what effect a caution/conviction may have on any application by contacting the Licensing Officer on 01709 334524 in confidence for advice.
- 4.6 The Licensing Authority conducts enhanced disclosures from the Disclosure and Barring Service (DBS) of any applicant for a driver's licence. Applicants applying for the grant or a renewal of a driver's licence will be required to obtain an enhanced disclosure at their expense.
- 4.7 The Licensing Authority is also entitled to use other records and information that may be available to it in determining applications or an entitlement to continue holding a licence. This may include information held by the Licensing Authority or other licensing authorities, and information disclosed by the police under the Home Office scheme for reporting offences committed by notifiable occupations.

- 4.8 It is an offence for any person knowingly or recklessly to make a false declaration or to omit any material particular in giving information required by the application for a licence. Where an applicant has made a false statement or a false declaration on their application for the grant or renewal of a licence, the licence will normally be refused.
- 4.9 For renewal applications and current licence holders the guidance will not be applied retrospectively. The policy will be applied if any additional convictions are incurred or brought to the attention of the Council that would call into question a person's suitability to hold a licence.
- 4.10 Any offences not covered by this Policy will not prevent the Council from taking into account the offences.

## **5 Options when determining an application/licence**

- 5.1 When determining an application or reviewing an existing licence the Council have the following options:

- approve the application or take no further action
- refuse the application/revoke the licence/suspend the licence
- issue a warning
- For existing drivers who have accumulated 9, 10 or 11 points on their DVLA driving licence, their Private Hire or Hackney Carriage driver licence will be suspended, until the driver has successfully undertaken a Private Hire or Hackney Carriage DSA driving test, at their own expense.

## **6. Serious offences involving violence**

- 6.1 Licensed drivers have close regular contact with the public. A firm line is to be taken with those who have convictions for offences involving violence. An application will normally be refused if the applicant has a conviction for an offence that involved the loss of life.
- 6.2 Unless there are exceptional circumstances a licence will not normally be granted where the applicant has a conviction for an offence such as:
- Murder
  - Manslaughter
  - Manslaughter or culpable homicide while driving
  - Terrorism offences
  - Or any similar offences (including attempted or conspiracy to commit) offences which replace the above
- 6.3 A licence will not normally be granted where the applicant has a conviction for an offence or similar offence(s) to those below and at least 10 years have passed since the completion of any sentence and /or licence period.



- Arson
  - Malicious wounding or grievous bodily harm which is racially aggravated
  - Actual bodily harm which is racially aggravated
  - Grievous bodily harm with intent
  - Robbery
  - Possession of firearm
  - Riot
  - Assault Police
  - Common assault with racially aggravated
  - Violent disorder
  - Resisting arrest
  - Or any similar offences (including attempted or conspiracy to commit) offences which replace the above
- 6.4 A licence will not normally be granted where the applicant has a conviction for an offence or similar offence(s) which replace the offences below and at least 5 years have passed since the completion of any sentence and/or licence period:
- Racially-aggravated criminal damage
  - Racially-aggravated offence
  - Or any similar offences (including attempted or conspiracy to commit) offences which replace the above
- 6.5 A licence will not normally be granted where the applicant has a conviction for an offence or similar offence(s) which replace the offences below and at least 3 years have passed since the completion of any sentence and/or licence period:
- Common assault
  - Assault occasioning actual bodily harm
  - Affray
  - S5 Public Order Act 1986 offence (harassment, alarm or distress)
  - s.4 Public Order Act 1986 offence (fear of provocation of violence)
  - S4A Public Order Act 1986 offence (intentional harassment, alarm or distress)
  - Obstruction
  - Criminal damage
  - Or any similar offences (including attempted or conspiracy to commit) offences which replace the above
- 6.6 A licence will not normally be granted if an applicant has more than one conviction in the last 10 years for an offence of a violent nature.
- 6.7 In the event of a licence being granted, a strict warning both verbally and in writing should be administered. If a warning is issued, this will remain in place for a period commensurate with the time periods in the relevant sections above.

## **7. Possession of a weapon**

- 7.1 If an applicant has been convicted of possession of a weapon or any other weapon related offence, this will give serious concern as to whether the person is fit to carry the public.
- 7.2 Depending on the circumstances of the offence, at least 3 years must have passed since the completion of the sentence, before a licence is granted.

## **8. Sex and indecency offences**

- 8.1 As licensed drivers often carry unaccompanied and vulnerable passengers, applicants with convictions for sexual offences must be closely scrutinised. All sexual offences should be considered as serious, however those applicants with convictions for the most serious sexual offences will normally be refused. For other offences, applicants will be expected to show a substantial period free of conviction for such offences before a licence will be granted.
- 8.2 (a) Unless there are exceptional circumstances, an application will normally be refused where the applicant has a conviction for an offence such as:
  - Rape
  - Assault by penetration
  - Offences involving children or vulnerable adults
  - Grooming, Trafficking or other Sexual Exploitation related offences (adults and / or children)
  - Making or distributing obscene material
  - Possession of indecent photographs depicting child pornography.
  - Or any similar offences (including attempted or conspiracy to commit) offences which replace the above
- 8.3 (b) Before an application is allowed, an applicant should be free of conviction for at least 10 years (or at least 3 years must have passed since the completion of the sentence, whichever is longer), if he/she has a conviction for an offence such as:
  - Sexual assault
  - Indecent assault
  - Exploitation of prostitution
  - Indecent exposure
  - Or any similar offences (including attempted or conspiracy to commit) offences which replace the above
- 8.4 (c) Before a licence is granted, an applicant should be free of conviction for at least 3 years (or at least 3 years must have passed since the completion of the sentence, whichever is longer), if he/she has a conviction for an offence such as:
  - Soliciting (kerb crawling)
  - Making indecent telephone calls

- Importuning
  - Or any similar offences (including attempted or conspiracy to commit) offences which replace the above.
- 8.5 A licence will not normally be granted if an applicant has more than one conviction for a sexual or indecency offence.
- 8.6 In addition to the above the licensing authority will not normally grant a licence to any applicant who is currently on the Sex Offenders Register.

## **9. Dishonesty**

- 9.1 A licensed PHV or taxi driver is expected to be trustworthy. In the course of their working duties drivers will deal with cash transactions and valuable property may be left in their vehicles. Drivers may well deal with customers who are vulnerable or intoxicated and potentially easily confused. For these reasons, a serious view is taken of any conviction involving dishonesty.
- 9.2 In general, a minimum period of 3 years free of conviction or at least 3 years have passed since the completion of sentence (whichever is longer) should be required before granting a licence. Offences involving dishonesty include:
- theft
  - burglary
  - fraud
  - benefit fraud
  - handling or receiving stolen goods
  - forgery
  - conspiracy to defraud
  - obtaining money or property by deception
  - other deception
  - taking a vehicle without consent
  - fare overcharging
  - or any similar offences (including attempted or conspiracy to commit) offences which replace the above

## **10. Alcohol and Drugs**

- 10.1 A serious view is taken of any drug related offence. Taking drugs and driving poses an obvious risk to public safety, whilst applicants who have convictions for the supply of drugs should also be treated with considerable concern. The nature and quantity of the drugs, whether for personal use or supply are issues which should be considered carefully.
- 10.2 As licensees are professional vocational drivers, a serious view is taken of convictions for driving, or being in charge of a vehicle while under the influence of drink or drugs. More than one conviction for these offences raises significant doubts as to the applicant's fitness to drive the public. At least 3 years, after the restoration of the driving

licence following a drink drive conviction should elapse before an application will be considered. If there is any suggestion that the applicant is alcohol or drug dependent, a satisfactory special medical report must be provided before the application can be allowed to proceed.

- 10.3 Because of the nature of a driver's involvement with the public, a licence will not normally be granted where the applicant has a conviction for an offence related to the supply of drugs and at least 10 years have passed since the completion of any sentence and/or licence period.
- 10.4 A licence will not normally be granted where the applicant has more than one conviction for offences related to the possession of drugs and at least 5 years have passed since the completion of any sentence and/or licence period.
- 10.5 An application from an applicant who has an isolated conviction for an offence related to the possession of drugs within the last 3-5 years may be granted a licence, but consideration should be given to the nature and quantity of the drugs.
- 10.6 If there is evidence of persistent drugs use, misuse or dependency a specialist medical examination (in accordance with DVLA Group 2 medical standards) may be required before the licence is granted. If the applicant was an addict then they would normally be required to show evidence of 5 years free from drug taking after detoxification treatment.

## **11 Driving offences involving the loss of life**

- 11.1 A very serious view is to be taken of any applicant who has been convicted of a driving offence that resulted in the loss of life.

A licence will not normally be granted unless the applicant is free of conviction for 10 years or (or at least 3 years must have passed since the completion of the sentence, whichever is longer) if he has a conviction for:

- Causing death by dangerous driving
- Causing death by careless driving whilst under the influence of drink or drugs
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

- 11.2 Before a licence is granted, an applicant should be free of conviction for 5 years (or at least 3 years must have passed since the completion of the sentence, whichever is longer), if he has a conviction for:

- Causing death by careless driving
- Causing death by driving: unlicensed, disqualified or uninsured drivers

- 11.3 Minor traffic offences eg obstruction, some speeding offences, pedestrian crossing offences, traffic light offences waiting in a restricted area, etc may not ordinarily merit refusal. However, they will be subject to consideration as part of the Points Enforcement Policy. For existing drivers who have accumulated 9, 10

or 11 points on their DVLA driving licence, their Private Hire or Hackney Carriage driver licence will be suspended, until the driver has successfully undertaken a Private Hire or Hackney Carriage DSA driving test, at their own expense.

- 11.4 Major traffic offences such as driving without due care and attention, reckless driving, some speeding offences, etc will give rise to serious doubts about the applicant's suitability to be a driving professional. An applicant with any such convictions should normally be required to show a period of at least one year free of such convictions. For applicants with more than one offence this should normally be increased to two years.
- 11.5 In cases where the courts have imposed a disqualification in respect of the ordinary driving licence, the periods stated above should normally commence from the date of the restoration of the licence.

## **12 Outstanding Charges or Summonses**

- 12.1 If the individual is the subject of an outstanding charge or summons their application should be suspended until the matter is resolved.
- 12.2 A suspension or revocation of the licence of a driver takes effect at the end of the period of 21 days beginning with the day on which notice is given to the driver. If it appears that the interests of public safety require the suspension or revocation of the licence to have immediate effect, and the notice given to the driver includes a statement that is so and an explanation why, the suspension or revocation takes effect when the notice is given to the driver. [Road Safety Act 2006, s 52, 2A&2B]

## **14 Non-conviction information**

- 14.1 If an applicant has, on more than one occasion, been arrested or charged, but not convicted, for a serious offence which suggests he could be a danger to the public, consideration should be given to refusing the application. Such offences would include serious violent offences and serious sex offences.
- 14.2 In assessing the action to take, the safety of the travelling public must be the paramount concern.

## **15 Licensing Offences**

- 15.1 Certain offences under taxi legislation such as plying for hire, overcharging and refusing to carry disabled persons would normally prevent a licence being granted or renewed until a period of 3 years has passed since .

## **16 Insurance Offences**

- 16.1 A serious view will be taken of convictions of driving or being in charge of a vehicle without insurance. An isolated incident in the past will not necessarily stop a licence being granted provided he/she has been free of conviction for 3 years, however strict

warning should be given as to future behaviour. More than one conviction for these offences would normally prevent a licence being granted or renewed.

- 16.2 At least three years should elapse (after the restoration of the DVLA driving licence), before a licence would normally be granted for a Hackney Carriage or Private Hire drivers licence. An operator found guilty of aiding and abetting the driving of passengers for hire and reward whilst without insurance will have his Operator's Licence revoked immediately and prevented from holding a licence for three years.

## **17 Applicants with periods of residency outside the UK**

- 17.1 If an applicant has spent six continuous months or more overseas the licensing authority will expect to see evidence of a criminal record check from the country/countries visited covering the period.
- 17.2 Because of the potential lifetime relevance for some of the most serious offences mentioned in this policy, the Licensing Authority will need to ensure that sufficient background checks are conducted for those applicants who have lived overseas. For EU nationals suitable checks should be available, for those countries for which checks are not available, one option is to require a certificate of good conduct authenticated by the relevant embassy.

## **18 Summary**

- 18.1 Whilst a criminal history in itself may not automatically result in refusal and a current conviction for a serious crime need not bar an applicant permanently from becoming licensed, but in most cases, an applicant would be expected to remain free from conviction for 3 to 10 years, according to circumstances, before an application can be considered. If there is doubt about the suitability of an individual to be licensed, the committee needs to be mindful of the need to protect the public and caution should be exercised.
- 18.2 While it is possible that an applicant may have a number of convictions that, individually, meet the above guidelines, the overall offending history must be considered when assessing an applicant's suitability to be licensed. A series of offences over a period of time is more likely to give cause for concern than an isolated minor conviction. Obviously some discretion can be afforded if an offence disclosed is isolated and there are mitigating circumstances, but the overriding consideration is the protection of the public.

**Annex A – Motoring offences and penalty points**

The following is a guide to the number of penalty points a court may impose, it does not reflect the fact that some offences may incur a disqualification. These codes are recorded from information supplied by the courts (accurate at the time of this document).

Code	Offence	Penalty Points
<b>Accident Offences</b>		
AC10	Failing to stop after an accident	5-10
AC20	Failing to give particulars or to report an accident within 24 hours	5-10
AC30	Undefined accident offences	4-9
<b>Disqualified Driver</b>		
BA10	Driving whilst disqualified by order of court	6
BA30	Attempting to driver while disqualified by order of court	6
<b>Careless Driving</b>		
CD10	Driving without due care and attention	3-9
CD20	Driving without reasonable consideration for other road users	3-9
CD30	Driving without due care and attention or without reasonable consideration for other road users	3-9
CD40	Causing death through careless driving when unfit through drink	3-11
CD50	Causing death by careless driving when unfit through drugs	3-11
CD60	Causing death by careless driving with alcohol level above the limit	3-11
CD70	Causing death by careless driving then failing to supply a specimen for analysis	3-11
CD71	Causing death by careless driving then failing to supply A specimen for drug analysis	3-11
CD80	Causing death by careless, or inconsiderate, driving	3-11
CD90	Causing death by driving: unlicensed, disqualified or Uninsured drivers	3-11
<b>Construction &amp; Use Of Offences</b>		
CU10	Using a vehicle with defective brakes	3
CU20	Causing or likely to cause danger by reason of use of unsuitable vehicles or using a vehicle with parts or accessories (excluding brakes, steering or tyres) in a dangerous condition	3
CU30	Using a vehicle with defective tyre(s)	3
CU40	Using a vehicle with defective steering	3
CU50	Causing or likely to cause danger by reason of load or passengers	3
C80	Using a mobile phone while driving a vehicle	3
<b>Dangerous Driving</b>		

DD40	Dangerous Driving	3-11
DD60	Manslaughter or culpable homicide while driving a vehicle	3-11
DD90	Furious Driving	3-9
<b>Drink or Drugs</b>		
DR10	Driving or attempting to drive with alcohol level above limit	3-11
DR20	Driving or attempting to drive while unfit through drink	3-11
DR30	Driving or attempting to drive then failing to supply a specimen for analysis	3-11
DR40	In charge of a vehicle while alcohol level above limit	10
DR50	In charge of vehicle while unfit through drink	10
DR60	Failure to provide a specimen for analysis in circumstances other than driving or attempting to drive	10
DR61	Failure to supply a specimen for drug analysis in circumstances other than driving or attempting to drive	10
DR70	Failing to provide specimen for breath test	4
DR80	Driving or attempting to drive when unfit through drugs	3-11
DR90	In charge of a vehicle when unfit through drugs	3-11
<b>Insurance Offences</b>		
IN10	Using a vehicle uninsured against third party risks	6-8
<b>Licence Offences</b>		
LC20	Driving otherwise than in accordance with the licence	3-6
LC30	Driving after making a false declaration about fitness applying for a licence	3-6
LC40	Driving a vehicle having failed to notify a disability	3-6
LC50	Driving after a licence has been revoked or refused on medical ground	3-6
<b>Miscellaneous Offences</b>		
MS10	Leaving a vehicle in a dangerous position	3
MS20	Unlawful pillion riding	3
MS30	Play street offences	2
MS50	Motor racing on the highway	3-11
MS60	Offences not covered by other codes	As Appropriate
MS70	Driving with uncorrected defective eyesight	3
MS80	Refusing to submit to an eyesight test	3
MS90	Failure to give information as to identity of driver etc.	3
<b>Motorway Offences</b>		
MW10	Contravention of Special Roads Regulations (excluding speed limits)	3
<b>Pedestrian Crossings</b>		
PC10	Undefined Contravention of Pedestrian Crossing Regulation	3
PC20	Contravention of Pedestrian Crossing Regulations with moving vehicle	3
PC30	Contravention of Pedestrian Crossing Regulations with stationary vehicle	3



<b>Speed Limits</b>		
SP10	Exceeding goods vehicle speed limits	3-6
SP20	Exceeding speed limit for type of vehicle (excluding goods or passenger vehicles)	3-6
SP30	Exceeding statutory speed limit on a public road	3-6
SP40	Exceeding passenger vehicle speed limit	3-6
SP50	Exceeding speed limit on a motorway	3-6
<b>Traffic Directions And Signs</b>		
TS10	Failing to comply with traffic light signals	3
TS20	Failing to comply with double white lines	3
TS30	Failing to comply with 'Stop' sign	3
TS40	Failing to comply with direction of a constable/warden	3
TS50	Failing to comply with a traffic sign (excluding stop signs, traffic signs or double white lines)	3
TS60	Failing to comply with a school crossing patrol sign	3
TS70	Undefined failure to comply with a traffic direction sign	3
<b>Special Code</b>		
TT99	To signify a disqualification under totting-up procedure. If the total of penalty points reaches 12 or more within 3 Years, the driver is liable to be disqualified	
<b>Theft or Unauthorised Taking</b>		
UT50	Aggravated taking of a vehicle	3-11

Source [www.direct.gov.uk](http://www.direct.gov.uk)

## **Appendix D**

### **Private Hire / Hackney Carriage Driver Conditions of Licence**

These conditions of licence are made pursuant to Section 51 of the Local Government (Miscellaneous Provisions) Act 1976 and Section 46 of the Town and Police Clauses Act 1847

#### **1. DRIVER LICENCE**

The licensee shall not assign or in any way part with the benefit of the licence which is personal to the licensee.

#### **2. DRIVER BADGE**

- a. The driver shall at all times, when driving a licensed vehicle for hire or reward, wear the driver's badge issued by the Council on a prominent visible place on the outer clothing.
- b. The driver's badge shall remain the property of the Council. Upon expiry of the licence and badge (whether application to renew has been made or not) the badge shall be returned to the Council within 7 days of expiry or other such time as the Council may specify.
- c. The badge must be returned to the Council immediately the licence is suspended, revoked or becomes invalid for any reason (eg: expiry).

#### **3 CONDUCT OF DRIVER**

- a. The driver shall dress in accordance with the Rotherham MBC Licensed Driver Dress Code.
- b. The driver shall comply with the Rotherham MBC Code of Conduct in relation to working with vulnerable passengers.
- c. The driver shall behave in a civil and orderly manner and comply with all reasonable requirements of any person hiring or being conveyed in the vehicle.
- d. The driver shall afford all reasonable assistance with passenger luggage as may be required. At the conclusion of the journey the driver shall similarly offer all reasonable assistance to passengers leaving the vehicle and assist them with luggage or any disability aids or wheelchair.
- e. Particular care must be taken with unaccompanied children and vulnerable adults. Drivers should ensure that children and vulnerable adults leave the vehicle directly onto the kerb and immediately outside their destination.

- f. The driver shall take all reasonable steps to ensure the safety of passengers entering or conveyed in or alighting from the vehicle, especially those passengers with a disability – see 4 below.
- g. The driver shall not smoke tobacco or like substance in the vehicle at any time as provided by the Health Act 2006.
- h. The driver shall not, without the express consent of the hirer, drink or eat in the vehicle or play any radio or sound reproducing instrument or equipment in the vehicle other than for the sending or receiving messages in connection with the operation of the vehicle.
- i. The driver shall at all times when driving a licensed vehicle ensure that such vehicle is maintained in a roadworthy and clean condition.
- j. The driver shall ensure at all times that insurance cover is in force covering him/her to drive such vehicle for private hire/hackney carriage purposes.
- k. The driver, **whilst in charge of a private hire vehicle** on a road or other public place, shall not –
  - park the vehicle on any hackney carriage stand for any reason during the operational times of such stand or ply for hire or offer such vehicle for immediate hire; or
  - solicit, cause or procure any person to hire or be carried for hire in such vehicle; or
  - accept for the immediate hire of such vehicle while the driver or that vehicle is on a road or other public place, except where such offer is first communicated by the operator to the driver by telephone or by apparatus for wireless telegraphy fitted to that vehicle and the driver has no knowledge of such offer prior to such communication; or
  - tout or solicit on a road or other public place any person to hire or be carried for hire in any private hire vehicle; or
  - cause or procure any other person to tout or solicit on a road or other public place any person to hire or to be carried for hire in any private hire vehicle; or
  - offer that vehicle for immediate hire while the driver or that vehicle is on a road or other public place.
- l. The driver of a licensed vehicle shall ensure that none of the markings / signs / notices that are required to be displayed on the vehicle become concealed from public view or be so damaged or defaced that any figure or material particular is rendered illegible.
- m. The driver of a private hire vehicle shall if he/she is aware that the vehicle has been hired to be in attendance at an appointed time and place or he/she has otherwise been instructed by the operator or proprietor of the vehicle to be in attendance at an appointed time

and place punctually attend at the appointed time and place unless delayed or prevented by sufficient cause.

- n. The fitting of mobile / portable / cell phones in licensed vehicles is prohibited but such a phone may be carried by the driver for emergency use only (use of a phone for in connection with a booking of a private hire vehicle will render the driver liable to prosecution). The use of scanner equipment is prohibited.
- o. The driver of a wheelchair accessible vehicle is required to hold a Driving Standards Agency (DSA) Wheelchair Assessment Certificate.
- p. Where there is a reasonable cause to believe that there is a need to assess a licence holders English language literacy and numeracy skills because of a substantiated complaint, or an expressed concern from an identified person, an authorised officer may require, in writing, a licensed driver to undertake such testing at his/her own expense. A reasonable time scale up to 3 months will be set for the test to be successfully undertaken at a place designated by the council. If unsuccessful, or there is a failure to attend, the licence of the driver may be suspended and consideration given to its revocation.
- q. During the lifetime of a drivers licence, an authorised officer of the Council may require a licence holder to undertake reasonable and appropriate training to meet these expectations and requirements. Such a requirement would be in writing. A reasonable time scale of up to 3 months will be set for the training to be successfully undertaken at a place designated by the Council. If there is a refusal or failure to attend, or the licensed driver does not meaningfully participate in the training or attain the training accreditation the licence may be suspended and consideration given to its revocation. The cost of such training will be borne by the licence holder.
- r. Drivers must undertake an inspection of any vehicle that they are driving whilst working as a private hire / hackney carriage driver. This inspection must be undertaken at least daily and before the first carriage of fare paying passengers in the vehicle whilst it is being driven by the licence holder. The checks that the driver carried out must be recorded in an appropriate manner and available for inspection by an authorised officer of the council.
- s. Drivers must maintain appropriate records as may be required by the council from time to time.

#### **4 FARES AND FARECARDS**

- a. The driver of a **private hire vehicle** shall ensure that a notice is visibly displayed for the benefit of passengers to the effect that in the absence of a published fare scale, the fare should be agreed between passenger(s) and driver before commencement of the journey. When a fare scale is used that fare scale shall be displayed and must be a similar size to the Council's notice regarding fares and shall give an accurate reflection of the charge, including any specific additions (i.e. Bank Holiday and after midnight loading) the customer may be expected to pay.
- b. The driver shall not, if driving a licensed vehicle fitted with a taximeter, cause the fare recorded thereon to be cancelled or concealed until the hirer has had the opportunity of examining it and has paid the fare.
- c. The driver shall not demand from any hirer of a **private hire vehicle** a fare in excess of any previously agreed for that hiring between the hirer and the operator or if the vehicle is fitted with a taximeter and there has been no previous agreement as to the fare, the fare shown on the face of the taximeter.
- d. The driver shall, if requested by the hirer, provide a written receipt for the fare paid, such receipt to bear the name and address of the proprietor of the vehicle together with the badge number of the driver.

## 5 PASSENGERS

- a. The licence holder shall not cause or suffer or permit to be conveyed in a licensed vehicle a greater number of persons exclusive of the driver than the number of persons specified in the licence issued in respect of that licensed vehicle. In addition the driver shall ensure that seat belt legislation is complied with in respect of all children conveyed in the vehicle.

For the purpose of this condition two children under the age of ten years shall be counted as one person, save that up to two children under the age of one year may be disregarded in calculating the number of persons.

Provided nevertheless that:-

- i Insofar as a vehicle licensed to carry not more than six persons is concerned, where a total of more than four children under the age of ten years are conveyed, each such child after the fourth shall be counted as one person.
- ii Insofar as a vehicle licensed to carry more than six but not exceeding eight persons is concerned, where a total

of more than six children under the age of ten years of age are conveyed, each such child after the sixth shall be counted as one person.

iii The driver shall not allow to be conveyed in the front of a licensed vehicle:-

- any child below the age of ten years; or
- more than one person above that age unless the vehicle is manufactured to carry two front seat passengers and seat belts are fitted for both passengers.

b. The driver shall not, without the consent of the hirer of the vehicle, convey or permit to be conveyed any other person in that vehicle.

c. The driver shall provide all reasonable assistance to passengers and especially those with a disability. The Equality Act 2010 places the following duties on licensed drivers:-

#### **Duty to assist passengers in Wheelchairs**

Section 165 places a duty on the driver of a designated\* wheelchair accessible hackney carriages and private hire vehicles to

- Carry the passenger while in the wheelchair;
- Not to make any additional charge for doing so;
- If the passenger chooses to sit in a passenger seat to carry the wheelchair;
- To take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort; and
- To give the passenger such mobility assistance as is reasonably required.

\* Designated vehicles are those listed by the Licensing Authority under section 167 of the Equalities Act 2010 as being a 'wheelchair accessible vehicle'

#### **Duty to carry guide dogs and assistance dogs**

d. The driver shall not fail or refuse to carry out a booking by or on behalf of a person with disabilities who is accompanied by an 'assistance dog' unless the driver has a Medical Exemption granted by the Licensing Authority and is displaying the Exemption Certificate in the approved manner or in the vehicle.

Any animal belonging to or in the custody of any passenger should remain with that passenger and be conveyed in the front or rear of the vehicle.

Drivers are advised to have a blanket / towel which is kept in the boot of the licensed vehicle to be used where he/she may have concerns about excess dog hair being left in the vehicle.

## **6 FOUND PROPERTY**

The driver shall, following the setting down of passengers, ascertain if any property belonging to the hirer(s) has been left in the vehicle and if not immediately able to return any such property, shall leave it at the office of the licensed operator for that vehicle for safe keeping.

## **7 MEDICAL CONDITION(S)**

- a. The licence holder shall notify the Council ***in writing without undue delay*** of any change in medical condition.
- b. The licence holder shall at any time, or at such intervals as the Council may reasonably require, produce a certificate in the form prescribed by the Council signed by a registered medical practitioner to the effect that he/she is or continues to be physically fit to be a driver of a private hire/hackney carriage vehicle.

## **8 CONVICTIONS**

The licence holder shall notify the Council ***in writing within 7 days*** full details of any conviction, binding over, caution, warning or reprimand imposed on him/her during the period of the licence.

***The 7 days excludes a Saturday or a Sunday, Christmas Eve, Christmas Day, Good Friday, Bank Holidays or any other day on which the Licensing Office is closed.***

**What should be reported:-**

- **Any conviction (criminal or driving matter);**
- **Any caution (issued by the Police or any other agency);**
- **Issue of any Magistrate's Court summonses against you;**
- **Issue of any fixed penalty notice for any matter;**
- **Any harassment or other form of warning or order within the criminal law including anti-social behaviour orders or similar;**
- **Arrest for any offence (whether or not charged).**

### **Fixed Penalty Notices**

The driver shall notify the Council in writing of any fixed penalty notice within **35 days of the receipt of such a notice**. The driver shall subsequently produce his/her driving licence to the Council, immediately following its endorsement, or in any case **within 49 days of the date of the original offence**.

This includes all motoring offences – whether endorsable or not and requirements to attend a Speed Awareness Course.

#### **Arrest for any Offence**

Whether charged or not the driver shall notify the Council within 72 hours of their arrest for an alleged offence(s).

**See explanatory note at foot of conditions.**

### **9 CHANGE OF OPERATOR**

The licence holder shall notify the Council **in writing within 7 days** \* of any change of operator through whom he/she works.

**\* The 7 days excludes a Saturday or a Sunday, Christmas Eve, Christmas Day, Good Friday, Bank Holidays or any other day on which the Licensing Office is closed.**

### **10 CHANGE OF ADDRESS**

The licence holder shall notify the Council **in writing within 7 days** \* of any change of his/her address taking place during the period of the licence, whether permanent or temporary.

**\* The 7 days excludes a Saturday or a Sunday, Christmas Eve, Christmas Day, Good Friday, Bank Holidays or any other day on which the Licensing Office is closed.**

### **11 FIT AND PROPER PERSON**

If at any time the conduct of the driver leads to concerns by the Council as to whether they remain a fit and proper to hold a licence, the Council will investigate the conduct and if satisfied that the driver is no longer fit and proper person the driver licence may be suspended and subsequently revoked.

Failure to declare any conviction within 7 days together with the nature of the conviction will be taken into account in deciding whether a licence holder is a fit and proper person to hold a hackney carriage/private hire driver licence. This may result in the suspension, revocation or refusal to renew the hackney carriage/private hire driver licence.



**12 RETURN OF BADGE**

The driver shall, upon expiry, revocation or suspension of this licence, forthwith return to the Council the driver's badge issued to him by the Council when granting the licence.

**13 WORKING HOURS**

Licensed drivers will not drive when their ability to do so is impaired by having worked excessive hours or when under the influence of drink or drugs.

**14 CUSTOMER AND OTHER PERSONAL INFORMATION**

Drivers must ensure that any personal information obtained during the course of their business is stored securely, and only retained for as long as is absolutely necessary. Access to this information must be restricted to those that will use it for the purpose for which it has been collected.

Personal information must not be used for any other purpose other than that for which it was collected without the express permission of the individual to which the information relates.

For example, telephone numbers provided by customers so that they can be alerted / updated by SMS text message with regard to a booking they have made must only be used for this purpose. The information must not be retained by the driver after the text message has been sent, and / or used for any other purpose (such as unsolicited marketing calls).

## NOTES

- (i) These conditions should be read in conjunction with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976.
- (ii) Anyone to whom a badge and/or licence is produced as evidence of being licensed must check with the Licensing Office (01709 823153/823163/823173) to verify it is still currently valid and not suspended/revoked or cancelled.
- (iii) Any person who commits an offence against any of the provisions of the Act of 1976 shall pursuant to Section 76 be liable on summary conviction to a fine not exceeding level 3 on the standard scale or to such other penalty as expressly provided in the Act. The licence holder should ensure compliance at all times.
- (iv) The use of a vehicle not licensed as a private hire vehicle to fulfil any private hire booking is prohibited even if no fare is charged for the journey or irrespective of when, how and to whom any fare is payable.
- (v) **ANY INFRINGEMENT OF THE LICENSING CONDITIONS COULD LEAD TO SUSPENSION OF REVOCATION OF THE LICENCE.**
- (vi) **ANY REQUEST FOR ADVICE FROM THE COUNCIL IN RELATION TO LICENSING LEGISLATION SHOULD BE IN WRITING TO WHICH A WRITTEN RESPONSE WILL BE GIVEN SO AS TO AVOID ANY FUTURE DISPUTE AS TO THE ADVICE GIVEN. THIS DOES NOT PRECLUDE YOU FROM OBTAINING YOUR OWN INDEPENDENT LEGAL ADVICE.**
- (vii) **ANY PERSON AGGRIEVED BY ANY CONDITION SPECIFIED IN THE LICENCE MAY APPEAL TO A MAGISTRATES' COURT WITHIN 21 DAYS OF ISSUE.**

## **Appendix E**

### **Hackney Carriage Drivers – Byelaws**

#### **BOROUGH OF ROTHERHAM**

#### **BYELAWS WITH RESPECT TO HACKNEY CARRIAGES**

Made under Section 68 of the Town Police Clauses Act 1847 and Section 171 of the Public Health Act 1875 by the Rotherham Borough Council with respect to hackney carriages within the Borough of Rotherham.

#### **Interpretation**

1. Throughout these byelaws the following expressions shall have the meanings hereby respectively assigned to them, that is to say:-  
"The Council" means the Rotherham Borough Council.  
"District" means the Borough of Rotherham.  
"Approval" means approved by the Council.  
"Hours of Darkness" has the meaning assigned to it by the Road Traffic Act 1972

#### **Provisions regulating the manner in which the number of each hackney carriage corresponding with the number of its licence shall be displayed.**

2. (a) The proprietor of a hackney carriage shall:
  - (i) cause the hackney carriage licence plate provided by the Council and showing the number of the licence granted to him in respect of the carriage to be affixed on the outside of the carriage in such position as the Council may require;
  - (ii) cause the number of the licence issued by the Council in respect of the vehicle to be shown on the statement of fare provided in pursuance of Byelaw No. 18.
- (b) A proprietor or driver of hackney carriage shall:
  - (i) not wilfully or negligently cause or suffer any such number to be concealed from public view while the carriage is standing or plying for hire;
  - (ii) not cause or permit the carriage to stand or ply for hire with any such plate so defaced that any figure or material particular is illegible.

#### **Provisions regulating how hackney carriages are to be furnished or provided.**

3. The proprietor of a hackney carriage shall:-
  - (a) provide sufficient means by which any person in the carriage may communicate with the driver;
  - (b) cause the roof or covering to be kept water-tight;
  - (c) provide any necessary windows and a means of opening and closing not less than one window on each side;
  - (d) cause the seats to be properly cushioned or covered;

- (e) cause the floor to be provided with a proper carpet, mat or other suitable covering;
  - (f) cause the fittings and furniture generally to be kept in a clean condition, well maintained and in every way fit for public service;
  - (g) provide means for securing luggage if the carriage is so constructed to carry luggage;
  - (h) provide an efficient and approve fire extinguisher which shall be carried in such a position as to be readily available for use;
  - (i) provide at least two doors for the use of persons conveyed in such carriage and a separate means of ingress and egress for the driver;
  - (j) provide the carriage with a spare wheel and tyre in such a condition that is readily available for use in case of a puncture or damaged tyre or wheel, together with all the necessary tools and equipment for readily effecting the replacement.
4. (a) The proprietor of a hackney carriage shall cause the same to be provided with a taximeter so constructed attached and maintained as to comply with the following requirements, that is to say:-
- (i) if the taximeter is fitted with a flag or other device bearing the words "FOR HIRE":-
    - (a) the words "FOR HIRE" shall be exhibited on each side of the flag or other device in plain letters at least 1½ inches in height and the flag or other device shall be capable of being illuminated and of being locked in a position in which the words are horizontal and legible;
    - (b) when the flag or other device is so locked the machinery of the taximeter shall not be in action and the means of bringing it into action shall be by moving the flag or other device so that the words are not conveniently legible;
    - (c) when the flag or other device is so locked that the aforesaid words are horizontal and legible no fare shall be recorded on the face of the taximeter;
  - (ii) if the taximeter is not fitted with a flag or other device bearing the words "FOR HIRE":-
    - (a) the taximeter shall be fitted with a key or other device the turning of which will bring machinery of the taximeter into action and cause the word "HIRED" to appear on the face of the taximeter;
    - (b) such a key or other device shall be capable of being locked in such a position that the machinery of the taximeter is not in action and no fare is recorded on the face of the taximeter;
  - (iii) when the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in figures clearly legible and free from ambiguity a fare not exceeding the rate or fare which the proprietor or driver is entitled to demand and take in pursuance of Byelaw No. 17 for the hire of the carriage by distance between the hours of 6.00 a.m. and midnight.

- (iv) The word "FARE" shall be printed on the face of the taximeter in plain letters so as they clearly apply to the fare recorded thereon;
- (v) The taximeter shall be so placed that all letters and figures on the face thereof may be at all times plainly visible to any person being conveyed in the carriage and for that purpose the letters and figures shall be suitably illuminated during any period of hiring;
- (vi) The taximeter and all the fittings thereof shall be so affixed to the carriage with seals or other appliances that it shall not be practicable for any persons to tamper with them except by breaking damaging or permanently displacing the seals or other appliances.
- (b) The proprietor of a hackney carriage provided with a taximeter not fitted with a flag or other device bearing the words "FOR HIRE" shall cause the carriage to be provided with a sign so constructed as to comply with the following requirements, that is to say:-
  - (i) the sign shall bear the words "FOR HIRE" in plain letters at least 1½ inches in height;
  - (ii) the sign shall be capable of being so operated that it indicates clearly and conveniently to persons outside the carriage whether or not the carriage is for hire and of being suitably illuminated.
- (c) The proprietor of a hackney carriage shall cause the carriage to be fitted with a "TAXI" sign which shall be of an approved type, and shall be capable of being illuminated. The sign shall be attached to the carriage in an approved manner and shall display to the front of the carriage the word "TAXI" horizontally in letters not less than 2 inches high to proportionate width and the proprietor's trading name shall be suitably included.

Provisions regulating the conduct of the proprietors and drivers of hackney carriages plying within the district in their several employments and determining whether such drivers shall wear and what badges:-

- 5. The driver of a hackney carriage shall:-
  - (a) if the taximeter is fitted with a flag or other device bearing the words "FOR HIRE":-
    - (i) when standing or plying for hire keep such flag or other device locked in the position in which the words are horizontal and legible;
    - (ii) as soon as the hirer enters the carriage, or at such earlier times as the hirer may agree, being the machinery of the taximeter into action by moving the flags or other device so that the words are not conveniently legible and keep the machinery of the taximeter in action until the termination of the hiring;
  - (b) if the taximeter is not fitted with a flag or other device bearing the words "FOR HIRE":-

- (i) when standing or plying for hire keep the taximeter locked in position in which no fare is recorded on the face of the taximeter and operate the sign provided in pursuance of Byelaw No. 4 so that the words "FOR HIRE" are clearly and conveniently legible by persons outside the carriage;
  - (ii) as soon as the carriage is hired whether by distance or time, operate the said sign so that the words "FOR HIRE" are not conveniently legible by persons outside the carriage;
  - (iii) as soon as the hirer enters the carriage, or at such earlier time as the hirer may agree, bring the machinery of the taximeter into action by moving the key or other device fitted for the purpose so that the word "HIRED" is legible on the face of the taximeter and keep the machinery of the taximeter in action until the termination of the hiring.
- (c) Cause the dial of the taximeter to be kept properly illuminated throughout any part of a hiring which is during the hours of darkness and also at any other time at the request of the hirer.
- (d) Cause the "TAXI" and "FOR HIRE" signs to be illuminated during the hours of darkness only when the carriage is standing or plying for hire within the district.
- 6. A proprietor or driver of a hackney carriage shall not tamper with or permit any person to tamper with any taximeter with which the carriage is provided, with the fittings thereof, or with the seals affixed thereto.
- 7. The driver of a hackney carriage shall, when plying for hire in any street and not actually hired:-
  - (a) proceed with reasonable speed to one of the stands fixed by Byelaw No. 16;
  - (b) if a stand, at the time of his arrival, is occupied by the full number of carriages authorised to occupy it, proceed to another stand;
  - (c) on arriving at a stand not already occupied by the full number of carriages authorised to occupy it, station the carriage immediately behind the carriage or carriages on the stand and so as to face in the same direction;
  - (d) from time to time when any other carriage immediately in front is driven off or moved forward cause his carriage to be moved forward so as to fill the place previously occupied by the carriage driven off or moved forward.
- 8. A proprietor or driver of a hackney carriage, when standing or plying for hire shall not, by calling out or otherwise, importune any person to hire such carriage and shall not cause or procure any other person for the purpose.
- 9.
  - (a) The driver of a hackney carriage shall behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.
  - (b) The driver shall
    - (i) not without the express consent of the hirer smoke, drink or eat in the vehicle;

- (ii) not without the express consent of the hirer play any radio or sound reproducing instrument or equipment in the vehicle other than for the purpose of sending or receiving messages in connection with the operation of the vehicle;
  - (iii) at no time cause or permit the noise emitted by any radio or other previously mentioned equipment in the vehicle to be a source of nuisance or annoyance to any person, whether inside or outside the vehicle.
- 10. The proprietor or driver of a hackney carriage who has agreed or has been hired to be in attendance with the carriage at an appointed time and place shall, unless delayed or prevented by some sufficient cause punctually attend with such carriage at such appointed time and place.
- 11. The driver of a hackney carriage when hired to drive to any particular destination shall, subject to any directions, given by the hirer, proceed to that destination by the shortest available route.
- 12. The driver of a hackney carriage shall at all times when standing or plying for hire have a completed copy of these byelaws available for production on demand by any person hiring the hackney carriage.
- 13. A proprietor or driver of a hackney carriage shall not convey or permit to be conveyed in such carriage any greater number of persons than the number of persons specified on the plate affixed to the outside of the carriage.

For the purposes of this Byelaw two children under the age of ten years shall be counted as one person and a child aged ten years or over shall be counted as one person.

Provided nevertheless that:-

- (a) insofar as a vehicle licensed to carry not more than six persons is concerned;
  - (i) where a total of more than six children under the age of ten years are conveyed each child after the sixth shall be counted as one person;
  - (ii) up to two children under the age of one year may be disregarded in calculating the number of persons;
- (b) insofar as a vehicle licensed to carry more than six persons but not exceeding eight persons is concerned;
  - (i) where a total of more than six children under the age of ten years are conveyed each child after the sixth shall be counted as one person;
  - (ii) up to two children under the age of one year may be disregarded in calculating the number of persons.
  - (iii) the driver shall not allow to be conveyed in the front of a hackney carriage vehicle:-
    - (a) any child below the age of ten years; or
    - (b) more than one person above that age unless there are sufficient seat belts to enable the carriage of one or more than one person.

- (iv) the driver shall not, without the consent of the hirer of the vehicle, convey or permit to be conveyed any other person in that vehicle.
- 14. If a badge has been provided by the Council and delivered to the driver of a hackney carriage he shall, when standing or plying for hire, and when hired, wear that badge in such a position and manner as to be plainly visible.
- 15. The driver of a hackney carriage so constructed as to carry luggage shall, when requested by any person hiring or seeking to hire the carriage:-
  - (a) convey a reasonable quantity of luggage;
  - (b) afford reasonable assistance in loading and unloading;
  - (c) afford reasonable assistance in removing it to or from the entrance of any building, station, or place at which he may take up or set down such person.

Provisions fixing the stands of hackney carriages.

- 16. Each of the several places specified in the following list shall be a stand for such number of hackney carriages as are specified in the list:-
  - (a) Howard Street (opposite to Station entrance)
  - (b) Bus Station (adjacent to service Road Effingham Square)
  - (c) Corporation Street (north side - adjacent to "The Ring Shop")
  - (d) Market Place (north side - near the junction of Market Place)  
(and Market Street and Corporation Street)

The following hackney carriage stands will operate between the hours of 10.00 p.m. and 6.00 a.m. only except for (g) which will operate between 11.00 p.m. and 6.00 a.m. only:-

- (e) Drummond Street (Service Road)  
on the south-west side from a point 55 metres south-east from its south-eastern junction with Henry Street for a distance of approximately 30 metres in a south-easterly direction
- (f) Brinsworth Street
  - (i) on the west side a distance of 11 metres north of its junction with Pool Green roundabout for approximately 12 metres in a northerly direction.
  - (ii) on the west side a distance of 38 metres north of its junction with Pool Green roundabout for approximately 18 metres in a northerly direction.
- (g) Masbrough Street
  - (i) on the south side from a point 95 metres east of its eastern junction with Providence Street in an easterly direction for approximately 18 metres.
  - (ii) on the south side from a point 138 metres east of



its junction with Providence Street in an easterly direction for approximately 6 metres.

(h) Ship Hill

south-west side - adjacent to Nightclub premises.

17. (a) The proprietor of a hackney carriage shall be entitled to demand and take for the hire of the carriage the rate or rate prescribed by the existing table the rate or fare being calculated by distance unless the hirer expresses at the commencement of the hiring his desire to engage by time provided always that where a hackney carriage furnished with a taximeter shall be hired by distance the proprietor or driver thereof shall not be entitled to demand or take a fare greater than that recorded on the face of the taximeter save for any extra charge which is authorised by the existing table.
- (b) The driver shall, if requested by the hirer, provide him with a written receipt for the fare paid.

#### Fares for Distance

(i) (ii) (iii) - Refer to table of fares currently in force.

For the purpose of the extra charges hereinbefore authorised the following days in each year are classified as Bank Holidays:-

1. New Year's Day
2. Good Friday
3. Easter Monday
4. Spring Holiday
5. Late Summer Holiday
6. Christmas Day
7. Boxing Day

18. (a) The proprietor of a hackney carriage shall cause a statement of the fares fixed by the Byelaw No. 17 to be exhibited inside the carriage in clearly distinguishable letters and figures.
- (b) The proprietor or driver of a hackney carriage bearing a statement of fares in accordance with this Byelaw shall not wilfully or negligently cause or suffer the letters or figures in the statement to be concealed or rendered illegible at any time while the carriage is plying or being used for hire.

#### Provisions securing the safe custody and delivery of any property accidentally left in hackney carriages, and fixing the charges to be made in respect thereof.

19. The proprietor or driver of a hackney carriage shall immediately after the termination of any hiring or as soon as practicable thereafter carefully search the carriage for any property which may have been accidentally left therein.

20. The proprietor or driver of a hackney carriage shall, if any property accidentally left therein by any person who may have been conveyed in the carriage be found by or handed to him:-
- (a) carry it as soon as possible and in any event within forty-eight hours if not sooner claimed by or on behalf of its owner to the Police Office, Main Street, Rotherham and leave it in the custody of the officer in charge of the office on his giving a receipt for it;
  - (b) be entitled to receive from any person to whom the property shall be redelivered an amount equal to five pence in the pound of its estimated value (or the fare for the distance from the place of finding to the Police Office whichever be the greater) but not more than five pounds.

#### Penalties

21. Every person who shall offend against any of these byelaws shall be liable on summary conviction to a fine not exceeding twenty pounds and in the case of a continuing offence to a further fine not exceeding five pounds for each day during which the offence continues after conviction therefore.

#### Repeal of Byelaws

22. Byelaws
- (a) Sealed - 14th July, 1977
  - (b) Confirmed - 26th July, 1977
  - (c) Operative from - 5th September, 1977

## **Appendix F**

### **Rotherham MBC Licensed Driver Dress Code**

1. The purpose of a driver's dress code is to seek a standard of dress that provides a positive image of the hackney carriage and private hire trade in Rotherham to enhance a professional image of licensed drivers and ensure that public and driver safety is not compromised.

#### **Acceptable Standard of Dress**

2. As a **minimum** standard, males should wear long legged trousers and a shirt which has a full body and short sleeves.

As a **minimum** standard, females should wear long legged trousers, knee length skirt or dress and a shirt / blouse which has a full body and short sleeves.

#### **Footwear**

3. Footwear for all drivers shall fit around the heel of the foot.

#### **Unacceptable Standard of Dress**

4. The following are deemed to be unacceptable:
  - (a) Clothing that is not kept in a clean condition, free from holes and rips.
  - (b) Words or graphics on any clothing that is of an offensive or suggestive nature or which might offend.
  - (c) Sportswear (e.g. football / rugby kits, track suits, beach wear etc).
  - (d) Sandals with no heel straps, flip flops or any other form of footwear not secured around the heel.
  - (e) Drivers not having either the top or bottom half of their bodies suitably clothed.

The above lists are not exhaustive and Authorised Officers of the Council will assess whether standards of dress are acceptable or not. In such instances, the Officer's decision will have effect as though it were included in the above lists and the licensed driver will be required to comply accordingly.

**Appendix G****Rotherham MBC Code of Conduct When working with Vulnerable Passengers**

A vulnerable passenger is a passenger whose age or disability means that they are more susceptible to harm than a typical passenger. This may be a child, an elderly person or somebody with learning difficulties for example.

This code of conduct aims to promote good safeguarding practice for drivers and staff working with vulnerable passengers in the taxi or private hire trade. The following safeguarding principles should be embedded into driver working practice:

- Drivers should carry photo ID at all times, and wear it in accordance with the conditions of licence.
- The driver / operator must confirm that appropriate provision has been made for the vulnerable person prior to accepting the booking or commencing the journey. This does not necessarily mean that the driver / operator is responsible for the provision of appropriate measures, however they should check that they are in place.
- When making a journey with vulnerable passengers, photo-identification should be produced to the carer responsible for the vulnerable person. If necessary, you should obtain a record of the carer's contact details if there is no chaperone.
- If a vulnerable passenger is refused service a responsible person should be informed so that alternative arrangements can be made.
- Always ask if a vulnerable passenger needs help, do not assume.
- Drivers should remain professional at all times and should not:
  - Touch a vulnerable person inappropriately
  - Make offensive or inappropriate comments (such as the use of swearing or sexualised or discriminatory language)
  - Behave in a way that may make a vulnerable passenger feel intimidated or threatened
  - Attempt to misuse personal details obtained via the business about a vulnerable person
- A log should be maintained by drivers when a service has been provided to a vulnerable passenger including the details of any incidents occurring / actions taken or refusals of service.
- If you are concerned about the safety, welfare or behaviour of a vulnerable person, you should report this to the police by telephoning 101 (or in appropriate cases by calling 999).
- If you are concerned about someone else's conduct, you should report your concerns to the council's licensing department (01709 823153), police (101) or Crimestoppers (0800 555111).

## **Appendix H**

### **Vehicle Licence Application Process**

Applications for vehicle licences will only be accepted in relation to vehicles that comply with:

1. Rotherham MBC's specification for private hire vehicles, or hackney carriages (as appropriate), and
2. Rotherham MBC's Vehicle Age and Emissions Policy.

In making an application for a vehicle licence, applicants must submit the following:

- The vehicle application form;
- The appropriate fee;
- The original of the Vehicle Registration Document (Log Book/V5) certificate of registration for the vehicle;
- The original insurance certificate or insurance cover note for the vehicle for every inspection booked.
- Any vehicle not manufactured with European Whole Vehicle Type Approval will be required to undergo Single Vehicle Approval (SVA) testing and evidence of that testing and the vehicle having obtained SVA produced to the licensing office.

The vehicle must be submitted for examination at the council's nominated inspection facility. This inspection will include an assessment of the vehicle's mechanical and aesthetic condition, and will exceed the MOT standards set by the Driver and Vehicle Standards Agency. The inspection is intended to assess the vehicle for licensing suitability. The council will not issue an MOT certificate for the vehicle; however a Certificate of Compliance will be incorporated into the vehicle licence.

All vehicles will be issued with a 12 month licence, and vehicles under the age of five years will be issued with a licence plate (and additional notices) showing the actual date of expiry.

Vehicles older than 5 years old on the day that licence is granted will be still issued with a 12 month licence, however the licence plate (and additional notices) will show an expiry date six months after the date that the licence is issued. A further plate (and additional notices) will be issued covering the remainder of the licence period once the vehicle has been subjected to a vehicle inspection at the council's appointed testing facility (commonly referred to as an intermediate test). A licensed vehicle cannot be subjected to an intermediate test until 22 weeks after the issuing of the licence.

**The person presenting the vehicle for inspection must submit to the vehicle inspector all necessary documents before the start of the vehicle examination.**

In addition to the above, all vehicles are subject to a HPI check to see whether it has been written off. A check is completed every time an application is made for the vehicle (Grant and / or Renewal) – the council will not licence a vehicle if it has ever been written off by an insurance company.

Once the vehicle has been inspected, the inspection facility will confirm to the Licensing Office that a licensing inspection has taken place, and the result of that inspection. This may be done by supplying the vehicle proprietor and the Licensing Office with the appropriate confirmation documentation.

This documentation must indicate to the proprietor of the vehicle

- if the vehicle “passed” or “failed” the inspection,
- what point(s) the vehicle failed on (where a failure is given),
- if a re-test inspection is required, and in what time scale this must be done (i.e. Within 48 hours or within 7 days) and how a re-test may be booked

Where a vehicle fails an inspection, the inspector must supply the proprietor and licensing officer with sufficient documentation to indicate what faults exist on the vehicle and are required to be rectified to enable the vehicle to pass a re-test (including body damage / dents / scratches or damage to fabrics / missing plates, notices or door signs). This document must be supplied to the proprietor of the vehicle at the end of that test inspection.

## **Appendix I**

### **Licensed Vehicle Age and Emissions Policy**

From 1<sup>st</sup> April 2015, licences will not be granted for vehicles that are not licensed by Rotherham MBC at the time that the application is made, unless the vehicle is less than 5 years old from the date of first registration or, in the case of imported vehicles, from the date of manufacture.

From 1<sup>st</sup> April 2016, licences will not be granted for vehicles that are licensed by Rotherham MBC at the time that application is made unless the vehicle is less than 7 years old from the date of first registration or, in the case of imported vehicles, from the date of manufacture (or 10 years in the case of wheelchair accessible vehicles).

A vehicle may be considered for licensing beyond these upper age limits if it is in 'exceptional condition'. The criteria for 'exceptional condition' are set out below.

#### **Exceptional Condition Criteria**

A vehicle will be considered to be in 'exceptional condition' if **all** of the following apply:

1. The mileage for the vehicle is no higher than the average mileage that could be expected for a similar vehicle if that vehicle was used solely for social, domestic and pleasure purposes.
2. The vehicle passes the council's vehicle inspection.
3. The bodywork is in near perfect condition with no signs of panel age deterioration, dents, scratches, stone chips, or rust or any other abrasions that may detract from the overall appearance of the vehicle.
4. The general paint condition should show no signs of fading, discolouration or mismatching that may detract from the overall appearance of the vehicle.
5. The interior trim, panels, seating and carpets and upholstery are in excellent condition, clean and free from damage and discolouration.
6. The boot or luggage compartment is in good condition, clean and undamaged.
7. Passenger areas are free from damp or any other odours that may cause passenger discomfort.
8. The vehicle must be in excellent mechanical condition and in all respects safe and roadworthy, with no signs of corrosion to the mechanical parts, chassis, underside or bodywork.
9. The vehicle must have a service record to show that it has been properly serviced and maintained in accordance with the manufacturer's service specification.

## **Emissions Standards**

In order to impact on emissions it is important to set standards that are common to all within the taxi fleet, to ensure consistency and a level playing field for proprietors, operators and drivers. The age of vehicles and the exhaust emission specification are critical to the level of pollutants emitted. Consequently, to improve air quality and reduce emissions from the taxi fleet, standards relating to the exhaust emissions must be introduced in addition to the requirements regarding the age of vehicles.

In terms of expected emission standards it requires that that all licensed vehicles which are submitted for:

- licensing for the first time from the 1st April 2015 must meet or exceed Euro 5 emission standards
- licensing for the first time from 1<sup>st</sup> April 2020, must meet or exceed Euro 6 emission standards
- licensing renewal from the 1st April 2016 must meet or exceed Euro 5 emission standards
- licensing renewal from the 1st April 2021 must meet or exceed Euro 6 emission standards

This means for new applications, all private hire vehicles will be Euro 5 minimum, and within 2 years of implementation all the private hire fleet will be at least Euro 5 moving on to Euro 6, with continual improvement in future years.

Where vehicles do not meet the relevant emissions criteria may:

- Have the vehicle adapted / modified to meet the standard
- Change the fuel that is used to a cleaner alternative, such as bio diesel
- Replace the vehicle with one that meets the emission standard

## **Low Emission Vehicles**

The Council aims to encourage the uptake of low emission vehicles in the borough, as such would seek to examine the feasibility of introducing differential licensing fees for electric hybrid and ultra-low emission vehicles

It is anticipated that Electric Vehicle rapid re-charging points for use by the public will be available at locations in Rotherham town centre from 2015.



## **Appendix J**

### **Private Hire Vehicle Specification**

#### **Local Government (Miscellaneous Provisions) Act – Section 48**

1. The vehicle shall comply with all relevant statutory requirements contained in Motor Vehicles (Construction and Use) Regulations.
2. The vehicle shall have no material alteration or change in the specification, design, condition or appearance from time of manufacture of that vehicle (without written approval of the Council).
3. The vehicle shall not have any conversion, modification or alteration which permanently allows it to carry eight or less passengers (excluding the driver) (unless notified to H.M. Customs and Excise immediately on completion of the conversion, modification or alteration).
4. The vehicle shall have 4 road wheels and a minimum of 4 doors, 2 to each side of the vehicle. A full size spare tyre must be carried in the vehicle or the vehicle must meet the approved manufacturer's method of dealing with punctured tyres. In relation to number of doors in the case of vehicles to be licensed for less than 4 passengers this will be determined on its own merits.
5. The vehicle shall be right hand drive.
6. The vehicle must have sufficient seating capacity to carry a minimum of 4 and not more than 8 passengers. Except where application is made for a vehicle wishing to carry less than 4 passengers in which case its suitability to be licensed will be checked on its own merits.
7. In the case of MPVs where there is a rearmost row of seats and seats capable of being the rearmost seats e.g. fold away seats – these must be forward facing
8. The seating capacity will be determined by the Council based upon the manufacturer's specification as stated on the vehicle registration document, the orientation of the seating and the dimensions of the seating.
9. Each 400 millimetres of seat base shall constitute a seat, (unless it is impossible for a person to sit there, e.g. due to no leg room.) All measurements are taken across the front of the seat cushion.
10. The seating must be capable of being configured to achieve 600 millimetres minimum leg room available to any passenger. The measurement will be taken from the base of the seat to the rear of the seat in front. Where there is no seat in front the measurement will be taken from the base of the seat to the nearest obstruction in front.
11. All seats within the vehicle, front and rear, must be fitted with working seatbelts.

12. The vehicle must, if using LPG as a fuel, either wholly or as an alternative means of propulsion, be appropriately and safely converted in line with regulations that are at the time of inspection in force. Where a doughnut tank is fitted in the boot for LPG the spare wheel if still carried in the boot must be properly secured. Alternately a spare wheel cage installed to manufacturers and British Standards may be fitted to the underside of the vehicle.
13. The vehicle shall not have displayed on or from the vehicle any sign or notice, mark, or illumination which consists of or includes the word 'taxi' or 'cab' or leads a person to believe the vehicle is a hackney carriage.
14. The vehicle shall not have any other feature which may suggest to a person seeking to hire a vehicle that the vehicle is a hackney carriage.
15. The vehicle shall be in the colour it was originally manufactured, which must be a colour other than white, and no advertisement be displayed on the vehicle (without the written approval of the council).
16. The vehicle shall have provided and maintained at all times safety equipment that shall be, from time to time, specified by the Licensing Authority.
17. The Licensing Authority may, from time to time, make alterations to this specification to reflect changes in road vehicles regulations, manufacturing, and government guidance or conditions. Such changes will be notified as appropriate to proprietors.
18. In addition to the foregoing the proprietor/licensee is required to comply with statutory requirements and attention is drawn in particular to Part II of the Local Government (Miscellaneous Provisions) Act 1976.

**Additional Requirements for Wheelchair Accessible Vehicles:**

**19. Wheelchair Facilities**

- (1) Approved anchorages must be provided for the wheelchair and chair bound disabled person. These anchorages must be either chassis or floor linked and be capable of withstanding stresses to a dynamic deceleration test of 15g peak at 20 m.p.h. Restraints for wheelchair and occupant must be independent of each other. Anchorages must also be provided for the safe stowage of a wheelchair when not in use, whether folded or otherwise, if carried within the passenger compartment. All anchorages and restraints must be so designed that they do not cause any danger to other passengers.
- (2) The door and doorway must be so constructed as to permit an unrestricted opening across the doorway of at least 75 cm. The minimum angle of the door when opened must be 90 degrees.
- (3) The clear height of the doorway must be not less than 120 cm.

- (4) Grab handles must be placed at door entrances to assist the elderly and disabled.
- (5) The top of the tread for any entrance must be at floor level of the passenger compartment and must not exceed 38 cm above ground level when the vehicle is unladen. The outer edge of the floor at each entrance must be fitted with non-slip treads.
- (6) The vertical distance between the highest part of the floor and the roof in the passenger compartment must be not less than 1.3 meters.
- (7) Where seats are placed facing each other, there must be a minimum space of 42.5 cm between any part of the front of a seat and any part of any other seat which faces it, provided adequate foot room is maintained at floor level. Where all seats are placed facing to the front of the vehicle, there must be a clear space of at least 66 cm in front of every part of each seat squab.
- (8) A ramp or ramps for the loading of a wheelchair and occupant must be available at all times for use at the nearside rear passenger door. An adequate locating device must be fitted to ensure that the ramp/ramps do not slip or tilt when in use. Provision must be made for the ramps to be stowed safely when not in use.

## 20. Passenger Capacity

- (1) The occasional seats must be at least 40 cm in width and the minimum distance from the back of the upholstery to the front edge of the seat must be 35.5 cm.
- (2) The occasional seats must be so arranged as to rise automatically when not in use. They must be symmetrically placed and at least 4 cm apart. When not in use, front seats must not obstruct doorways.
- (3) The rear seat dimensions must be adequate to carry two or three adult passengers comfortably in vehicles licensed to carry four or five passengers respectively.
- (4) Suitable means must be provided to assist persons to rise from the rear seat with particular attention to the needs of the elderly and disabled.

## 21. Driver's Compartment

- (1) The driver's compartment must be so designed that the driver has adequate room, can easily reach and quickly operate the controls and give hand signals on the offside of the vehicle.

- (2) The controls must be so placed as to allow reasonable access to the driver's seat and, when centrally placed, must be properly protected from contact with luggage.
- (3) A serviceable device for demisting the windscreen must be fitted.
- (4) Every vehicle must be provided with an approved means of communication between the passenger and the driver. When a sliding window is fitted on the glazed partition, the maximum width of the opening must not exceed 11.5 cm.

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## **Appendix K**

### **Hackney Carriage Specification**

#### **Local Government (Miscellaneous Provisions) Act – Section 47**

1. The vehicle shall comply with all relevant statutory requirements contained in Motor Vehicles (Construction and Use) Regulations.
2. The vehicle must meet the criteria set out in the Council's Vehicle Age and Emissions Policy.
3. The vehicle shall have no material alteration or change in the specification, design, condition or appearance from time of manufacture of that vehicle (without written approval of the Council).
4. The vehicle shall not have any conversion, modification or alteration which permanently allows it to carry eight or less passengers (excluding the driver) (unless notified to H.M. Customs and Excise immediately on completion of the conversion, modification or alteration).
5. The vehicle shall have 4 road wheels and a minimum of 4 doors, 2 to each side of the vehicle. A full size spare tyre must be carried in the vehicle or the vehicle must meet the approved manufacturer's method of dealing with punctured tyres. In relation to number of doors in the case of vehicles to be licensed for less than 4 passengers this will be determined on its own merits.
6. The vehicle shall be right hand drive.
7. The vehicle must have sufficient seating capacity to carry a minimum of 4 and not more than 8 passengers. Except where application is made for a vehicle wishing to carry less than 4 passengers in which case its suitability to be licensed will be checked on its own merits.
8. In the case of MPVs where there is a rearmost row of seats and seats capable of being the rearmost seats e.g. fold away seats – these must be forward facing
9. The seating capacity will be determined by the Council based upon the manufacturer's specification as stated on the vehicle registration document, the orientation of the seating and the dimensions of the seating.
10. Each 400 millimetres of seat base shall constitute a seat, (unless it is impossible for a person to sit there, e.g. due to no leg room.) All measurements are taken across the front of the seat cushion.
11. The seating must be capable of being configured to achieve 600 millimetres minimum leg room available to any passenger. The measurement will be taken from the base of the seat to the rear of the seat in front. Where there is no seat in front the measurement will be taken from the base of the seat to the nearest

obstruction in front.

12. All seats within the vehicle, front and rear, must be fitted with working seatbelts.
13. The vehicle must, if using LPG as a fuel, either wholly or as an alternative means of propulsion, be appropriately and safely converted in line with regulations that are at the time of inspection in force. Where a doughnut tank is fitted in the boot for LPG the spare wheel if still carried in the boot must be properly secured. Alternately a spare wheel cage installed to manufacturers and British Standards may be fitted to the underside of the vehicle.
14. The vehicle shall be white in colour, with the exception of the bonnet and boot which shall be coloured black. No advertisement is to be displayed on the vehicle without the written approval of the council.
15. The vehicle shall have provided and maintained at all times safety equipment that shall be, from time to time, specified by the Licensing Authority.
16. The Licensing Authority may, from time to time, make alterations to this specification to reflect changes in road vehicles regulations, manufacturing, and government guidance or conditions. Such changes will be notified as appropriate to proprietors.

#### **Additional Requirements for Wheelchair Accessible Vehicles:**

##### **17. Wheelchair Facilities**

- (1) Approved anchorages must be provided for the wheelchair and chair bound disabled person. These anchorages must be either chassis or floor linked and be capable of withstanding stresses to a dynamic deceleration test of 15g peak at 20 m.p.h. Restraints for wheelchair and occupant must be independent of each other. Anchorages must also be provided for the safe stowage of a wheelchair when not in use, whether folded or otherwise, if carried within the passenger compartment. All anchorages and restraints must be so designed that they do not cause any danger to other passengers.
- (2) The door and doorway must be so constructed as to permit an unrestricted opening across the doorway of at least 75 cm. The minimum angle of the door when opened must be 90 degrees.
- (3) The clear height of the doorway must be not less than 120 cm.
- (4) Grab handles must be placed at door entrances to assist the elderly and disabled.
- (5) The top of the tread for any entrance must be at floor level of the passenger compartment and must not exceed 38 cm above ground

level when the vehicle is unladen. The outer edge of the floor at each entrance must be fitted with non-slip treads.

- (6) The vertical distance between the highest part of the floor and the roof in the passenger compartment must be not less than 1.3 metres.
- (7) Where seats are placed facing each other, there must be a minimum space of 42.5 cm between any part of the front of a seat and any part of any other seat which faces it, provided adequate foot room is maintained at floor level. Where all seats are placed facing to the front of the vehicle, there must be a clear space of at least 66 cm in front of every part of each seat squab.
- (8) A ramp or ramps for the loading of a wheelchair and occupant must be available at all times for use at the nearside rear passenger door. An adequate locating device must be fitted to ensure that the ramp/ramps do not slip or tilt when in use. Provision must be made for the ramps to be stowed safely when not in use.

#### 18. Passenger Capacity

- (1) The occasional seats must be at least 40 cm in width and the minimum distance from the back of the upholstery to the front edge of the seat must be 35.5 cm.
- (2) The occasional seats must be so arranged as to rise automatically when not in use. They must be symmetrically placed and at least 4 cm apart. When not in use, front seats must not obstruct doorways.
- (3) The rear seat dimensions must be adequate to carry two or three adult passengers comfortably in vehicles licensed to carry four or five passengers respectively.
- (4) Suitable means must be provided to assist persons to rise from the rear seat with particular attention to the needs of the elderly and disabled.

#### 19. Driver's Compartment

- (1) The driver's compartment must be so designed that the driver has adequate room, can easily reach and quickly operate the controls and give hand signals on the offside of the vehicle.
- (2) The controls must be so placed as to allow reasonable access to the driver's seat and, when centrally placed, must be properly protected from contact with luggage.
- (3) A serviceable device for demisting the windscreen must be fitted.
- (4) Every vehicle must be provided with an approved means of communication between the passenger and the driver. When a sliding window is fitted on the glazed partition, the maximum width of the opening must not exceed 11.5 cm.

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**Appendix L****Private Hire Vehicle Conditions****SECTION 48 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS)  
ACT 1976****1 VEHICLE TYPE AND DESIGN**

- a. No material alteration or change in the specification, design, condition or appearance of the vehicle shall be made subsequent to the inspection of the vehicle by the Council at any time while the licence is in force and at all times the vehicle shall comply with the specifications of the Council for a licensed private hire vehicle. (Vehicles which have been modified in any way from the manufacturer's standard of construction may not be considered suitable for licensing purposes depending upon the nature of the modification).
- b. All glazing shall comply with Construction and Use regulation 32 with regards to the level of tint. A minimum light transmission value of 70% shall be maintained in all windows except a windscreen, which shall have a minimum light transmission value of 75%. Tinted films applied to the vehicle windows are not permitted.
- c. A licence will not be granted to a vehicle if it has sustained accident damage resulting in structural distortion beyond the accepted limits of the vehicle manufacturer, or, has been disposed of under an insurance salvage agreement (categories A, B, C and D).
- d. A Private Hire Vehicle cannot be white in colour or resemble a Hackney Carriage (taxi) in any way.

**2 LIQUEFIED PETROLEUM GAS (LPG)**

Vehicles with Dual Fuel or 'after market' Liquid Petroleum Gas (LPG) systems must be tested and certified by a recognised Liquid Petroleum Gas Association accredited installer. This certification must be produced at the time of application. For vehicles that have a LPG system fitted during the currency of a licence, the proprietor must inform the Licensing Office in writing and produce the certification within 7 days.

**3 GENERAL CONDITION, CLEANLINESS AND APPEARANCE OF VEHICLE**

- a. Every vehicle shall be maintained in a safe and clean condition at all times and is subject to such examinations as are required by the Council.

- b. Seats should be still fully 'sprung', free of stains, tears, cigarette burns or repair, and not threadbare. Floor coverings should not be unduly worn and present no trip hazards. Household carpeting or similar is unacceptable. Upholstery (headlining and side panel coverings) should be free of ingrained grime, fractures and maintained in the manufacturers original style.
- c. Luggage and storage areas must be kept as free space for passengers luggage.
- d. If at any time the vehicle is involved in an accident, however minor, the driver must inform the Council of this fact as soon as possible and in any event within 72 hours (by telephone or email). An accident report form will then need to be completed and submitted to the Council within five working days of the accident occurring (except in exceptional circumstances when the report must be made as soon as possible).

The vehicle must be presented for inspection at the council's authorised testing station as soon as possible after the accident has taken place – the appointment will be arranged by the council who will notify the vehicle proprietor of the date and time. Failure to present the vehicle for the appointment may result in the vehicle's licence being suspended until such time as the vehicle is presented for examination.

If the vehicle is so damaged that it cannot be driven, then the vehicle proprietor must inform the council of this fact – the council will then advise the proprietor of the action to be taken. In such cases the proprietor is advised to take photographic evidence of the vehicle's condition that clearly illustrates the reasons why the vehicle cannot be driven / presented for examination.

All repairs must be carried out without undue delay and may require the vehicle to be inspected by the Councils examiners. Bodywork should be maintained to a good condition, paintwork should be sound and well maintained and free of corrosion, inferior re-spray work and 'cover up' temporary repairs.

- e. The proprietor/driver employed to drive the vehicle shall ensure that the licensed vehicle has a daily safety check. As a minimum this must be a visual check on all lights, oil, water, tyres, mirrors and seat belts. A written record must be made of each safety check, details of faults recorded and remedial action taken. The record must be signed by the person undertaking the safety checks and kept in the vehicle for a minimum of 30 days and then for a further six months by the proprietor.

On being so required by a Police Officer or Authorised Officer or Vehicle Examiner the driver shall produce, to that officer, the recorded daily checks kept in the vehicle and the proprietor, on

request by that officer, shall produce those recorded checks in his possession and/or those kept in the vehicle.

#### **4 IDENTIFICATION PLATE, SIGNS, NOTICES ETC.**

The following must be in place at all times:

- (a) A licence plate permanently affixed to the rear of the vehicle
- (b) A licence plate permanently affixed to the front of the vehicle
- (c) A sign / notice affixed to each front door of the vehicle
- (d) A sign / notice affixed to each rear passenger door of the vehicle
- (e) A notice fixed to the interior glazed surface of the quarter light of both rear doors so that the contents of the notice are visible from the outside of the vehicle.
- (f) A notice fixed to the interior glazed surface of the front windscreen so that the contents of the notice are visible from the outside of the vehicle.
- (g) A notice, clearly visible from the passenger seats / compartment, identifying the current driver of the vehicle.
- (h) The private hire vehicle licence number must be printed in white block letters (to a specification prescribed by the council) on the vehicle's boot.
- (i) The private hire vehicle licence number must be printed in white block letters (to a specification prescribed by the council) on the bonnet of the vehicle.

The sign / plates and notices referred to above must be issued or approved for use by Rotherham MBC.

The signs / plates and notices must be affixed to the vehicle in accordance with the requirements set out by the council.

No other signs, notices, advertisements, plates, marks, numbers, letters, figures, symbols, emblems or devices whatsoever shall be displayed on, in or from the vehicles except as may be required by any statutory provision (including by-laws) or required or permitted by these conditions, provided however, that this condition shall not apply to any indication on a taximeter fitted to the vehicle.

In certain circumstances, the council will permit a deviation from these conditions – however a request for such a deviation will need to be made in writing to the council and will be determined by the Licensing Board.

## 5 EQUIPMENT AND FITTINGS

- a. The vehicle and all its fittings and equipment shall, at all times when the vehicle is in use or available for hire, be kept in an efficient, safe, tidy and clean condition and all relevant statutory requirements must be fully complied with.
- b. There shall be provided and maintained in the vehicle at all times when it is in use or available for hire a suitable efficient fire extinguisher of a make and type suitable for use on a motor vehicle and approved by the Council, i.e. 2.0kgs dry powder or 2.0 litre AFFF (Aqueous Film Forming Foam). All fire extinguishers must be fitted with a gauge. Such fire extinguisher shall be fitted in a bracket in such a position in the vehicle as to be readily available for immediate use in an emergency.

The extinguisher must be checked every 12 months by a competent person to check that it is still in working order.

- c. The registration number of the vehicle shall be permanently and legibly marked on the extinguisher.
- d. There shall be provided and maintained in the vehicle at all times when it is in use or available for hire a suitable and comprehensive first aid kit of a type suitable for use and approved by the Council. Such kit shall be kept in such a position so as to be readily available for immediate use in an emergency.
- e. The registration number of the vehicle shall be permanently and legibly marked on the first aid kit.

f. **If a Driver Safety Shield** is fitted the following applies:-

- i It will be of a make, type and design previously approved by Authorised Officers of the Council;
- ii Will not be changed in any way from its original design and be free of damage;
- iii Will remain clear and translucent; free of scratches, clouding or stickers which would impede the drivers or passengers visibility;
- iv Will not impede entry and egress or present a trip hazard to passengers using the vehicle; and

- v Installation and maintenance must be in accordance with manufacturer's specifications and recommendations.
- g. If a Security Camera is fitted the following applies:-
  - i It will be of a make, type and design previously approved by Authorised Officers of the Council;
  - ii Will not be changed in any way from its original design, be free of damage and maintained in working condition;
  - iii The vehicle will carry appropriate signs, approved by Authorised Officers, informing the public that camera surveillance is active in the vehicle.
  - iv The recording system and memory card (or other image memory recording system) will be securely stored within the vehicle and away from public access.
  - v Installation and maintenance must be in accordance with manufacturer's specifications and recommendations.
  - vi The images contained in the recording device may only be downloaded by an Authorised Officer of the Council or Police Officer.
- h. All audio equipment must be factory fitted to manufacturers standards. No additional audio equipment e.g. Boom Boxes in boots/additional speakers are allowed in the vehicle.

## **6 FARES AND FARECARDS**

- a. The proprietor will ensure that throughout the period of the licence, a notice is visibly displayed for the benefit of passengers to the effect that in the absence of a published fare scale, the fare should be agreed between the passenger(s) and driver before commencement of the journey but, without prejudice to 2 above, the Council will permit the display of a fare scale providing it is of a similar size to the Council's notice regarding fares and gives an accurate reflection of the charge, including any specific additions (i.e. Bank Holiday and after midnight loadings) the customer may be expected to pay.
- b. Where a meter is fitted to the licensed vehicle it shall have been tested and sealed by the Council and a Table of Fares applicable to the meter, in substitution for the fares card referred to above, shall be displayed in the vehicle in such a position as to be visible to passengers. Such table must show full particulars of all tariffs calibrated on the meter including a statement that the Council has no control over the table of fares.

## **7 SEATS AND PASSENGERS**

- a. The proprietor shall not cause or suffer or permit to be carried a greater number of passengers than the number specified in the licence.
- b. Where the seating in the licensed vehicle can be rearranged, the proprietor will ensure that no more seats than are stated on the licence, including wheelchair(s), are fitted in the vehicle whether occupied or not. Once the vehicle has been tested and approved by the Council the seating layout shall not be altered without further approval except for the temporary accommodation of a wheelchair in vehicles approved for such purpose.
- c. Seats may be mounted on tracking fastened to the floor of the vehicle using Unwin Safety Systems seat fixings or similar approved make to the satisfaction of the Council. These seats may be removed or reinstalled as necessary to allow space for one or more wheelchairs. Any tracking system utilised must be correctly aligned and spaced to allow easy removal of the seat. Fastenings for the tracking must be to manufacturer's specification and approved for use by the Council.

## **8 VEHICLES WITH THIRD ROW OF SEATS**

- a. All passengers must have access to at least two side doors, one of which must be on the nearside of the vehicle.
- b. In cases where there is no door adjacent to a row of seats, no passenger must have to pass through a gap of less than 300mm at the narrowest point in order to exit the vehicle via the rear side doors.
- c. The middle row of seats must have more than one seat capable of fully tilting and which meet the necessary exit dimension of 300mm at both of the exit points.
- d. All vehicles with a row of passenger seats without adjacent side doors must provide 'means of operation signs' and low level lighting that illuminates when the side lights

## **9 WHEELCHAIR PASSENGERS**

- a. Wheelchair bound passengers must face either forward or rearward to the direction of travel. Rearward facing wheelchairs must be secured against a suitable bulkhead. Occupied wheelchairs must be restrained by an approved method.
- b. A full static harness or a lap and diagonal inertia-reel belt must be available for each wheelchair passenger. Whichever type of restraint is used it must engage into the same floor tracking as the wheelchair restraints or other system as approved by the Council. Such equipment

shall be fully adjustable for the safety and comfort of the wheelchair passenger and capable of quick release in an emergency situation.

## **10 COMMUNICATION EQUIPMENT**

- a. Radio communication equipment licensed by the Department for Business, Innovation and Skills (BIS) may be fitted for use in connection with the Private Hire Operator's base station. Where fitted it shall be in a manner approved by the Council. No Citizen Band Radio, or similar non-commercial radio capable of both sending and receiving messages not being apparatus licensed by the Department for Business, Innovation and Skills shall be installed in the licensed vehicle. The fitting of mobile/portable/cell phones in private hire vehicles is prohibited but such a phone may be carried by the driver for emergency use only (use of a phone for or in connection with a booking of a private hire vehicle will render the driver liable to prosecution). The use of scanner equipment is prohibited.
- b. Equipment fitted for the use of the driver to receive information on bookings must be fitted securely in the vehicle and in a manner which does not obstruct the view of the driver through the windscreen. Any wires used for connection of the equipment should not be left in a dangerous manner.

## **11 DRIVERS**

- a. Any person who drives the vehicle for any purpose whatsoever, must hold a private hire drivers licence. Each proprietor shall, before a driver commences to drive the vehicle, satisfy him/herself that the driver holds a valid private hire drivers licence. In order to comply with this requirement a proprietor must examine each driver's licence – any infringement could result in suspension or revocation of licences. The driver of the vehicle, if not named on the licence, will be regarded as an employee of the named proprietor(s).
- b. Proprietors shall ensure that all driver(s) of the private hire vehicle are fully acquainted with the need to provide all reasonable assistance to passengers especially those with a disability. In respect of disabled passengers a driver shall not fail or refuse to carry out a booking by or on behalf of a disabled person accompanied by an 'assistance dog' unless the driver has a Medical Exemption granted by the Licensing Authority and is displaying their Exemption Certificate in the approved manner or in the vehicle.
- c. The proprietor shall ensure that any driver of a wheelchair accessible vehicle holds a Driving Standards Agency (DSA) Wheelchair Assessment Certificate (or equivalent).

- d. The proprietor shall keep a written record showing the following particulars in respect of every driver (for private hire purposes) of the private hire vehicle detailed in this licence:-
  - i the name and address and date of birth of the driver of the vehicle;
  - ii the number and date of expiry of every licence issued in respect of the driver under Section 51 of the Local Government (Miscellaneous Provisions) Act 1976 and in force during such time as the driver is driving the vehicle.
  - iii the date on which the driver commenced driving the vehicle;
  - iv the date on which the driver ceased driving the vehicle.
- e. The proprietor shall keep the records prescribed in (d) above for a period of two years from the date on which the driver first commenced driving the vehicle. These records shall be made available upon request to any Police Officer and/or Authorised Officer of the Council.

## **12 INSURANCE AND INSURANCE COVER**

- a. Private Hire Insurance which complies with Part VI of the Road Traffic Act 1988 shall be in force at all times for the duration of the licence. Public Liability Insurance (minimum cover £2m) is also required in respect of those vehicles licensed to carry passengers in wheelchairs.
- b. The licence holder, if not the policy holder in respect of the insurance effected for the vehicle, shall notify the Council if the situation including any change of policyholder(s). The Council will require production of satisfactory documentation from the insurance company/broker confirming that although the vehicle is owned by the proprietor the insurance effected by the policyholder is nevertheless fully effective for private hire purposes.

## **13 CONVICTIONS**

Every proprietor of a private hire vehicle shall within 7 days disclose to the Council in writing details of any conviction, binding over, caution, warning or reprimand imposed on him/her (or, if the proprietor be a company or partnership, on any of the directors, partners or secretary) during the period of this licence.

## **14 TRANSFER OF LICENCE AND CONTROL OF VEHICLE**

- a. The licence holder must ensure that he has control of the vehicle at all times and should such person absent him/herself from the District and not be contemplating returning within a short period (viz 1 month) he/she should transfer his interest in the vehicle to another person still



resident in the District or close proximity thereto; failure to do so could result in revocation of the licence.

- b. The proprietor shall not assign or in any way part with the benefit of the licence without notifying the Council and effecting a formal transfer within 14 days. The proprietor shall return the plate and the licence to the Council immediately if the vehicle is sold or otherwise disposed of without such transfer having first been effected.

**15 CHANGE OF ADDRESS**

The proprietor shall notify the Council in writing of any change of address within 7 days of such change, whether permanent or temporary.

**16 CHANGE OF OPERATOR**

The licence holder shall notify the Council in writing within 7 days of any change of operator through whom the vehicle is to be operated.

**17 REQUIREMENTS TO UNDERTAKE ADDITIONAL TESTS**

A licensed vehicle which attracts a vehicle suspension notice (VOR) for serious defects may be required at the discretion of an Authorised Officer of Rotherham Metropolitan District Council, to undertake a further test to demonstrate that the vehicle is roadworthy before the suspension will be lifted. The cost of such a test is to be borne by the proprietor.

## NOTES

- i These conditions should be read in conjunction with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976.
- ii Any person who commits an offence against any of the provisions of the Act shall pursuant to Section 76 be liable on summary conviction to a fine not exceeding Level 3 on the standard scale. The licence holder(s) should ensure compliance at all times as the proprietor(s) stated on the vehicle licence will be the person(s) against whom the Council will ordinarily proceed for any offence or misdemeanour.

- iii **Health and Safety of Passengers (Duty of Care)**

Most people will be aware that employers have a duty of care to their employees, but the Health and Safety at Work Act 1974, goes further, Part 1, Section 3 (2) states "it shall be the duty of every self employed person to conduct his undertaking in such a way as to ensure, so far as is reasonably practicable, that he and other persons (not being his employees) who may be affected thereby are not exposed to risks to their health and safety". Operators, drivers and proprietors are advised that a failure to safeguard passengers could have serious implications for the licence holder, and the licence.

- iv **Cautionary Advice**

You are strongly advised not to purchase a vehicle or any equipment or fittings, without first reading the Council's policy and preconditions to the grant of a licence and also these conditions. If in doubt about any aspect you should make an appointment with the Vehicle Examiner at the councils appointed testing centre. Licensing administration staff are not qualified to make technical assessments and are under instruction not to offer such advice. If a vehicle does not meet the conditions it is unlikely that a licence will be granted.

## **Appendix M**

### **Hackney Carriage Vehicle Conditions**

1. **Maintenance of Vehicle**

The vehicle and all its fittings and equipment shall, at all times when the vehicle is in use or available for hire, be kept in an efficient, safe, tidy and clean condition in accordance with By-law No. 3 and all relevant statutory requirements (including in particular those contained in Motor Vehicles (Constructions and Use) Regulations shall be fully complied with.

2. **Alteration of Vehicle**

No material change or alteration in the specification, design, condition or appearance of the vehicle shall be made without the approval of the Council at any time while the licence is in force.

3. **Identification Plate, Signs, Notices etc**

The following must be in place at all times:

- (a) A licence plate permanently affixed to the front of the vehicle
- (b) A licence plate permanently affixed to the rear of the vehicle
- (c) A sign / notice affixed to each front door of the vehicle
- (d) A notice fixed to the interior glazed surface of the quarter light of both rear doors so that the contents of the notice are visible from the outside of the vehicle.
- (e) A notice fixed to the interior glazed surface of the front windscreen so that the contents of the notice are visible from the outside of the vehicle.
- (f) The hackney carriage licence number must be printed in white block letters (to a specification prescribed by the council) on the vehicle's boot.
- (g) The hackney carriage licence number must be printed in white block letters (to a specification prescribed by the council) on the bonnet of the vehicle.
- (h) A notice, clearly visible from the passenger seats / compartment, identifying the current driver of the vehicle.

The sign / plates and notices referred to above must be issued or approved for use by Rotherham MBC.

The signs / plates and notices must be affixed to the vehicle in accordance with the requirements set out by the council.

No other signs, notices, advertisements, plates, marks, numbers, letters, figures, symbols, emblems or devices whatsoever shall be displayed on, in or from the vehicles except as may be required by any statutory provision (including by-laws) or required or permitted by these conditions, provided however, that this condition shall not apply to any indication on a taximeter fitted to the vehicle.

4. Safety Equipment

There shall be provided and maintained in the vehicle at all times, when it is in use or available for hire, a suitable and efficient fire extinguisher of a make and type suitable for use on a motor vehicle and approved by the Council, i.e. 2.0 kgs. dry powder or 2.0 kgs. AFFF. Such fire extinguisher shall be fitted in a bracket in such a position in the vehicle as to be readily available for immediate use in an emergency. All fire extinguishers must be fitted with a gauge.

5. Advertisements

Advertisements may be displayed on the vehicle, provided that:

- (a) the advertisement is in accordance with the council's published conditions in relation advertisements on vehicles, and
- (b) the council has provided written approval for the advertisement to be displayed.

The licensed proprietor or operator submitting any advertisement for approval must pay an appropriate fee to cover the cost of the administration involved.

6. Colour

The vehicle will be coloured white, with the exception of the bonnet and boot which must be coloured black.

7. Inspection of Vehicle

- (a) The proprietor shall permit an authorised officer or any constable to inspect the vehicle at all reasonable times.
- (b) If the authorised officer or constable is not satisfied as to the condition of the vehicle for use as a hackney carriage, the proprietor shall after

being notified in writing present the vehicle for inspection at such time and such place within the Borough of Rotherham as is specified in such notice.

- (c) If the authorised officer or constable is not satisfied as to the condition of the vehicle for use as a hackney carriage upon completion of the inspection as required in (b) above, the proprietor shall forthwith upon being required to do so by the authorised officer or constable cause the licence plate to be removed from the vehicle and handed to the authorised officer or constable, who shall keep it in his custody until such time as he is satisfied as to the condition of the vehicle whereupon the licence plate will be returned to the proprietor.

## 7. Accidents

If at any time the vehicle is involved in an accident, however minor, the driver must inform the Council of this fact as soon as possible and in any event within 72 hours (by telephone or email). An accident report form will then need to be completed and submitted to the Council within five working days of the accident occurring (except in exceptional circumstances when the report must be made as soon as possible).

The vehicle must be presented for inspection at the council's authorised testing station as soon as possible after the accident has taken place – the appointment will be arranged by the council who will notify the vehicle proprietor of the date and time. Failure to present the vehicle for the appointment may result in the vehicle's licence being suspended until such time as the vehicle is presented for examination.

If the vehicle is so damaged that it cannot be driven, then the vehicle proprietor must inform the council of this fact – the council will then advise the proprietor of the action to be taken. In such cases the proprietor is advised to take photographic evidence of the vehicle's condition that clearly illustrates the reasons why the vehicle cannot be driven / presented for examination.

All repairs must be carried out without undue delay and may require the vehicle to be inspected by the Councils examiners. Bodywork should be maintained to a good condition, paintwork should be sound and well maintained and free of corrosion, inferior re-spray work and 'cover up' temporary repairs.

## 8. Insurance

At all times the proprietor shall, during the currency of this Licence:-

- (a) keep in force in relation to the user of the vehicle as a hackney carriage vehicle a policy of insurance complying with the requirements of Part VI of the Road Traffic Act 1988.
- (b) on being so required by an authorised officer, produce for examination

at the Licensing Office within seven days of such request, the certificate of insurance issued by an insurer in respect of the vehicle for the purpose of Part VI of the Road Traffic Act 1988.

Failure to comply with this condition may result in the suspension of the vehicle licence.

9. Transfer of Licence

If the proprietor of a hackney carriage licensed by the Council transfers his interest in the vehicle to a person not named in the licence, he shall within fourteen days after such transfer give notice in writing thereof to the Council specifying the name and address of the person to whom the hackney carriage has been transferred.

Note: In addition to the foregoing conditions, the proprietor is required to comply with statutory requirements and attention is drawn in particular to the Town Police Clauses Act 1847, the Hackney Carriage By-laws made under that Act and Part II of the Local Government (Miscellaneous Provisions) Act 1976.

**Appendix N****Requirements for Vehicle Examination**

<b>SECTION 1 - Vehicle Conformance to Standards Set By RMBC</b>		
<b>Testable Items</b>	<b>Additional Information</b>	<b>Reason for Failure</b>
<p><u>Ensure that:</u></p> <ol style="list-style-type: none"> <li>1. The vehicle is fitted with a minimum of 4 road wheels and 4 doors (excluding boot doors). <b><i>Unless the vehicle is to be licensed for less than 4 passengers where the number of doors maybe less.</i></b></li> <li>2. The vehicle must comply at all times with the relevant sections of the Road Traffic Act, Construction and Use Regulations and Road Vehicles Lighting Regulations that may apply.</li> <li>3. The vehicle satisfies Motor Vehicle Type Approval Regulations, or European Whole Vehicle Type Approval Regulations, or a Minister's Approval Certificate is in force for the vehicle or the vehicle is a historic vehicle.</li> <li>4. The vehicle will receive a full inspection to MOT standard requirements, additional items not covered by MOT standards will also be inspected for licensing reasons.</li> <li>5. Where the vehicle has been converted, including</li> </ol>	<p>Check to ensure that the vehicle satisfies detailed conformance requirements.</p> <p>Acceptable certification will include certificates issued by recognised converters.</p> <p>Items not covered by MOT standards but required for licensing standards of fitness reasons are listed in this document or on appendixes to this document.</p> <p>The V5 must show that the vehicle is registered with the DVLA, or a Single Vehicle Approval Certificate or Minister's Approval Certificate is presented if required this checking purpose.</p>	<ol style="list-style-type: none"> <li>1. The vehicle is fitted with fewer than 4 road wheels and 4 doors (excluding boot doors).</li> <li>2. The vehicle fails to comply with either, the Road Traffic Act, Construction and Use Regulations or Road Vehicles Lighting Regulations.</li> <li>3. The vehicle <u>fails</u> to satisfy either Motor Vehicle Type Approval Regulations, or European Whole Vehicle Type Approval regulations, or there is no evidence that a Minister's Approval certificate is in force and the vehicle is not a historic vehicle.</li> <li>4. The vehicle <u>fails</u> to satisfy the test standards for items required for licensing standards of fitness.</li> <li>5. A conversion is not supported by an</li> </ol>

<p>stretched limousines, ensure that the conversion is certified.</p> <p>6. The steering wheel is on the right hand side/offside of the vehicle.</p> <p>7. Any modification or conversion to the vehicle's braking system, steering, engine, transmission, fuel system (inc. LPG), suspension or lighting is supported by certification from an appropriate agency.</p> <p>8. The vehicle complies with all the vehicle specifications laid out in the Specification of vehicle type's document.</p>		<p>appropriate certificate and an exemption has not been granted by the Licensing Authority.</p> <p>6. The steering wheel is not on the right hand side/offside of the vehicle.</p> <p>7. A modification or conversion to the vehicle's braking system, steering, engine, transmission, fuel system, suspension or lighting is not supported by a certificate from an appropriate agency or by written exemption granted by the Licensing Authority.</p> <p>8. The vehicle fails to comply with the vehicle specifications set out by the council.</p>
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<b><u>SECTION 2 – Vehicle Identification Number (VIN) &amp; Road Fund Excise</u></b>		
<b>Testable Items</b>	<b><u>Additional Information</u></b>	<b>Reason For Failure</b>
<p>Ensure that:</p> <ol style="list-style-type: none"> <li>1. The VIN plate is accessible.</li> <li>2. The VIN plate is fitted to the vehicle.</li> <li>3. The VIN plate has not been tampered with.</li> <li>4. The VIN plate is consistent with any other documentation presented.</li> <li>5. The road fund excise licence is affixed to the vehicle.</li> <li>6. The road fund excise licence is an original document.</li> <li>7. The road fund excise licence is current.</li> <li>8. The road fund excise licence relates to the vehicle.</li> <li>9. All information and vehicle details are clear and legible.</li> </ol>	<p>Visually check for any obvious sign of defect, damage, replacement or alteration.</p> <p>Report any suspicious VIN identification to the appropriate authority (i.e. Police, VOSA, DVLA)</p> <p>Note: VIN plates may be located in engine compartments, dash boards or other locations depending on vehicle manufacturers.</p> <p>Visually check all excise licence details.</p>	<ol style="list-style-type: none"> <li>1. The VIN plate is not accessible as appropriate to the vehicle type.</li> <li>2. The VIN plate is not fitted to the vehicle.</li> <li>3. The VIN plate has been tampered with.</li> <li>4. The VIN plate is not consistent with any other documentation presented.</li> <li>5. The road fund excise licence is not affixed to the vehicle.</li> <li>6. The road fund excise licence is not an original document.</li> <li>7. The road fund excise licence is not current.</li> <li>8. The road fund excise licence does not relate to the vehicle.</li> <li>9. Information and vehicle details are not clear and/or not legible</li> </ol>

**SECTION 3 – Top Side / External Body Inspection**

<b>Testable Items</b>	<b>Additional Information</b>	<b>Reason For Failure</b>
<p>Ensure that:</p> <ol style="list-style-type: none"> <li>1. There is no evidence of significant damage to the external body panels.</li> <li>2. Ensure that where there is only one passenger door that door is on the nearside (kerbside) of the vehicle.</li> <li>3. There is no evidence of crudely repaired or, insecure body panels. (visual examination).</li> <li>4. That there is no evidence of significant rusting and/or corrosion.</li> <li>5. The paintwork is finished and presents a satisfactory appearance. (visual examination).</li> <li>6. Any additional lighting is secure and complies with lighting regulations.</li> <li>7. Any exterior alteration or modification has been approved.</li> <li>8. All windows are clean, undamaged and free from unapproved advertising medium.</li> <li>9. There is sufficient space to affix the licence identifiers to the front and rear windscreens and that there is no material present that would prevent the discs being affixed directly to the screens.</li> </ol>	<p>Significant means:</p> <p>One or more body panels having sustained disproportionate amount of damage and/or poses a potential risk to the passengers, driver or other road users.</p> <p>Visual inspection of all body panels.</p> <p>Satisfactory appearance means:</p> <p>No panel should show the base primer, should not show signs of body filler and should not be dull in appearance. I.e. there must be a reasonable sheen.</p> <p>Do not attempt to make holes in the body work or enlarge any hole that already exists.</p> <p>Ensure that the discs can be mounted in accordance with the PHV regs. and that affixing the discs will not cover any safety notice such as airbag warnings etc.</p> <p>Ensure that there are no clear plastic films, waxes or other such materials preventing the discs being affixed directly to the vehicle screens.</p> <p>Note: No signs or advertising material shall be displayed on the vehicle, except badges or emblems on the radiator or windscreen issued by an organisation (a) Providing</p>	<ol style="list-style-type: none"> <li>1. There is evidence of significant damage to the external body panels.</li> <li>2. Single passenger door is not on the nearside (roadside) of the vehicle.</li> <li>3. There is evidence of crudely repaired or insecure body panels.</li> <li>4. There is evidence of significant rusting and/or corrosion.</li> <li>5. Paintwork is poor and presents an unsatisfactory appearance making the vehicle unsuitable for use.</li> <li>6. Additional lighting does not comply with lighting regulations.</li> <li>7. The exterior alteration or modification is not approved and/or presents a safety hazard.</li> <li>8. The windows are soiled /dirty, damaged or contain unapproved advertising.</li> <li>9. There is insufficient space to affix the licence identifiers (RMBC disks) to the front windscreens and/or there is material present that would prevent the discs being affixed directly to the</li> </ol>

<p>10. The vehicle is not of such design that it could lead any person to believe it was a Rotherham Hackney Carriage.</p>	<p>vehicle repair or recovery service; or (b) required by law.</p>	<p>screens. The disk is not fitted or readable.</p> <p>10. The vehicle is of such design that it is inappropriate to be a hackney carriage or private hire vehicle or the vehicle could lead any person to believe it was a hackney carriage vehicle when it was licensed for private hire purposes.</p>
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<b><u>SECTION 4 – Underside Inspection</u></b>		
<b>Testable Items</b>	<b><u>Additional Information</u></b>	<b>Reason For Failure</b>
<p>Ensure that:</p> <ol style="list-style-type: none"> <li>1. There are no signs of water or fluid leaks from under the vehicle.</li> <li>2. There are no signs of oil leaks from under the vehicle.</li> <li>3. The exhaust pipe is secure.</li> <li>4. The towing assembly is fully secured to the vehicle (if applicable).</li> </ol>	<p>Visually inspect the underside of the vehicle for any fluid leaks.</p>	<ol style="list-style-type: none"> <li>1. There is evidence of water or fluid leaks from under the vehicle.</li> <li>2. There are signs of oil leaks from under the vehicle.</li> <li>3. The exhaust pipe not fully secure to the vehicle.</li> <li>4. The towing assembly is not fully secured to the vehicle (if applicable).</li> </ol>

**SECTION 5 – Passenger Compartment**

<b>Testable Items</b>	<b>Additional Information</b>	<b>Reason For Failure</b>
<p>Ensure that:</p> <ol style="list-style-type: none"> <li>1. All tinted windows comply with the relevant RTA and/or C&amp;U regulations.</li> <li>2. The upholstery, headlining, carpets and door trims are not damaged or soiled.</li> <li>3. The devices designed for opening any passenger windows are in place and operate correctly.</li> <li>4. All passenger doors can be opened from inside and outside the vehicle.</li> <li>5. All passenger doors close securely.</li> <li>6. Passenger courtesy lights operate correctly.</li> <li>7. All passenger seat adjustment Mechanisms are in good working condition.</li> <li>8. All passengers, seats, are fitted with seat belts.</li> <li>9. The passenger seats are in good condition and the inner fibre is not exposed.</li> <li>10. The passenger seat frame is secured.</li> </ol>	<p>Visual inspection to ensure window glass complies with RTA or C&amp;U Regulations.</p> <p><b>Note:</b> If there is any doubt about the level of tint applied to any of the windows, carryout measurement using a correctly calibrated TINTMASTER.</p> <p>For the purpose of this section, all passenger doors must open and close from both inside and outside of the vehicle.</p> <p>Check that all child locks are disengaged, and operate freely.</p> <p><b>Note:</b> that centre doors fitted to stretched limousines are not required to be fitted with child locks.</p>	<ol style="list-style-type: none"> <li>1. Any tinted window does not comply with the relevant RTA and/or C&amp;U regulations.</li> <li>2. The upholstery, headlining, carpets and door trims are damaged or soiled.</li> <li>3. Passenger windows are not in place and/or fail to operate correctly.</li> <li>4. Any passenger door, or doors, can not be opened from inside and/or outside the vehicle.</li> <li>5. Any passenger door, or doors, fails to close securely.</li> <li>6. Passenger courtesy lights are inoperative.</li> <li>7. Any passenger seat adjustment mechanism is not in good working condition.</li> <li>8. Passenger seat belts are not fitted and/or are missing.</li> <li>9. The passenger seats are not in good condition or the inner fibre is exposed.</li> <li>10. Passenger seat frame not secure.</li> </ol>

<p>11. The child locks can be engaged and disengaged.</p> <p>12. All fixtures and fittings are approved by the Licensing Authority.</p> <p>13. All mechanisms designed to release the passenger seat which enable access to another seat are in good working order.</p> <p>14. All passenger doors allow safe access and egress for the number of passengers.</p>		<p>11. The child locks do not operate correctly.</p> <p>12. There are unapproved fixtures and fittings.</p> <p>13. The passenger seat mechanism does not release to enable access to another seat.</p> <p>14. There is insufficient space to allow safe access and egress for the number of passengers.</p>
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**SECTION 6 – Driver Front/Passenger Compartment**

<b>Testable Items</b>	<b><u>Additional Information</u></b>	<b>Reason For Failure</b>
<p>Ensure that:</p> <ol style="list-style-type: none"> <li>1. The driver / front passenger compartment is clean and accessible.</li> <li>2. Any fixtures such as taxi radio, satellite navigation or CCTV equipment are fitted safely and securely and do not adversely encroach the passenger's area and do not impact on the safety of the driver, passengers or other road users.</li> <li>3. The devices for opening/closing the driver or front passenger window's operate correctly.</li> <li>4. The driver's seat adjustment mechanisms are in good working condition.</li> <li>5. The driver's seat is in good condition and the inner fibre is not exposed.</li> <li>6. The driver's seat frame is fully secured to the vehicle.</li> <li>7. A taxi meter has been fitted to the vehicle (hackney carriage renewals only)</li> </ol>	<p>Visually inspect the position and condition of fixtures and fittings.</p> <p><b>Safety enhancement features:</b></p> <p>Visually/aurally check that the safety enhancement equipment, such as airbags, seatbelt tensioners, warning lights appear to be in order.</p>	<ol style="list-style-type: none"> <li>1. The driver / front passenger compartment is not clean and/or not accessible.</li> <li>2. Additional fixtures are so fitted as to encroach adversely the passenger area or will impact on the safety of the driver, passengers or other road users.</li> <li>3. The devices for opening/closing the driver or front passenger window fail to operate correctly.</li> <li>4. The driver's seat adjustment mechanisms are defective or inoperative.</li> <li>5. The drivers seat is in poor condition and/or the inner fibre is exposed to an area greater than 1cm square.</li> <li>6. The driver's seat frame is not fully secured to the vehicle.</li> <li>7. A taxi meter is not fitted to the vehicle (hackney carriage renewals only)</li> </ol>

<p>8. There are no signs of damage to the airbag housing that prevents deployment.</p> <p>9. The driver/passenger headrest has not been removed and is fitted securely.</p> <p>10. Any safety warning device designed to alert the driver of a fault with any of the vehicles safety features is not disabled or malfunctioning.</p>	<p>8. There are signs of damage to the airbag housing that will prevent deployment.</p> <p>9. The driver/passenger headrest has been removed and/or is insecure.</p> <p>10. There is evidence to show a safety warning device in respect of vehicles safety features is deliberately disabled or is malfunctioning.</p>
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<b><u>SECTION 7 – Luggage/Boot Compartment</u></b>		
<b>Testable Items</b>	<b><u>Additional Information</u></b>	<b>Reason For Failure</b>
<p>Ensure that:</p> <p>1. The luggage area is uncluttered, is suitable for use and is capable of carrying the amount of luggage for which the vehicle is designed.</p>	<p>Visual check for adequate luggage/boot space</p>	<p>1. The luggage area is cluttered and/or is unsuitable for use; and/or is not capable of carrying the amount of luggage for which the vehicle is designed.</p>

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<b><u>SECTION 8 – External Signage</u></b>		
<b>Testable Items</b>	<b><u>Additional Information</u></b>	<b>Reason For Failure</b>
<p>Ensure that:</p> <ol style="list-style-type: none"> <li>1. The content of any external signage complies with PHV regulations or HCV regulations and/or RMBC guidelines.</li> <li>2. The content of any external signage has been approved by the Licensing Authority.</li> <li>3. Signage is of an appropriate size.</li> <li>4. Any signage is displayed in an appropriate or approved place.</li> </ol>	<p>Check that any external signage, complies with RMBC guidelines and that the Licensing Authority has approved the content.</p> <p>Check that the signage is of an appropriate size and is displayed in an approved place.</p>	<ol style="list-style-type: none"> <li>1. The content of any external signage does not comply with PHV regulations or HCV regulations and/or RMBC guidelines.</li> <li>2. The content of any external signage has not been approved by the Licensing Authority.</li> <li>3. Signage is of an incorrect size.</li> <li>4. Signage is displayed in an unapproved or inappropriate place.</li> </ol>

<b>SECTION 9 – Additional Items</b>		
<b>Testable Items</b>	<b>Additional Information</b>	<b>Reason For Failure</b>
Ensure that:		
1. Any wheelchair restraints are in good condition and operate correctly (where applicable).	Check all certificate dates of expiry if available.	1. Wheelchair restraints are in poor condition and/or operate incorrectly or are inoperative.
2. Wheelchair restraints are BSI or CE approved (where applicable).	Check for evidence of tampering, forgery, and authenticity.	2. Wheelchair restraints are not BSI or CE approved.
3. A valid test certificate for the lifting or winching equipment is available for inspection.	Where additional lighting has been fitted as an after market product ensure that the installation complies with RTA, C&U and/or Lighting Regulations.	3. A valid test certificate for the lifting or winching equipment is not presented.
4. Any additional fuels cut off switches are correctly identified. (Where available).	<b>Note:</b> No additional lights are permitted on the exterior of the vehicle.	4. Any additional fuels cut off switches are not correctly or clearly identified.
5. A valid fuel conversion installation certificate or safety report is presented for inspection.	Check that the radio is fitted safely and securely, does not adversely encroach into the passenger area, and any visible wiring is safe, permanent and does not present a hazard to the passenger or driver.	5. A valid fuel conversion installation certificate or safety report has not been or can not be presented for inspection.
6. Any two way radio has been installed correctly and safely.	Where the equipment has been installed as an after market product the criteria for a radio installation applies.	6. Any two way radio has not been installed correctly or safely.
7. Any satellite navigation equipment has been installed correctly or safely.	Ensure that the mobile phone equipment has not been installed so that it is <u>directly</u> in front of the passenger seat.	7. Any satellite navigation equipment has not been installed correctly or safely.
8. Any data dispatch equipment has been installed correctly or safely.	Ensure that the installation is fitted safely and securely, does not adversely encroach the passenger area and that any wiring is permanent and does not present a hazard to the passenger or driver.	8. Any data dispatch equipment has not been installed correctly or safely.
9. Any hands free mobile phone equipment has been installed correctly or safely.		9. Any hands free mobile phone equipment has not been installed correctly or safely.
10. Any additional lighting has		10. Any additional lighting has

<p>been installed correctly or safely.</p> <p>11. Any additional lifting equipment is fully and correctly operative.</p> <p>12. Ensure that any modification has been approved by the Licensing Authority</p>		<p>not been installed correctly or safely.</p> <p>11. Any additional lifting equipment is inoperative.</p> <p>12. Unapproved modification fitted or approved modification fitted in a dangerous or incorrect manner.</p>
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<b><u>SECTION 10 – Other Defects</u></b>		
<b>Testable Items</b>	<b><u>Additional Information</u></b>	<b>Reason For Failure</b>
<p>Ensure that:</p> <ol style="list-style-type: none"> <li>1. The vehicle appears to be in a roadworthy condition.</li> <li>2. The vehicle is of a suitable type and capable of carrying the amount of persons for which the vehicle is designed and purpose it is to be licensed for by the authority.</li> </ol>	<p>During the inspection a mechanical defect is noted under MOT regulations.</p> <p>During the inspection a defect or damage of other type is noted that may effect its “fitness” to be a licensed vehicle.</p>	<p>Luggage Compartment.</p> <ol style="list-style-type: none"> <li>1. The vehicle has a mechanical defect is not in a roadworthy condition.</li> <li>2. The vehicle is not of a suitable type and/or capable of carrying the amount of persons for which the vehicle is designed and/or is not fit for the purpose it is to be licensed by the authority.</li> </ol>

<b><u>SECTION 11 – General Information</u></b>		
<b><u>PASSES</u></b>	<b><u>FAILURES</u></b>	<b><u>Additional Information</u></b>
<p><b>If the vehicle <u>passes</u> the licensing inspection the vehicle inspector will:</b></p> <ol style="list-style-type: none"> <li>1. Update MOT documentation and/or database (as appropriate).</li> <li>2. Issue the inspection pass certificate/documentation to the vehicle proprietor/driver.</li> <li>3. Advise the proprietor/driver they must return the “pass” certificates to the Licensing Office immediately.</li> </ol>	<p><b>If the vehicle fails the licensing inspection, the vehicle inspector will:</b></p> <ol style="list-style-type: none"> <li>1. Update MOT documentation and/or database. (as appropriate).</li> <li>2. Issue a VIR and any other appropriate documents indicating why a licence has been refused.</li> <li>3. Advise the proprietor/driver they have failed to present a vehicle in a suitable condition and must return for a retest on all failed items to obtain a “pass” certificate and/or MOT certificate.</li> <li>4. Allocate a retest appointment for minor retest points which can be retested in 15 minutes or less.</li> <li>5. Advise the proprietor/driver they must contact the Licensing Office to book a re-test appointment for major retest points which take 30 minutes or more.</li> <li>6. Advise the proprietor/driver the vehicle was not in a condition under which any test could be conducted and the test has been “Stopped”. Advise the proprietor/driver they must</li> </ol>	<p>If the applicant wishes to appeal against the failure decision.</p> <p>The vehicle inspector will;</p> <ol style="list-style-type: none"> <li>1. Inform the vehicle owner of their rights of appeal.</li> <li>2. Check if the appeal is against MOT regulation failure points or none MOT failure points.</li> <li>3. If appeal is against MOT failure points provide the complainant with the appropriate MOT appeals procedure information.</li> <li>4. If against none MOT failure points provide the complainant with the RMBC vehicle inspection complaints procedure documentation.</li> <li>5. Notify/inform the Depot Manager of the complainant’s details.</li> <li>6. Advise the complainant to make an official notification of complaint to the Depot Manager.</li> </ol>

	contact the Licensing Office to book a full test appointment (not a retest) and this test will take 45 minutes or more to conduct.	
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### **SECTION 12 – Guidance Notes**

The vehicle inspector will need to check all appropriate documents against the vehicle to ensure that they relate to the vehicle being inspected and to ensure that the requirements of the inspection criteria are met.

The vehicle inspector will record the MOT date of expiry on any relevant databases. The MOT pass certificate must be completed in the prescribed manner as set out in the MOT Testing Guide.

The vehicle inspector will check the VIN plate for evidence of tampering. (Any evidence of tamper must be reported by the tester to the Police traffic division (or DVSA or other appropriate body).

The vehicle inspector will check the vehicle road fund licence (tax disk) and report any vehicle with no disk or an incorrect or illegal disk to the DVLA. (This may be done on line at [http://dvla.gov.uk/onlineservices/report\\_unlicensed.aspx?ext=dg](http://dvla.gov.uk/onlineservices/report_unlicensed.aspx?ext=dg)).

If the vehicle presented has been modified without authorisation, or an exemption from the licensing criteria has not been approved, this will cause the vehicle to fail the inspection. The tester should ask for evidence of written confirmation of alterations such as tow-bars or plate display exemptions etc.

In the event that the vehicle inspector observes a defect that poses a risk to the driver, passengers, other road users or vehicle inspectors/testers, or compromises the roadworthiness or safety of the vehicle, the inspector will immediately report the defect to a senior inspector and a decision on whether to continue with the test at that stage will be taken.

The vehicle inspectors/testers or Depot Manager may contact any other appropriate agencies such as the DVLA, DVSA or South Yorkshire Police if any discrepancies with the vehicle or owner details are identified during a vehicle licensing inspection.



**Appendix O****Vehicle Advertisement Conditions**

In order that advertisements on vehicles are of a standard type, the following conditions shall apply:-

- (a) That advertisements shall only be allowed on both rear passenger doors and the bonnet of a vehicle;
- (b) That the advertisement shall be the same size as the existing private hire door signs, or will cover a similar area if different in shape;
- (c) That no advertisement should promote tobacco or alcohol products;
- (d) That no advertisement shall be of a sexual, religious or political nature and that it shall not be likely to cause offence;
- (e) That no advertisement be displayed without the written approval of the Director of Housing and Neighbourhood Services;
- (f) In the case of private hire vehicles, the proposed advertisement is to be submitted for approval by a licensed operator not individual vehicle owners;
- (g) That the licensed operator / hackney carriage proprietor submitting any advertisement for approval pay an appropriate fee to cover the cost of the administration involved. Fee amount available on request by calling 01709 823153.

**Alteration of Vehicle**

- (h) No material alteration or change in the specification, design, condition or appearance of the vehicle shall be made without the approval of the Council at any time while the licence is in force.

**Signs, Notices, etc.**

The proprietor shall cause to be affixed and maintained in the vehicle in a conspicuous position in accordance with the directions of the Council any sign or notice relating to licensed vehicles which the Council may from time to time require.

A private hire vehicle must not display:-

- (i) Any sign or notice which consists of or includes the word 'taxi' or 'cab' whether in the singular or plural or 'hire' or any word of similar meaning or appearance to any of those words whether alone or as part of another word; or
- (j) any sign, notice, mark, illumination or other feature which, having regard to that time and place at which it is displayed, may suggest to a person seeking to hire a taxi that the vehicle is a taxi.
- (k) Condition (i) shall not apply on any occasion upon which a notice has been issued under Section 75(3) of the Local Government (Miscellaneous Provisions) Act 1976.

**Appendix P**

**Special Occasion Private Hire Vehicle Conditions.**

1. The vehicle must be presented for inspection to the authorised officer (or representative) on the Council's behalf. The Council will expect;
  - a) In the case of a first application for a vehicle licence, be in excellent condition as befits a Special Occasion Vehicle. The age of the vehicle will be taken from the vehicle registration document or in the case of imported vehicles from the relevant importation certificates but will not be a material matter for this type of vehicle.
  - b) All vehicles must either meet the European Whole Vehicle Approval standard or the M.1. passenger vehicle requirements or have a Single Vehicle Approval Test Certificate issued by the Vehicle Inspectorate Executive Agency. If the vehicle was imported prior to the SVA certification then the decision as to suitability shall be that of the Council's Inspector.
  - c) The vehicle to provide at least two doors for the use of passengers conveyed in the vehicle neither being the door used by the driver.
  - d) No vehicle to be licensed which would require any passenger to climb over any seat to enter or egress from any seat they may occupy or that would require them to climb over any luggage in the vehicle.
  - e) Luggage space to be a minimum of 0.5 cubic metres and be physically separated from the passenger seating or sited at the rear of the vehicle.
  - f) All door handles to be easily visible to the passenger.
  - g) Fire Extinguisher A fully charged and functional Fire Extinguisher approved by the Council must be provided and securely fitted to the inside of the cab of the vehicle conspicuous and easily accessible (unless otherwise authorised by the Council's Inspector) and ready for use at all times. The currently approved type is a 2 LITRE FOAM Ref EN3/4 – 1996
2. The vehicle must be kept in good condition and in particular meet the following criteria:-
  - a) Rust  
Any vehicle presented is to be free from any areas of visible rusting. Minor blemishes should not constitute a failure and should be painted to the original manufacturers colour and specification.

Any vehicle with more than three visible rust patches of more than 20 sq. cms each will be failed.

- b) Dents  
Any vehicle with minor dents on three or more panels where such dents are more than 5cms in diameter/length or a single dent of more than 20 cms in diameter/length should be failed.
- c) Scratches  
Any vehicle with un-repaired scratches down to bare metal on three or more panels, of 5cms in length, or a single scratch or more than 20cms in length, will be failed.
- d) Paintwork  
All panels on all vehicles shall be painted in manufactures colour panels and any areas with unmatched colours or in primer should be deemed as failures.
- e) Seats  
All seats shall have a minimum of 16 inches per person and in respect of seating comply with the Road Vehicle (Registration and Licensing) Regulations 1971. All seats, including the driver's, must be free from repaired cuts, tears or cigarette burns, except of a very minor nature. Any repairs must have been carried out in a professional and neat manner.
- f) Carpets/floor covering  
All carpets and floor covering shall be complete and free from cuts, tears or significant staining.
- g) Headlining and other trim  
All interior trim, including headlining, shall be clean, complete, properly fitted and free from serious cuts, tears or major soiling.
- h) Window operation  
All windows fitted for the purpose of passenger use to open and close, must be fully functional at all times.
- i) Boot / luggage compartment  
This should be empty, except for
  - a) spare wheel
  - b) essential equipment
  - c) fire extinguisher (if such siting is approved by the Council – see Para. 1g)
  - d) first aid kit. If supplied, it is the responsibility of the licensee to ensure that the contents complies with the current Health and Safety (First Aid) Regulations and any such first aid equipment is only to be administered by a qualified first aider.

- j) Any vehicle that is converted to run on LPG fuel shall have that conversion carried out to the satisfaction of this Authority's approved vehicle inspectors and that complies with the Guidance notes for Hackney Carriage and Private Hire Vehicles running on LPG as laid down by the L.P.G.A.
- k) Any towing mechanism fitted to a licensed vehicle and designed for use as such should comply with European Directive 94/20/EC and be fitted to the satisfaction of this Authority's approved vehicle inspectors.

### General Information

#### 3. Vehicle Plate and ID card

These are the property of the Council and will be sited on the outside rear (unless exemption has been granted. See 5 (d)) and inside front of the vehicle, respectively, when the vehicle is passed by the inspector for licensing and should remain so sited at all times unless by prior arrangement with the Council. Should either become damaged or lost, the Council must be informed immediately and replacements purchased. (See also 5d)

#### 4. Vehicle Passenger Capacity

The number of passengers the vehicle is licensed to carry (irrespective of age) is as stated on the licence Plate and must not be exceeded.

#### 5. Vehicle Inspections

- a) All vehicles must be certified fit for purpose by the Council's authorised vehicle inspector before licensing or to continue to be licensed.
- b) A vehicle must be presented for inspection no more than 21 days in advance or subsequent to a 'half-yearly' inspection and no more than 21 days in advance of a renewal inspection (unless by prior arrangement with the Council).
- c) In the case of a vehicle 4 weeks old or less from first registration, it is at the discretion of the inspector whether a full mechanical inspection is required.

#### 6. Seat Belts

Any and all seat belts fitted to the vehicle must comply with current Seat Belt Legislation and be fully functional at all times.

#### 7. The licensee must in respect of each vehicle;

- (a) Maintain it in a safe and mechanically sound condition and with bodywork in good order and so that it would:
  - i) comply with the Road Vehicle Construction and Use regulations all and other provisions of the law.

- ii) pass the standard Vehicle Test of the Department of the Environment. The relevant MOT Test Certificate must be produced for inspection when required by an authorised officer and in any case within seven days of such a requirement being made.
    - iii) pass the Council's vehicle inspection at the designated inspection centre and ensure that any items advised in writing as requiring attention are corrected to the Council's satisfaction by the date stated in such notification.
    - iv) Maintain therefore a policy of insurance as complies with part VI of the Road Traffic Act 1972 or any modification or re-enactment thereof. The relevant Certificate of Insurance must be produced for inspection when required by an authorised office and in any case within seven days of such a requirement being made.
  - (b) If required by law having regard to the age of the vehicle maintain in respect thereof a valid Test Certificate issued on behalf of the Department of the Environment.
  - (c) Keep it in a clean tidy well-ordered condition.
  - (d) Attach and maintain on the lower part of the bodywork at the rear of the vehicle in a prominent position the plate issued by the Council unless prior written approval has been given by this Authority for an alternative means of displaying a Private Hire identification card.
  - (e) Report to the Council within seventy-two hours of its occurrence any accident which occurs and involves the licensed vehicle, whether or not it is damaged.
  - (f) Maintain at the place where the vehicle is ordinarily kept a record of maintenance work carried out thereto specifying the work carried out, the date, the mileometer reading and the person by whom the work was carried out, such records to be kept for three months and permit the Council's authorised officers to inspect such records at any reasonable time.
  - (g) Present the vehicle for mechanical inspection at the Council's designated inspection centre every six months (at the time of "renewal" of the licence and six months later at the "half-year" or the licence).
  - (h) Ensure that no vehicle is used for the purposes of Special Occasion Private Hire until it has been mechanically tested by the Council's designated inspection centre and the procedure to transfer the licence to that vehicle has been fully completed in accordance with the Council's requirements.
  - (i) The vehicle shall be driven in such a manner so as not to place passengers in danger and no fare paying passengers shall be permitted to use the front passenger seat of a left hand drive car.
8. Subject to the exception detailed below, the holder shall not permit there to be affixed to the vehicle:-
- (a) any sign mark plate or advertisement which contains the word "Taxi" or the word "Cab" (however spelt and whether or not forming part of a

longer word) might lead persons to believe that the vehicle was a hackney carriage.

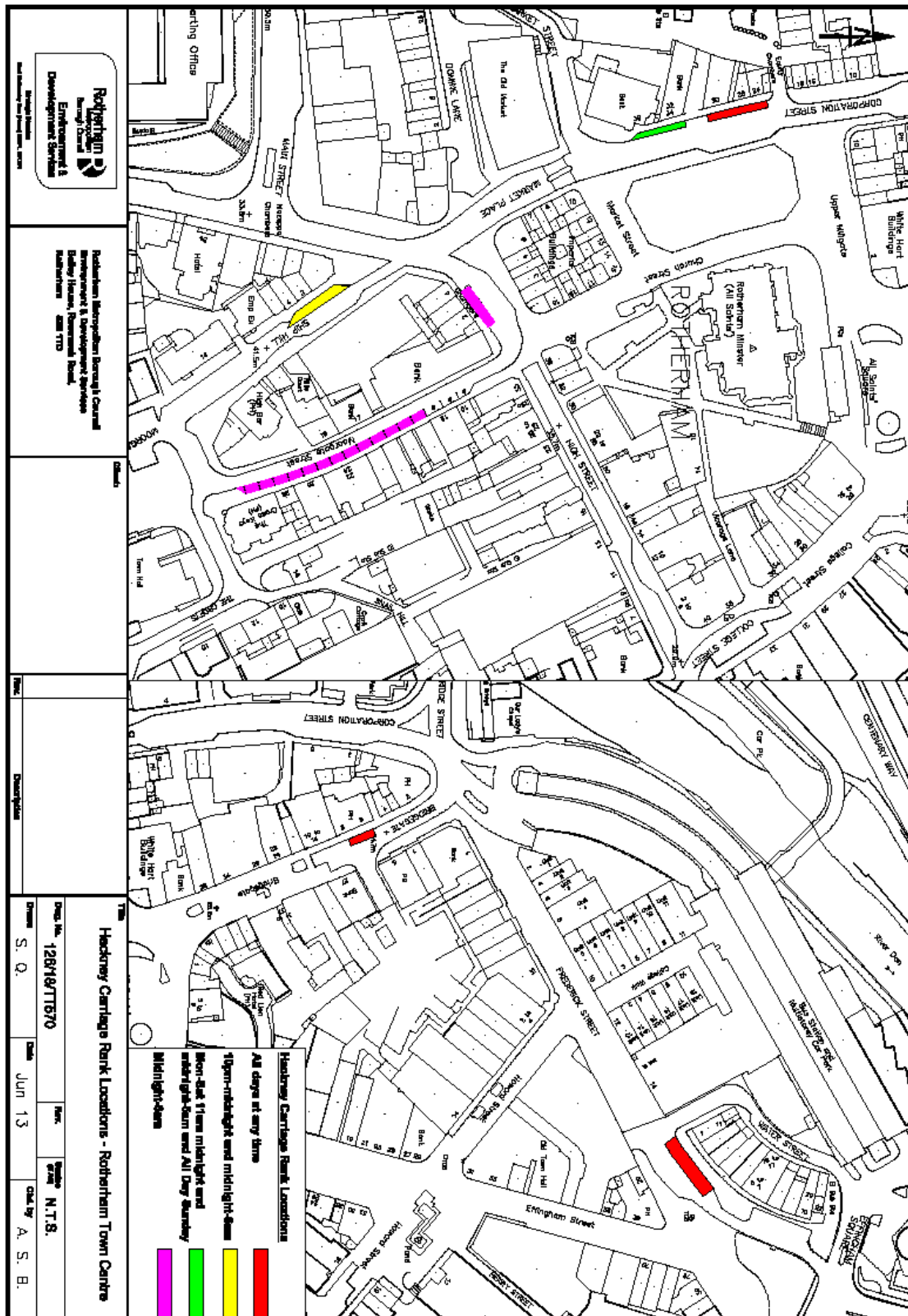
- (b) any sign or mark of any description on the roof.
- (c) any illuminated sign of any description.

#### Exception

The holder is permitted to display an advertising panel of such size, design, content, and in such location as may be approved by the Council.

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# Appendix Q – Taxi Rank Locations



## **Appendix R**

### **Private Hire Operator Licence Conditions**

#### **CONDITIONS ATTACHED TO PRIVATE HIRE OPERATORS LICENCES PURSUANT TO SECTION 55 OF THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - PART II**

##### **1. OPERATOR LICENCE**

- a) The operator licence is not transferable and the person to whom it is issued must display it in a prominent position at each business premises recorded on the licence at all times during the currency of the licence, so as to be on view to members of the public, except on such occasions as the licence is presented to the Licensing Authority for amendment or if it is required to be produced for inspection by an Authorised Officer of the Council or a Police Officer.
- b) A separate licence will be issued in respect of each approved secondary booking office, if any.
- c) Application must be made in writing in relation to any intended change of business premises and approval obtained before being so used.
- d) The Operator shall prior to any change in partnership, directorship, ownership, management or control of the business, notify the Council in writing of any such change within 7 days.
- e) Any applicant not currently licensed by the Council as an Operator or driver shall submit to the Council a Basic Criminal Records Disclosure as to unspent convictions. Such Disclosure to be no more than 1 month old at the time of submission.
- f) The Operator must notify the Council in writing within 7 days of any other material change affecting the licence during its validity.
- g) The operator shall not at any time operate more private hire vehicles than are specified on his/her licence without the prior consent of the council and by applying to increase the number of vehicles allowed to be operated on his/her licence.

##### **2. BUSINESS PREMISES**

- a) The Operator shall only conduct business from the Office at the address specified on the Licence. Any operator wishing to conduct business from any additional address(es) (e.g. secondary booking offices) must make application in writing to the Council's Licensing Office, and await approval from the Licensing Office before making use of any additional premises, in addition to any other consents required. The Council reserves the right for an Authorised Officer to inspect all such premises for suitability and compliance with the requirements of these Conditions.



- b) The Operator shall not cause or permit the business premises to be used by any other person(s) for any other purpose than that connected with the conduct or operation of the private hire business. (An application which involves the use of facilities on premises licensed for the sale or supply of alcohol will not be deemed acceptable).
- c) The Operator shall not conduct his business, nor employ or utilise any person to conduct his business in any premises, the use of which have not been approved by the Council, nor in the doorway to any premises or in any street, road or other place in the 'open air' or in any vehicle or mobile structure.
- d) Every applicant for an Operator Licence shall obtain all necessary planning consents and any other permissions necessary in relation to the intended business premises and shall produce such on demand to the Council's Licensing Office or any Authorised Officer of the Council.
- e) The Operator shall provide at the business premises an area to which the public have access for the purpose of making a booking for the services of a licensed private hire vehicle, and for the purpose of awaiting the arrival of such vehicle subsequent to any booking.
- f) The business premises shall be kept clean, adequately lit, heated and ventilated and shall conform to any other legal requirements including the legal requirement that no smoking be allowed on the premises under the requirements of the Health Act 2006; the requirements of the Regulatory Reform (Fire Safety) Order 2005 which requires that a fire safety risk assessment is in place at the premises and Health and Safety at Work Regulations.

### **3 RECORD OF BOOKINGS**

- a) The operator shall keep a true and proper record of every booking of a private hire vehicle or hackney carriage accepted by him/her. The loss of records by theft or otherwise shall be reported to the Council in writing within 24 hours, and also immediately to the police in the event of theft being suspected. Separate records must be kept at each premise from which the Operator conducts business. The records must be kept at all times at the business premises and not removed.

All such records shall be in English, permanent, legible and preserved for a period of not less than 12 months following the date of the last entry.

Records shall be kept in on of the following forms:-

- i. a bound book with consecutively numbered pages (loose leaf registers are not acceptable) or
- ii. on continuous stationery which has been generated in the form of instantaneous print out by a computerised system which does not produce a hard copy print out on continuous stationery immediately each booking has been made is not acceptable. The Operator must ensure that adequate supplies of continuous stationery and ink cartridges are maintained and that

- the printer is appropriately replenished to ensure that at all times full and legible booking details are printed, or
- iii. a computerised recording system which automatically generates a permanent entry onto a recordable CD or DVD at the same time the booking is entered onto the system. Satisfactory certification from the program supplier/installers shall be produced to the Council before using any such system for the recording of bookings required by law to be maintained. Such certification shall confirm that the system stored or recorded is tamper-proof; and once inputted cannot be altered, amended, deleted or added to in any way. Any change to the recording system shall only be by way of prior written agreement from the Council.
  - iv. The removable CD/DVD shall be changed on the first day of every month and kept in a secure place at the premises for production on demand by the Police or an Authorised Officer.
- b) In respect of whichever system is used the Operator shall, at the time the booking is taken, enter therein:-
- i. the date and time the booking was received, any subsequent cancellation, and the signature (or in the case of a computer system, the identity) of the person taking the booking;
  - ii. the name and address of the hirer;
  - iii. the time of the journey, together with the journey date if different from the booking date; the address or name of the premises from which it is to commence (ie the point of pick up of the passenger(s)) and the address or place of destination;
  - iv. the private hire/hackney carriage plate number of the vehicle to be used for the journey (personal code systems are not acceptable);
  - v. the badge number of the driver of the vehicle used;
  - vi. remarks (including details of any sub-contracting to another licensed operator).
- c) Where any bookings are sub contracted either by the operator to another licensed operator or are accepted by the operator from another operator a full record of the booking (in line with 3b above) and notes must be included; including the name of the sub contractor and contact information)
- d) No alterations to records may be made – any amendment must be made to the original record by way of an addition.
- e) Entries in the bound book, or on the digital copy generated by a computerised system, shall cover a 24 hour period and shall contain information in relation to only one private hire firm and no details in connection with the bookings of other private hire firms. The Operator shall ensure that any booking clerk involved is competent in the recording of bookings and operating the system used.
- f) The records of bookings shall be maintained and kept up to date at all times and shall be made available for inspection at all reasonable times without notice by any duly Authorised Officer of the Council or any Police Officer. Such Officers shall be

empowered to photograph and/or remove such records howsoever kept from the premises is so required.

- g) The Operator shall not fail or refuse to accept a booking by or on behalf of a disabled person accompanied by an 'assistance dog' when the reason for failure or refusal is that the disabled person will be accompanied by the 'assistance dog'.
- h) The Operator will ensure that any personal information obtained during the course of their business is stored securely, and only retained for as long as is absolutely necessary. Access to this information must be restricted to those that will use it for the purpose for which it has been collected.

Personal information must not be used for any other purpose other than that for which it was collected without the express permission of the individual to which the information relates.

For example, telephone numbers provided by customers so that they can be alerted / updated by SMS text message with regard to a booking they have made must only be used for this purpose. The information must not be retained by the Operator after the text message has been sent, and / or used for any other purpose (such as unsolicited marketing calls).

- i) The Operator shall keep records of the particulars of all private hire vehicles and drivers operated by him/her. Such records must include details of the owners, registration numbers and drivers of such vehicles, together with any radio communications equipment fitted.

The Operator shall keep these records for a period of two years from the date on which the driver first commenced driving for the Operator.

- j) The Operator shall not operate a private hire vehicle/hackney carriage without the vehicle being licensed by the Council. The Operator must personally examine vehicle licences and insurance certificates to satisfy himself / herself as to their validity.
- k) The Operator shall not accept any booking for a private hire vehicle/hackney carriage for the purpose of carrying a greater number of persons which such vehicle is licensed to carry as specified on the vehicle licence.
- l) The Operator shall not operate a private hire vehicle / hackney carriage without the driver thereof being licensed by Rotherham MBC. The Operator must personally examine the drivers' licences issued by the Council and satisfy himself / herself as to their validity.
- m) The Operator shall bring to the attention of all drivers their legal obligations regarding the use of seat belts by both adults and children under 14 years of age.
- n) The Operator shall bring to the attention of all drivers their legal obligation regarding no smoking in vehicles under the Health Act 2006 .

- o) The Operator shall ensure that all drivers are aware of their obligations under the Equalities Act 2010 which are:-

**Section 165 – Duty on a driver of a designated wheelchair accessible vehicle to:-**

- a. carry the passenger whilst in the wheelchair;
- b. not to make any additional charge for doing so;
- c. if the passenger chooses to sit in a passenger seat to carry the wheelchair;
- d. to take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort; and
- e. to give the passenger such mobility assistance as is reasonably required.

Unless a driver has an exemption under Section 166 which states that he/she is unable to assist passengers in wheelchairs on medical grounds or because the drivers physical condition makes it impossible or unreasonably difficult to comply.

**Section 168 to 171 (previously Disability Discrimination Act 1995):-**

Duty to carry Assistance Dogs unless an exemption is held on medical grounds.

- p) The Operator shall ensure that all licensed drivers who carry out work on behalf of their company act in a civil and orderly manner both towards customers and any other member of the public.
- q) The operator shall provide a prompt, efficient and reliable service to members of the public at all reasonable times and, for this purpose, shall in particular:-
- a. Ensure that when a private hire vehicle has been hired to be in attendance at an appointed time and place, the vehicle shall, unless delayed or prevented by sufficient cause, punctually attend at the appointed time and place.
  - b. Behave in orderly and civil manner and shall take all reasonable precautions to ensure the safety of all persons conveyed in licensed vehicles operating from his/her office premises.
- r) Only equipment licensed by the Department for Business Innovation and Skills (BIS)) shall be used for the purpose of conducting the business authorised by this licence. The BIS licence must be produced on request to the Police or an Authorised Officer. CB apparatus shall not be used in connection with any private hire booking at any operating address or in any private hire vehicle/hackney carriage available from such operating base.
- s) The use of scanner equipment is prohibited.
- t) Any advertising of the Operator's business, no matter in what form, shall include the Operator's name and/or trade name as approved by the Council in accordance with the name entered on the Operator's Licence issued by the Council.

- u) The Operator shall not trade under any name for private hire purposes unless such trade name has been approved by the Council and has accordingly been entered on the Private Hire Operator's Licence issued by the Council.
- v) The operator should supply a copy of advertising materials to the Council for recording on file.
- w) The operator shall ensure that all advertising materials comply with Advertising Standards Authority requirements and do not contain offensive, misleading or potentially inflammatory wording which could be seen as defamatory.
- x) The Operator shall ensure that Public Liability Insurance is in force throughout the validity of the licence for each and every operating base open to the public to a minimum cover of £2 million. Certification shall be produced on demand to the Licensing Office or any Authorised Officer.
- y) The Operator shall affix a properly printed notice in a prominent position inside the business premises, so as to be easily read by any person seeking to hire a private hire vehicle/hackney carriage, stating that any complaints regarding a hiring relating to his/her business should be addressed to:

**Rotherham MBC Licensing, Riverside House, Main Street, Rotherham, S60 1AE.**

Such notice shall also state that the Council does not control the fares for private hire vehicles and that, in the absence of any fare scale published by the Operator, the fare should be agreed before the journey commences. Any fare scale in operation must be on prominent public display and be an accurate reflection of the charge, including any specific additions i.e. Bank Holidays and after midnight loading (including any waiting times) which the customer may be expected to pay.

- z) The Operator shall notify the Council in writing within 7 days, full details of any conviction, binding over, caution, warning or reprimand imposed on him/her (or if the Operator is a Company or Partnership on any of the Directors, Secretary or Partners) during the period of the licence.
- aa) The Operator shall notify the Council in writing within 7 days of any change of home address whether permanent or temporary.
- bb) Where any property is left by a customer in the business premises, or in any vehicle used for any hiring and placed in the Operator's safekeeping by the driver thereof. The Operator shall endeavour to arrange to return such property to its rightful owner, failing which it shall be dealt with in accordance with legal requirements and handed in as found property to the Police within 24 hours.
- cc) The operator shall not, by him/herself, his agents, or any other person importune, or cause or permit to be importuned any person by calling out or by any other means whatsoever to hire any of the licensed vehicles under his control.

dd)operator shall not cause or permit the private hire vehicle licence plate or any notices that are required to be displayed on the inside or outside of a private hire vehicle to be:-

- Concealed from public view
- Defaced
- Disfigured

The operator shall also ensure that the licence plate and notices are always legible and displayed in accordance with the conditions of the private hire vehicle licence.

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## NOTES

### **In these Conditions** Operator's Licence

"Operator" means the person who is the current holder of an

"Business premises" means the operating premises from which the Operator conducts the business

- i These conditions should be read in conjunction with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976.
- ii Any person who commits an offence against any of the provisions of the Act shall pursuant to Section 76 be liable on summary conviction to a fine not exceeding Level 3 on the standard scale.
- iii The use of a licensed private hire vehicle to fulfil any private hire booking requires the driver to hold a currently valid private hire driver's licence even if no fare is charged for the journey or irrespective of when, how and to whom any fare is payable. Operators are reminded that the use of free fare cars/courtesy cars which are not licensed as private hire vehicles is not permitted for private hire journeys. Every contract for the hire of a licensed private hire vehicle is deemed to be made with the Operator who accepted the booking for the hire vehicle whether or not the Operator provided the vehicle.
- iv Any failure on the part of the operator to make appropriate enquiries as to the licensing status of drivers and/or vehicles for any purpose could be construed as reasonable cause to suspend or revoke the licence. The onus remains with the Operator to clarify any legal requirements which he or she may be required by law to observe.
- v **ANY INFRINGEMENT OF THE LICENSING CONDITIONS COULD LEAD TO SUSPENSION OR REVOCATION OF THE LICENCE.**
- vi **ANY REQUEST FOR ADVICE FROM THE COUNCIL IN RELATION TO LICENSING LEGISLATION SHOULD BE IN WRITING TO WHICH A WRITTEN RESPONSE WILL BE GIVEN SO AS TO AVOID ANY FUTURE DISPUTE AS TO THE ADVICE GIVEN. THIS DOES NOT PRECLUDE YOU FROM OBTAINING YOUR OWN INDEPENDENT LEGAL ADVICE.**
- vii **ANY PERSON AGGREIVED BY ANY CONDITION SPECIFIED IN THE LICENCE MAY APPEAL TO A MAGISTRATES COURT WITHIN 21 DAYS OF ISSUE.**

**Appendix S****RMBC GENERAL ENFORCEMENT POLICY**

This document is the General Enforcement Policy for Rotherham Metropolitan Borough Council. It is based on the principles of transparency, consistency and proportionality and sets out the key principles under which officers will seek to achieve compliance with the legislation we enforce. The policy conforms to the Regulators' Code (BRDO April 2014), and should be read in conjunction with any applicable service specific policies and procedures.

**Introduction**

Our purpose is the delivery of efficient, targeted and proportionate regulatory services focused by risk assessment to provide a positive approach to those regulated and compliance. The Council's Corporate Priorities are supported by providing protection from harm for individuals and the environment, enabling businesses to flourish without the unnecessary burden of inspection and regulation, and improving the health and wellbeing of those within the Borough.

**Overarching Principles****1. Supporting those that are regulated**

The Council will avoid imposing unnecessary regulatory burden, and policies, procedures and practices will consider supporting or enabling economic growth by considering economic impacts and costs of compliance with a view to improving confidence in compliance of those regulated and encouraging compliance.

The Council will ensure that regulatory Officers have the necessary knowledge and skills to:

- Support those who are regulated
- Understand those that are regulated
- Understand the principles of good regulation and how activities are delivered in accordance with the code.

**2. Engagement with those regulated**

Where there is non-compliance the Council will clearly explain the non-compliance and provide opportunity for discussion, to ensure consistency and proportionality, unless there is a need for immediate enforcement action.

The Council will ensure that mechanisms are in place to allow those regulated, and the public, to express views, provide feedback and contribute to regulatory policies and service standards.



The Council will consider the impact on business, and engage with businesses, before changing policies and service standards.

Methods of appeal against regulatory decisions or failure to abide by the Regulators' Code, will be clear, impartial, timely, written, and publicised with those regulated against. Officers who took the decision or action against which an appeal is made will not be involved in considering the appeal.

The Council will provide a clearly explained complaints procedure allowing those that are regulated to easily make complaint about the conduct of the regulator. All complaints about the services offered by the council will be dealt with in accordance with the Council's formal complaints procedure. An information leaflet, which explains the process, is available at all Council offices

### **3. Risk based enforcement**

The Council will allocate resources to where they will be most effective by assessing the priority risks:

Risk will be considered at every stage when making a decision, including the most appropriate intervention, the way of working, checks on compliance, and taking enforcement action.

Assessment of risk will recognise previous compliance history and all available relevant data including relevant external verification.

Where the Council develops a risk assessment framework, those affected by it will be consulted on the design.

The effectiveness of regulatory activities and outcomes will be reviewed regularly and adjusted accordingly.

### **4. Advice and Guidance**

We recognise that prevention is better than cure and will actively work with business and residents to provide advice on and assistance with compliance with the law. In doing this we will ensure that:

- Legal requirements are made available and communicated promptly upon request.
- The information we provide will be in clear, concise and accessible language and will be confirmed in writing where necessary.
- We will clearly distinguish between legal requirements and good practice/guidance aimed at improvements above minimum standards
- Provide advice to support compliance that can be relied upon

- Work collaboratively with other regulators where those regulated by more than one regulator are affected, and where there is disagreement over advice given, regulators will reach agreement.

## 5. Transparency

A clear set of service standards will be published with clear information on:

- How the Council communicates with those who are regulated.
- The Council's approach to providing information, guidance and advice.
- The Council's approach to checks on compliance, including risk based assessment used for targeting and protocols for conduct.
- The enforcement policy explaining how the Council responds to non-compliance
- Fees and charges
- How to complain about the service provided

The Council will publish information on the website that is easily accessible to meet the provisions of the Regulators Code, and will ensure that it is kept up to date.

The Council has mechanisms in place to ensure that Officers act in accordance with Service Standards.

The Council will regularly publish performance against Service Standards, feedback from those regulated, customer satisfaction surveys, data relating to complaints, and appeals against decisions.

## General Principles

### 6. Inspections and Other Visits

All inspections and other visits to those regulated will be undertaken according to the level of risk presented, with resources being directed towards those that demonstrate the highest risk. Additional intelligence sources will also be used (for example complaints received) that may trigger a visit / inspection.

Where we carry out inspections we will give feedback to the those regulated on what the officer has found; this will include positive feedback to encourage and reinforce good practice.

Where practicable we will co-ordinate inspections with other regulators to minimise the burden on businesses.

Random inspection will be undertaken where government guidelines require us to do so. A small amount of random inspection may also be undertaken to test our risk assessments or the effectiveness of any action we have taken.

## 7. Information Requirements

We will only ask those regulated for information that is necessary after considering the cost to the business, and the benefit of obtaining the information. Where possible we will share this information with our partners (taking account of data protection controls) to prevent the need for providing the information more than once.

## 8. Compliance and Enforcement Actions

We recognise that most businesses and individuals strive to comply with the law, however firm action will be taken against those who flout the law or act irresponsibly.

We will carry out all of our enforcement duties, including taking formal enforcement action, in a fair, equitable and consistent manner. Whilst officers exercise judgement in individual cases, we will have arrangements in place to promote consistency including liaison with other agencies and authorities.

Formal enforcement action will generally only be considered and taken in the first instance in cases where individuals have sought to obtain an unfair commercial advantage, intentional exploitation, unacceptable risk to public, environment or animal health, safety or welfare, or other such situations that are considered to be so serious as to warrant formal action.

Formal enforcement action will also be considered and may be taken where advice has been ignored.

Where formal enforcement action is necessary, we will consider the most appropriate course of action (from the range of sanctions and penalties available) with the intention of:-

- Aiming to secure public safety
- Aiming to change the behaviour of the offender
- Aiming to eliminate any financial gain or benefit from non-compliance
- Being responsive and considering what is appropriate for the particular offender and issue involved, including punishment and the public stigma that may be associated with a criminal conviction.
- Being proportionate to the nature of the offence and harm caused
- Aiming to restore the harm caused by non-compliance
- Aiming to deter future non-compliance.

Before formal enforcement action is taken:

- Where appropriate there will be an opportunity to discuss the circumstances of the case, unless immediate action is required e.g. to prevent the destruction of evidence or there is an imminent risk to the

environment or health and safety. This discussion will usually follow an interview under caution if a prosecution is being considered.

- Where immediate formal enforcement action is taken, which will usually be the service of a written notice, reasons for such action will be given at the time (if possible) and confirmed in writing within 10 working days.
- Where there are rights of appeal against formal enforcement action, notification of the appeal mechanism will be clearly set out in writing at the time the action is taken.
- Clear reasons will be given for any formal enforcement action taken, and confirmed in writing.

Where the responsible person has failed to respond once a breach of legislation has been brought to their attention or the breach is so severe as to present an imminent risk formal action will be initiated. Where legislation allows, and the Council has adopted powers, the responsible person will be charged a fee which reflects the officer time and ancillary costs involved with the preparation of a formal notice.

We will advise the responsible person of the potential of being charged for formal enforcement notices before any charge is incurred, unless the situation is an emergency. In emergency situations officers will make reasonable efforts to contact the responsible person. If the responsible person cannot be contacted or cannot respond quickly enough, formal action will be initiated and a charge made.

For the purposes of this policy 'formal enforcement action' includes the serving of statutory notices, the seizure of goods, carrying out works in default, the seeking of an injunction, direct intervention to remove sources of danger, and the instigation of legal proceedings. Where appropriate we will also take into consideration additional guidance and codes of practice, including service specific policies and procedures.

- The decision to instigate legal proceedings will be determined a number of factors, including:
  - The seriousness of the alleged offence
  - The history of the party concerned
  - The willingness of the business or the individual to prevent a recurrence of the problem and to co-operate with officers
  - Whether it is in the public interest to prosecute
  - The realistic prospect of conviction
  - Whether any other action (including other means of formal enforcement action) would be more appropriate or effective
- The views of any complainant and other persons with an interest in prosecution.

These factors are NOT listed in order of significance. The rating of the various factors will vary with each situation under consideration.

## 9. Accountability

We will be accountable for the efficiency and effectiveness of our activities, while remaining independent in the decisions we take.

We shall provide businesses and individuals with effective consultation and opportunities for feedback on our service.

Officers will be courteous, fair and efficient at all times, and will identify themselves by name.

## **10. Equalities**

We will give consideration to fairness, individual's human rights and to natural justice, in all aspects of our enforcement work.

We believe in openness and equality in the way we provide services to members of Rotherham's community and that every individual is entitled to dignity and respect.

When making enforcement decisions we aim to ensure that there will be no discrimination against any individual regardless of culture, ethnic or national origins, gender, disability, age, sexual orientation, political or religious beliefs, socio-economic status, or previous criminal conviction or caution which is not relevant to the current issue.

We understand that some members of the community may have specific requirements, which will need extra advice and assistance. Careful explanation will be given and if necessary the services of an interpreter may be used. Appropriate translated material will be arranged or practical help provided for people with impaired hearing, vision or other impairment.

## **11. Application of our enforcement policy**

All officers will have regard to this document when making enforcement decisions. Any departure from this policy must be exceptional, capable of justification and be fully considered by the head of service before a final decision is taken. This proviso shall not apply where a risk of injury or to health is likely to occur due to a delay in any decision being made. In cases of emergency or where any exceptional conditions prevail, the Chief Executive may suspend any part of this policy where necessary to achieve effective running of the service and/or where there is a risk of injury or to health of employees or any members of the public.

## **12. Review**

This document will be subject to an annual review with additional reviews as and when required. Improvements will be made if there are any changes in legislation or in local needs.

***If you have any comments please contact the Director of Housing and Neighbourhood Services by writing to The Director of Housing and Neighbourhood Services, Riverside House, Floor 2 Wing A, Main Street, Rotherham, S60 1AE or email to [env.health@rotherham.gov.uk](mailto:env.health@rotherham.gov.uk)***

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**Appendix T****Hackney and Private Hire Licence Holders - Points Based Enforcement.**

Points based enforcement is a method by which licenced drivers, operators or owners can be issued with points against their Council Licence by authorised officers of the Council. Points would be used for less serious breaches of licence condition or legislation. The issuing of points formalises the previous practice of issuing warnings. The aim is to encourage licence holders to comply with all licence conditions and improve the professionalism and reputation of the licensed vehicle trade. The points system would operate in addition to all existing enforcement options and would have regard to the principles of the councils 'General Enforcement Policy'.

- 1.0 The points system aims to provide a fast and efficient way of dealing with lesser breaches of legislation or local condition. Offenders who habitually disregard the less serious aspects of the licence regime will accumulate points. 3 Points will be issued per incident and will accumulate on a licence until they reach the trigger level of 12 points. At which time the licence holder will be referred to Licensing Board for consideration regarding the licence holder's fitness to hold a licence.
- 2.0 The points will be administered by authorised enforcement officers and recorded on the Council's licensing database. The system will be used for offences which would not normally trigger a referral to Licensing Board or Court and which are resolved by the licence holder after it is brought to their attention. Points will also be available for Licensing Board, should they wish to attach points to a licence, in addition to any warning issued. The scheme will help provide an open and transparent method of how a licence holder will be assessed in terms of the 'fit and proper person' test contained within the above law.
- 3.0 Points will remain on a licence for two years from the date of issue, unless they are considered by Licensing Board before that time, when the Board may exchange the points for a formal sanction or extend the period the points remain on the licence.
- 4.0 Where a licence holder accumulates the trigger level of 12 penalty points more than once in any three year period, the Licensing Board will consider whether a licence should be revoked if they believe the accumulation of points indicates that the driver is not a 'fit and proper person'. Each case will be considered on its own merits.
- 5.0 Any licence holder who contests the issuing of penalty points may request a hearing before the Licensing Board for decision. A driver will retain the right to be represented at any meeting of the Licensing Board Sub Committee either legally or otherwise, and to state any relevant mitigating circumstances.
- 6.0 Points can be issued at the roadside or on site by authorised enforcement officers. Points issued to a Licence holder will be confirmed in writing within

ten working days from the contravention or at the conclusion of an investigation into a complaint.

- 7.0 The Council may cancel points issued to a licence and replace them with a formal sanction, if additional information becomes available subsequent to the issuing of points which would persuade the Council that the severity of the issue warrants a more formal approach.
- 8.0 The penalty points system will operate without prejudice to the Council's ability to take other action under appropriate legislation.

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**Rotherham MBC**

**Hackney Carriage & Private Hire Licensing Policy**

**To be introduced 1<sup>st</sup> April 2015 (Proposed)**

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**Rotherham MBC  
Hackney Carriage & Private Hire Licensing Policy**

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- Appendix N Private Hire vehicle and Hackney Carriage vehicles examination and testing requirements
- Appendix O Additional Conditions for Private Hire Limousines & Speciality Vehicles
- Appendix P Advertisements
- Appendix Q Hackney Taxi Rank Locations
- Appendix R Private Hire Operators Conditions
- Appendix S General Enforcement Policy
- Appendix T Enforcement Penalty Points

## 1. Introduction

Rotherham Council recognises the important role that Hackney Carriages and private hire vehicles play in enabling people to travel around the borough whilst, playing a visible role in portraying the image of Rotherham to all. The drivers themselves are recognised as having a key role in being Ambassadors for the Borough.

Customers rightly expect that in using taxis and Hackney Carriages they will be transported safely. In addition, it is in everyone's interest to ensure that customer experiences are positive. This will help to ensure that the industry and the local economy thrive.

Rotherham Council is responsible for the regulation of the Hackney Carriage and private hire trades within the boundaries of the borough of Rotherham.

This policy and related procedures will guide the work of the licensing authority (Council) in the way in which it carries out its functions.

The policy has been developed by Rotherham Metropolitan Borough Council after consulting with both the public at large and the trade in particular. In developing this policy we have also taken into consideration:

- The Council's licensing objectives
- Current Legislation
- Other Rotherham MBC policies
- The Office of Fair Trading "The Regulation of Licensed Taxi and PHV Services in the UK" 2003
- Taxi and PHV Licensing Criminal Convictions; Policy, LACORS, Sept 2010
- Guidance on the Rehabilitation of Offenders Act 1974 – March 2014
- Disclosure & Barring Service Information Note on Rehabilitation of Offenders Act 1974 and Police Act 1997 Orders - 2013
- Regulators' Code 2014
- The Department for Transport "Taxi and Private Hire Vehicle Licensing: Best Practice Guidance" March 2010 (under review)

This policy sets out the requirements and standards that must be met. In exercising its discretion in carrying out its regulatory functions, the council will have regard to this policy document. However each application or enforcement action will be considered on its own merits.

The Council will formally review the policy statement at least every three years and informally re-evaluate it from time to time. Where revisions are made, the Council will publish a statement of such revisions, along with a revised policy.

## 2. Definitions

The Local Government (Miscellaneous Provisions) Act 1976, as amended, (“the 1976 Act”) places on Rotherham Metropolitan Borough Council (the “Council”) as the Licensing Authority (the “Authority”) the duty to carry out its licensing functions in respect of Hackney Carriages and private hire vehicles.

This document sets out the policy that the Council will apply when making decisions about new applications and licences currently in force.

This policy applies to:

- Hackney Carriages; being a public transport vehicle with no more than 8 passenger seats, which is licensed to ply for hire. This means that it may stand at ranks or be hailed in the street by members of the public
- Private hire vehicles: licensed as a taxi to carry no more than 8 passenger seats but must be booked in advance by customers through an operator and may not ply for hire in the street.
- Private hire operators

As at the 1<sup>st</sup> September 2014 Rotherham Council licences 52 Hackney Carriages and 840 private hire vehicles as well as 86 private hire operators. It has approximately 1150 persons licensed to drive either Hackney Carriages and/or private hire vehicles.

In undertaking its licensing function, the Council will have particular regard for:

- Town Police Clauses Act 1847 and 1889
- Local Government (Miscellaneous Provisions) Act 1976
- Transport Act 1985 and 2000
- Crime and Disorder Act 1998
- Environmental Protection Act 1990
- Disability Discrimination Act 1995
- Equality Act 2010
- Road Traffic Acts
- Health Act 2006
- Human Rights Act 1998

The Council will also have regard to other strategies, policies and guidance in its decision making. The Council will also have regard to wider considerations affecting visitors, employers and residents. These include: the availability of Hackney Carriage and private hire transport at all times; public nuisance; pollution; crime; and the capacity of the trade to cope with customer demand, particularly at night. The Council will also follow the principles laid out in the statutory Regulator’s Code and any recommendations from the Better Regulation Delivery Office.

### 3.Licensing Objectives

The Council will adopt and carry out its Hackney Carriage and private hire licensing functions with a view to promoting the following licensing objectives.

- **The prevention of crime and disorder, safeguarding of children & the vulnerable and the protection of the public.**
- **The safety and health of the public and drivers.**
- **Vehicle safety, comfort and access.**
- **Encouraging environmental sustainability.**
- **Promoting the vision of Rotherham**

In promoting these licensing objectives, the council will expect to see licence holders and applicants continuously demonstrate they can meet or exceed specifications set by the council in the five licensing objectives.

#### **A. The prevention of crime and disorder, safeguarding of children & the vulnerable and the protection of the public**

- Operating rules, conditions and disciplinary processes.
- Vetting, qualification, training and monitoring licensees.
- Measures to prevent noise, odour and light nuisance from Hackney Carriage and private hire activities.
- Commitment to work with the police and licensing authorities.

#### **B. The safety and health of the public and drivers**

- the establishment of professional and respected Hackney Carriage and private hire trades
- Consideration of history of convictions and cautions.
- Driver training, qualification and performance.
- Knowledge of the Rotherham Borough area.
- Health and fitness to fulfil the role of a licensed driver.
- Crime prevention measures.
- Vehicle specifications.
- Safety at ranks including protection of drivers.
- Regular driver health checks.
- Public education campaign.

#### **C. Vehicle safety, comfort and access**

- Standards of vehicle comfort and appearance.
- Space standards for vehicles.
- Location of ranks.
- Use of ranks.
- Provision of disabled facilities.
- Number of vehicles available.
- Provision for the aged and the young.

- Provision of safe and comfortable premises for customers to use.

#### **D. Encouraging environmental sustainability**

Working with stakeholders in the trade in finding methods of reducing vehicle emissions and not permitting licences for vehicles that are unable to comply with Euro Technology requirements

#### **E. Promoting the vision of Rotherham**

“Everyone in Rotherham will be have the opportunity to fulfil their potential”

In doing this the priorities of the Council will be enhanced:

- Stimulating the local economy and helping local people into work
- Protecting our most vulnerable people and families, enabling them to maximise their independence
- Ensuring all areas of Rotherham are safe, clean and well maintained
- Helping people to improve their health and wellbeing and reducing inequalities within the borough

These objectives will be taken into account by the Council when making decisions. It is recognised that the licensing function is only one means of securing the delivery of the above objectives. The Council will therefore continue to work in partnership with the industry, its neighbouring authorities, the Police, local businesses and local people towards the promotion of the objectives.



## 4. Delegations

Under the Council's Constitution the Licensing Board is authorised, amongst other licensing matters, to discharge non-executive regulatory board functions with respect to Hackney Carriage and Private Hire. This function is further delegated to the Licensing Board Sub Committee comprising of 5 elected members drawn from the Licensing Board who determine applications, contraventions, suspensions and revocations. References regarding the Licensing Board (the Board) shall, in this policy, also be inclusive of the Licensing Board Sub Committee.

The Director of Housing & Neighbourhood Services (the "Director") has been delegated by the Council to grant, suspend and refuse licences. In practice this power is restricted to the immediate suspension of licences in order to protect the safety of the public, and the granting of licenses where there are no criminal or other concerns that give rise to doubts over the applicant's suitability to hold a licence.

In addition, the Director is delegated to appoint and authorise inspectors and officers to investigate and discharge statutory duties. These officers include the Council's Business Regulation Manager, Licensing Manager, Safer Neighbourhood Manager Community Protection Manager and Licensing Enforcement Officers. Such authorised powers include the issuing of warnings, STOP notices and the issuing of Enforcement Penalty Points.

## 5.Driver Requirements

All drivers must satisfy the Council that they are fit and proper people to be licensed drivers.

The Council aims to ensure that private hire and Hackney Carriage services delivered within the Borough are of a good standard. The application and review procedure is designed to ensure these standards are maintained and continually monitored for improvement.

The sections below, therefore, apply equally to private hire and Hackney Carriage drivers unless indicated and the application procedure is set out in Appendix A.

### 5.1 Fit & Proper Person Test

The Council must ensure that applicants / licence holders are and remain fit and proper to hold a licence. This requirement is contained within Sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 (Part II).

The term “Fit & Proper Person” for the purposes of licensing is not legally defined and in assessing whether someone may be Fit & Proper the Council will take the following, and not exclusively, information in to account:

- Criminality
- Human Rights
- Period of holding a driver’s licence
- Number of endorsed driving licence penalty points
- Right to work
- Medical fitness
- Enhanced driver competence equivalent Driver and Vehicle Standards Agency (DVSA) taxi assessment criteria

In addition the Council will also consider further information sources such as the Police (including abduction notices), Children and Adult Safeguarding Boards and other statutory agencies. In the consideration of Fit & Proper Person test for existing licence holders the previous history/outcomes in relation to previous Licensing Board consideration will also be taken into account.

### 5.2 Applications

This Council issue licences that enable the driving of both Hackney Carriages and Private Hire Vehicles. Licences shall be issued for a maximum period of 3 years but the Council can grant licences for a lesser period if deemed appropriate.

Applicants shall have a minimum of 5 years of holding either a full driving licence issued in the UK, the European Community (EC) or one of the other countries in the European Economic Area (EEA). In addition to the above, licensed drivers who hold an EC/EEA driving licence shall obtain a GB counterpart document. If this document is required it shall be produced before the next renewal.

The Council will use the services of an appropriate third party organisation to access the DVLA records of applicants.

Applicants shall provide proof that they have a statutory right to work in the UK and any applicant that has a limited right to work shall not be issued a driver licence for a period longer than that limited period.

The information submitted as part of the application process will be shared, when applicable, with other Council Departments and external statutory bodies e.g. Police and HM Customs & Excise.

### **5.3 Disclosure and Barring Service (DBS)**

A criminal record check on a driver is seen as an important safety measure. Enhanced Disclosure through the Disclosure and Barring Service is required as these disclosures include details of live and spent convictions, police cautions and other relevant information that indicates that a person poses a risk to public safety. The DBS application procedures are detailed in Appendix B of this policy.

Both Hackney Carriage and Private Hire drivers are included as “exceptions” within the Rehabilitation of Offenders Act (Exceptions) Order 1975 (the “Exceptions Order”) 2013. Accordingly all drivers will be asked to disclose any caution or conviction even if it is spent. Advice will be provided as the disclosure of certain old and minor cautions and spent convictions will be excluded by the meaning of being “protected” in the amended act. This advisory clause is intended as general guidance only and anyone in doubt should seek their own legal advice.

All applicants for the grant or renewal of a licence requiring a DBS check shall be responsible for the costs of obtaining the DBS certificate.

The Council will only accept DBS certificates which are applied for through Rotherham MBC's Licensing Unit.

All new applicants must declare any convictions, cautions or fixed penalty notices they have received. All licence holders shall notify the Council of any convictions or cautions received during their licence period. Failure to inform the Council of any convictions, cautions and fixed penalty notices during the licensing period may result suspension or revocation of the licence.

A licence will not be granted or renewed in the absence of a current Enhanced DBS Disclosure Certificate.

### **Applicants with periods of residency outside the UK**

If an applicant has spent six continuous months or more overseas the licensing authority will require to see evidence of a criminal record check from the country / countries visited covering the period that the applicant was overseas.

Because of the potential lifetime relevance for some of the most serious offences mentioned in this policy, the Council will need to ensure that sufficient background checks are conducted for those applicants that have lived overseas. For EU nationals suitable checks should be available, for those countries for which checks are not available, one option is to require a certificate of good conduct authenticated by the relevant embassy.

#### **5.4 Relevance of Convictions and Cautions**

In relation to the consideration of convictions and police cautions recorded against persons, the Council has adopted the policy set out in Appendix C.

In assessing whether the applicant is a fit and proper person to hold a licence, the Council shall consider each case on its merit. It will take account of cautions and convictions, whether spent or unspent, but only in so far as they are relevant to an application for a licence.

Those applications or renewals with information indicating a past criminal record or, any other concern, will be referred to the Licensing Board who will make the assessment of whether or not the applicant is a fit and proper person to hold a licence in line with the policy at Appendix C.

#### **5.5 Knowledge & Communication Testing**

In order to assist the Council in determining the fitness of an applicant to hold a Hackney Carriage or private hire driver's licence, applicants are required to undertake a knowledge and communication test which will assess knowledge and awareness in relation to:

- Literacy and numeracy
- Child / adult safeguarding awareness
- Disability awareness
- Road Safety
- Basic vehicle maintenance
- Customer care / customer awareness
- Local knowledge

Applicants who do not have sufficient knowledge to the literacy / numeracy element of the assessment will be provided with details of courses that they can attend to improve these skills. When the applicant has successfully completed a relevant course, they may then re-apply for a licence.

If applicants fail three successive local Knowledge & Communication tests they will be required to wait at least six months (from the date of the most recent failure) before being permitted to take further tests.

Applicants that fail a test must pay a resit fee prior to the test date and any applicant cancelling the test with less than 24 hours' notice will not be refunded the fee.

## 5.6 Medical Assessment

The Council recognises that licensed drivers should have more stringent medical standards than those applicable to normal car drivers because they carry members of the public who have expectations of a safe journey; they are on the road for longer hours than most car drivers; and they may have to assist disabled passengers and handle luggage and therefore requires Group 2 Standards of Medical Fitness as applied by the DVLA to the licensing of lorry and bus drivers, as the appropriate standard for licensed Hackney Carriage and private hire drivers.

Applicants shall provide a completed medical examination form supplied by the Council and completed by their own General Practitioner on first application and every 3 years thereafter until aged 70 years when annual examinations are required. Licence holders with medical conditions may also be required to submit annual forms and adhere to additional requirements in order for them to retain their driver's licence.

Holders of Public Service Vehicle (PSV) and / or Heavy Goods Vehicle (HGV) Licences, where the holder is able to produce proof of current medical examination less than 3 months old, shall not be required to undergo a medical examination on first application.

Licence holders shall advise the Licensing Unit of any deterioration or other change in their health that may affect their driving capabilities.

Where there is any doubt as to the medical fitness of the applicant, the Council may require the applicant to undergo and pay for a further medical examination by a Medical Doctor appointed by the Council.

Where there remains any doubt about the fitness of any applicant, the Licensing Board will review the medical evidence and make any final decision in light of the medical evidence available.

No licence shall be issued until medical clearance (if required) has been established.

A licence application will not be accepted / processed unless all elements of the application process have been completed.

Licensed drivers are under a legal duty to carry guide, hearing and other prescribed assistance dogs in their vehicles without additional charge. Drivers who have a medical condition which is aggravated by exposure to dogs may apply to the council for exemption from the duty on medical grounds. If an application is successful they will be issued with an exemption certificate, and also be issued with a notice of exemption. The notice of exemption must be exhibited in the vehicle by fixing it, facing outwards, either on the windscreen or in a prominent position on the dashboard.

## **5.7 Duration of licence**

The Council will normally issue licences for either a one or three-year period. However the Council does have the discretion to issue licences of a shorter duration, if it considers this to be necessary given the circumstances.

## **5.8 Qualifications**

The Council believes all passenger transport drivers whose role demands high standards in driving and customer service would benefit from a nationally recognised qualification that includes customer care, meeting the needs of people with disabilities, road safety, the handling of emergencies and how to defuse difficult situations and manage conflict.

As such, applicants shall be required to attain the BTEC Level 2 Certificate Introduction to the Role of the Professional Taxi and Private Hire Driver (QCF). However, a National Vocational Qualification (NVQ) in Road Passenger Vehicle Driving will also be acceptable. The qualification must be obtained prior to the applicant submitting their application for a licence.

Holders of existing licences that expire on or after 1<sup>st</sup> April 2015 will be required to hold either the BTEC Level 2 certificate or the NVQ in Road Passenger Vehicle Driving Level 2 referred to above before the licence will be renewed.

## **5.9 Conditions**

The Council may attach such conditions to a private hire / hackney carriage driver's licence as are considered necessary. These are set out in Appendix D.

The Council has also issued byelaws that are specifically applicable to Hackney Carriage drivers / proprietors. The existing Hackney Carriage byelaws are set out in Appendix E. These byelaws will be reviewed from time to time.

## **5.10 Dress Code**

It is recognised that the taxi trade, both Hackney Carriage and private hire, play an important role in portraying a positive image of Rotherham and are seen as key Ambassadors for the Borough.

Anything that serves to enhance the professional image of the Hackney Carriage and private hire trade, and promotes the concept that drivers of licensed vehicles are professional vocational drivers is to be welcomed.

To ensure that not only are the above objectives are met but, also that driving is carried out safely, a Dress Code for licensed drivers has been set. This is provided at in Appendix F. It is a condition of licence that drivers adhere to this policy.

Employees working for companies operating their own dress codes will still be required to comply with the Council's standard.

### **5.11 Code of Conduct when working with vulnerable passengers**

It is essential that young and other vulnerable people are safeguarded and protected whilst being transported in a licensed vehicle. Accordingly a specific Code of Conduct must be complied with when working with vulnerable passengers. This is provided at Appendix G. It is a condition of licence that drivers adhere to this policy.

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## 6. Private hire and Hackney Carriage vehicles

### 6.1 Application process

The Council will consider all applications for vehicle licences on their own merits. The procedure for dealing with applications for private hire and Hackney Carriage vehicles is set out in Appendix H.

The applicant must submit the following to the council in order for the application to be considered valid:

- The vehicle application form;
- The appropriate fee;
- The original of the Vehicle Registration Document (Log Book/V5) certificate of registration for the vehicle;
- The original insurance certificate or insurance cover note for the vehicle for every inspection booked.
- Confirmation from the council's appointed vehicle testing station that the vehicle meets both the council's vehicle specification and the vehicle examination requirements..

In addition:

- Any vehicle not manufactured with European Whole Vehicle Type Approval will be required to undergo Single Vehicle Approval (SVA) testing and evidence of that testing and the vehicle having obtained SVA produced to the licensing office.

The application must be made on the correct application form and all supporting documents completed in full.

### 6.2 Grant and renewal of licences

The vehicle must be submitted for a compliance test at the appointed test station. A Certificate of Compliance will be issued and must be produced as evidence that the vehicle meets the required standard. At this stage a vehicle licence will be issued, subject to the completion of all other elements of the application process.

Vehicle licences will be issued for a one year period, commencing on the date that the licence is issued. Vehicles older than 5 years old on the day that licence is granted will be issued with a 12 month licence, however the licence plate will show an expiry date six months after the date that the licence is issued. A further plate will be issued covering the remainder of the licence period once the vehicle has been subjected to a vehicle inspection at the council's appointed testing facility (commonly referred to as an intermediate test). A licensed vehicle cannot be subjected to an intermediate test until 22 weeks after the issuing of the licence.



### 6.3 Vehicle age and exhaust emissions

Environmental protection legislation requires local authorities to review and assess air quality on a regular basis. Where air quality falls below the national standards, the Council is required to declare an Air Quality Management Area (AQMA) and develop a plan which identifies how air quality standards will be improved.

In Rotherham, vehicle exhaust emissions are a principal source of air pollution and this has resulted in the creation of several AQMAs along major roads including those within the town centre. In these areas of Rotherham, the levels of annual mean nitrogen dioxide do not comply with EU and national law. There is potential for the UK Government to be fined for breach of the EU limit values post 2015, and infraction proceedings have already been instigated by the European Commission. There are approximately 30,000 residents in Rotherham's designated AQMAs.

Public Health England estimates that a total of 1,406 life years are lost in Rotherham across the whole population as a result of air pollution, including that from vehicles. 5.7% of deaths are attributable to long term exposure to particulate air pollution.

Public transport is a significant element of air pollution in Rotherham due to vehicle emissions. Considerable work has been underway for some years between South Yorkshire Passenger Transport Executive and the South Yorkshire Local Authorities, to improve emissions from the fleet, which has had a number of successes including, in Rotherham, being able to revoke an Air Quality Management Area on the busy bus route along Fitzwilliam Road. As with other forms of public transport, emissions from the taxi / private hire fleet are among the sources which can be regulated and as such are a priority to be addressed with the aim of reducing levels of air pollution and helping to improve public health.

Rotherham MBC's Air Quality Action Plan 2015 includes the measure of improving the hackney carriage and taxi fleet by setting minimum emission standards for vehicles licensed in the borough. The Council aims to ensure that taxi and private hire vehicles are of a good standard. It recognises that the high mileage and general wear and tear sustained by vehicles will have an impact on their continued serviceability over a period of time.

In the interests of passenger safety and comfort and in support of these policies, the council will introduce both vehicle emission standards and age requirements for licensed Hackney Carriage and private hire vehicles as part of the licensing process. It is viewed that this is justifiable to ensure the sustained improvement of Rotherham's taxi fleet and the impact on the health and environment in the Borough.

The council's policy in relation to the age of vehicles and the standard of emissions is set out in Appendix I.

## 6.4 Insurance

It is required that all insurance documents must be shown before a licence is granted. This requires:

- A valid certificate of insurance or cover note confirming that insurance is in place for each driver of the vehicle and specifying use as either a Hackney Carriage or Private Hire Vehicle.
- A Hackney Carriage vehicle requires insurance to cover public hire and hire and reward.
- A private hire vehicle requires insurance to cover hire and reward.
- A cover note will be accepted and the licence will be issued on the understanding that a certificate of insurance will be produced at the earliest opportunity.

## 6.5 Vehicle specification

The Council has set down a series of specifications. A vehicle will need to comply with these specifications prior to it being accepted as a licensed vehicle.

The specification for private hire vehicles is set out in Appendix J and for Hackney Carriages at Appendix K.

## 6.6 Conditions

The Council is empowered to impose such conditions as it considers reasonably necessary in relation to the granting of Hackney Carriage or Private Hire Vehicle licences.

These are set out in Appendix L for Private Hire Vehicles and Appendix M for Hackney Carriages.

However, where it is considered necessary, additional conditions may be imposed. In considering what is reasonably necessary the Council will take into account its licensing objectives.

## 6.7 Identification of vehicles as Private Hire Vehicles or Hackney Carriages

The Council requires Hackney Carriages and private hire vehicles to clearly indicate to the public that they are licensed vehicles. Therefore, they must be clearly distinguishable from other vehicles and each other. The council believes that clear signage, types of vehicle, together with colour of the vehicle, can achieve this.

### a) Hackney Carriage

- The exterior colour of all Hackney Carriages must be white, except for the boot and bonnet which must be coloured black.

## b) Private Hire Vehicles

- The 'London purpose built cab' will not be licensed as a private hire vehicle.
- Private Hire vehicles must not be white.
- The minibus variants of approved Hackney Carriage vehicles can be licensed as private hire vehicles but they must not be white.

The Council has set standards on the acceptable type of signage for Private Hire Vehicles and Hackney Carriages. These can be found in the Private Hire Vehicle / Hackney Carriages conditions set out in Appendix L for Private Hire Vehicles and Appendix M for Hackney Carriages. They include:

- the permitted position of licence plates
- positioning of permanent door signs for vehicles
- required wording for door signs on vehicles
- requirements for the display of notices in vehicles
- other notices / markings that the council will require licensed vehicles to display

## 6.8 Fire extinguishers

All vehicles are required to be equipped with a fire extinguisher that conforms to the specification as stated in the Council's conditions.

## 6.9 Tyres

Tyres are the vehicle's only point of contact with the road, so it is essential that they are in good condition.

Tyre treads are designed to efficiently and effectively remove water from the road surface and provide maximum grip. By the time the tread is worn down to the legal limit they will be unable to perform this task efficiently and **MUST** be replaced, however the council recommends that worn tyres are replaced with an equivalent **NEW** tyre well before the legal minimum tread limit of 1.6mm is reached - ideally as soon as they reach 3mm.

The council **strongly discourages** the fitting of part worn tyres to licensed vehicles, and recommends that only brand new, good quality tyres are fitted to the vehicle. Such work should only be carried out by a reputable vehicle maintenance company / contractor.

## 6.10 Accidents

If at any time the vehicle is involved in an accident, however minor, the driver must inform the Council of this fact as soon as possible and in any event within 72 hours (by telephone or email). An accident report form will then need to be completed and submitted to the Council within five working days of the accident occurring (except in exceptional circumstances when the report must be made as soon as possible).

The vehicle must be presented for inspection at the council's authorised testing station as soon as possible after the accident has taken place – the appointment will be arranged by the council who will notify the vehicle proprietor of the date and time. Failure to present the vehicle for the appointment may result in the vehicle's licence being suspended until such time as the vehicle is presented for examination.

If the vehicle is so damaged that it cannot be driven, then the vehicle proprietor must inform the council of this fact – the council will then advise the proprietor of the action to be taken. In such cases the proprietor is advised to take photographic evidence of the vehicle's condition that clearly illustrates the reasons why the vehicle cannot be driven / presented for examination.

Failure to do so may result in Licensing Enforcement Penalty Points being issued.

### **6.11 Vehicle examination and testing requirements**

Hackney Carriage and private hire vehicles examination and testing requirements are set out in Appendix N.

### **6.12 Additional provisions for private hire vehicles only**

#### **6.12.1 Wheelchair accessibility**

In addition to all other licensing conditions, any applicants seeking the grant of a private hire vehicle in which it is intended to carry passengers who are seated in a wheelchair must present a vehicle which has:

- M1 classification and comply in all respects to EC Whole Vehicle Type Approval (ECWVTA)
- proper fittings for the securing of the wheelchair and any passengers seated in them
- access and egress via side doors (rear door access vehicles are not permitted except in the case of vehicle mounted tail lifts) a purpose designed tail lift, manufactured and installed in accordance with European standard (C.E) PRENT 1756 – as amended, and which shall conform to the Lifting Operations and Lifting Equipment Regulations 1998 (a report, confirming that the lifting equipment is safe to use, shall be presented at the time of the vehicle inspection).

#### **6.12.2 Advertisements**

Limited advertising is allowed on private hire vehicles subject to the approval of the Council. Advertisements must be in accordance with the requirement set out in Appendix O.

#### **6.12.3 Limousines and executive hire**

Any limousines with 8 seats or less must be licensed as a Private Hire Vehicle

Vehicles used for this purpose will meet the criteria set within the condition specified in Appendix P.

These vehicles must display appropriate signage, issued by this Council, which states details of the vehicle, issue date and the number of persons allowed to be carried. This disc must be displayed on the front and rear windows of the vehicle.

Drivers of limousines and executive vehicles will complete the licensing application process in the same way as any other licensed driver.

Foreign Vehicles: All vehicles used for these purposes must meet relevant British or European standards. Any alterations to a manufacturer's standard specification will require M1 EWVTA. Any subsequent changes to the vehicle will invalidate this approval.

When a vehicle has been imported into this country, the importer must produce a declaration from the testing authority (DVSA) that the vehicle will never carry more than eight passengers.

#### **6.12.4 Special events vehicles and courtesy cars**

The Council considers the following types of vehicles to be 'special event vehicles' in the context of licensing:

- decommissioned emergency service vehicles
- vintage vehicles
- other non-standard type converted vehicles used for special events.

The above list is not exhaustive, and other types of vehicle may be considered from time to time. When considering an application for a speciality vehicle, the Council will have regard to Appendix P.

Courtesy cars used for transporting customers to and from specific venues such as hotels and nightclubs, whether operated with or without charge to the customer, are considered to be private hire vehicles. These vehicles must meet private hire requirements.

### **6.13 Additional provisions for Hackney Carriage vehicles only**

#### **6.13.1 Limitation on numbers**

The main aim of Council's licensing of the Hackney Carriage and private hire trade is the protection of the public. The council is aware that the public should have reasonable access to taxi and private hire services, because of the part they play in local transport provision. Disabled groups are particularly reliant on taxis as a means of transport.

Licensing authorities have no power to restrict the number of private hire vehicles that they licence.

Licensing authorities can restrict the number of Hackney Carriage licence plates they issue if they are satisfied that there is no significant unmet demand for taxi services in their area. This, together with de-regulation, will be kept under review.

### **6.13.3 Advertisements**

The Council will allow limited advertising on Hackney Carriages if the vehicle is of the 'London Cab' type. Advertising on any other type of vehicle is not permitted. Advertisements must be in accordance with the requirement set out in Appendix O.

### **6.13.4 Meters**

The council may from time to time publish a list of meters approved and acknowledged by the Public Carriage Office for use to calculate fares.

Meters used to calculate fares must be accurate, display the correct time and be capable of displaying the various tariffs as approved by the council, including extra charges recoverable under the approved Table of Fares.

The meter shall be calibrated and set to the council's agreed charging distances and tariffs currently in force.

Meters will be checked for accuracy by a metered mile distance or by waiting time.

Meters must be positioned in order that the fare must be clearly displayed to the passenger throughout the journey.

Meters in use must not facilitate fraudulent use. Any signs of tampering including the breaking of any seals will result in a suspension notice being issued immediately. For the suspension notice to be removed, the vehicle meter must have been resealed and calibrated by an approved meter company and presented to the Council for inspection.

## **6.14 Taxi ranks**

A full list of Hackney Carriage ranks, their exact positioning on each street, the times they are in use and the maximum occupancy of each is set out in Appendix Q.

Please note that this list is continually under review. Please contact the licensing office for the most up-to-date information.

Private Hire Vehicles are not permitted to park on taxi ranks.

#### **6.15 Hackney Carriage and Private Hire Vehicle Quality Scheme (e.g. Cabsafe)**

Before the 31st March 2015 the Council will be consulting on the introduction of a Cabsafe Scheme for all licensed vehicles operating within the Borough.

This consultation will also consider the mandatory introduction of a “how well am I driving” / “safe driver” scheme

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## **7.0 Fares**

### **7.1 Hackney Carriages**

The Hackney Carriage Table of Fares ("the tariff") is set by the Council and sets the maximum fare that can be charged by Hackney Carriage drivers which can be negotiated downwards by the hirer for journeys.

A fares tariff is enforceable as a byelaw and it is an offence for any person to charge more than the metered fare. The current tariff card should be visible at all times.

The Council will review Hackney Carriage fare scales from time to time in liaison with the Hackney Carriage Proprietors. A notice of any variation to the maximum fare shall be advertised by the Council.

A table of authorised maximum fares shall be provided to each Hackney Carriage licence holder, which must then be displayed in each vehicle so that it is easily visible to all hirers.

Drivers shall, if requested by the passenger, provide written receipts for fares paid.

### **7.2 Private Hire Vehicles**

The Council is not able to set fares for private hire vehicles.

Private Hire Operators that use licensed vehicles fitted with a fare meter shall provide the Council with a current table of fares. This table must also be displayed in each private hire vehicle so that it is easily visible to all hirers.

Drivers shall, if requested by the passenger, provide written receipts for fares paid.



## **8 Operators**

### **8.1 Requirement for a licence**

A licensed hire vehicle shall only be despatched to a customer by a private hire operator who holds an operator's licence. Such a licence permits the operator to make provision for the invitation or acceptance of bookings for a licensed hire vehicle.

A private hire operator shall ensure that every licensed hire vehicle is driven by a person who holds a licence issued by the same Authority that issued the vehicle licence.

Any person who operates a private hire service must apply to the Council for a Private Hire Operator's Licence. The objective in licensing private hire operators is the safety of the public, who will be using operators' premises, and vehicles and drivers, arranged through them.

Applications for Operator licences shall be made on the prescribed form, together with the appropriate fee. The Council will then decide whether the applicant is a fit and proper person to hold an Operator licence.

This Council shall grant private hire operator licences for a period of 12 months.

### **8.2 Criminal Record Checks**

Private hire operators are not exceptions to the Rehabilitation of Offenders Act 1974, so Standard or Enhanced disclosures cannot be required as a condition of grant of an operator's licence. However, a Basic Disclosure certificate from the Disclosure & Barring Service nevertheless is seen as appropriate.

### **8.3 Insurance**

Before an application for a private hire operator's licence is granted, the applicant shall produce evidence that they have taken out appropriate public liability insurance for the premises to be licensed. In certain circumstances it is a legal requirement to hold employers liability insurance.

### **8.4 Conditions**

The Council has power to impose such conditions on an operator's licence, as it considers reasonably necessary and these are set out at Appendix R.

Operators will only use vehicles and drivers licensed by Rotherham MBC.

### **8.5 Private Hire Vehicle Operator Accreditation Scheme**

Before the 31st March 2015 the Council will be consulting on the introduction of an accreditation Scheme for all licensed vehicles operating within the Borough.

## 9. Fees

### 9.1 Fee Structure

The legislation provides that fees charged to applicants should cover the costs to the council in providing the licensing services. This includes the administration of applications, enforcement (in some circumstances) and regulation of the hackney carriage and private hire trade.

The fees are reviewed at the start of each calendar year and confirmed by the Council ahead of the start of each financial year i.e. 1<sup>st</sup> April. The Council, however, can review the fees at any time.

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## **10. Compliance and enforcement**

### **10.1 Enforcement**

The Council aims to provide the delivery of efficient, targeted and proportionate regulatory services to provide a positive approach to those regulated.

The General Enforcement Policy for the Council embeds its principles of enforcement. This is attached at Appendix S.

In April 2014 a new statutory Regulators' Code was brought into force and, accordingly the Council should:

- carry out their activities in a way that supports those they regulate to comply and grow
- provide simple and straightforward ways to engage with those they regulate and hear their views
- base their regulatory activities on risk
- share information about compliance and risk
- ensure clear information, guidance and advice is available to help those they regulate meet their responsibilities to comply
- ensure that their approach to their regulatory activities is transparent

A range of tools and powers, including mystery shopping, to ensure compliance will be used. Compliance assessment is ultimately to ensure that the driver or operator is a "fit and proper" person to hold a licence and/or the vehicle is safe. The safety of passengers, pedestrians and other road users is paramount.

Where appropriate referrals will be made to other agencies such as the Police, HM Customs & Excise and both Adult and / or Child Safeguarding teams.

The Council will respond to complaints made by the public and referrals from other agencies & bodies. In addition officers will undertake proactive inspections and testing as either, day to day activity or as part of programmed operations.

Any breach of the required standards, policies and conditions may lead to suspension and/or revocations or the issuing of penalty points, suspension, and revocation of the licence or prosecution

### **10.2 Enforcement Penalty points**

The Council will operate a penalty point system of enforcement of specified breaches of byelaws or conditions of licence specified as part of this policy.

The scheme is used as a formalised method of issuing warnings. It is also completely transparent in that every licence holder will know what penalty points to expect for a particular breach.

Points will be issued per incident and will accumulate on a licence until they reach the "trigger level" of 12 points. At this trigger level, the licence holder will be referred

to the Licensing Board for the Board to consider whether it is appropriate for licence holder to remain licensed by the council. The Licensing Board may determine that the licence should be suspended or revoked, or the Board may choose to administer some other sanction at its disposal.

Licensing Enforcement Officers will be authorised to operate the scheme and issue points accordingly. The penalty point scheme is outlined in Appendix T.

### **10.3 Suspension of licence**

Where an individual failure in meeting the vehicle conditions an authorised officer may take immediate action to suspend the licence and require remedial action. This requires the service of a STOP notice and further use of the vehicle will be suspended until the defects have been remedied. The suspension will then not be lifted until the vehicle has undergone a further test, at the proprietor's expense, and / or been passed as fit for use by the Council. Such STOP notices will also be appropriately accompanied with a penalty point resolution.

In situations where there exists a serious risk of the safety of the public the Director of Housing & Neighbourhood Service, under delegated powers, is permitted to temporarily suspend the licence of a driver, vehicle or operator. The matter will be referred to the Licensing Board at the earliest opportunity.

Where the Licensing Board is satisfied that a person is no longer a 'fit and proper' person or is in breach of a condition of licence, they may suspend a driver's licence for any specified period.

When considering the revocation of any licence, the Licensing Board will take into account all relevant facts and circumstances including the licensing objectives and the nature of the breach.

### **10.4 Refusal to renew a licence**

The Licensing Board may decide that appropriate action is not to renew the licence.

In circumstances where an applicant has not provided all relevant information or documents or has failed to comply with any of the requirements to renew a licence, an authorised officer will be permitted to refuse to renew the licence.

The person applying for a licence may have the opportunity to appeal this decision to the Magistrates Court.

### **10.5 Prosecution of licence holders**

The Council will prosecute licence holders for relevant offences in accordance with the statutory Regulators Compliance Code and the General Enforcement Policy.

## **10.6 Appeals**

Any notifications of enforcement actions will include information on how to appeal and to whom the appeal is made, if a right of appeal exists.

## **10.7 Service Requests and Complaints**

The Council has a procedure whereby the general public can submit service requests/complaints/concerns about licensed drivers and operators. This is accessible via the submission of a report form via the Council's website.

In addition if anyone requires to complain against the service provided by the Council there is a Complaints procedure available on the on the website.

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