

## **COMMISSIONER NEY'S MEETING**

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

**Date: Monday, 29th June, 2015**

**Time: 10.30 a.m.**

### **A G E N D A**

1. Whilst the requirements of the Local Government Act 1972 do not apply to this meeting it is still proposed to determine if the following matters are to be considered under the categories suggested in accordance with that Act.
2. Hackney Carriage and Private Hire Licensing Policy (Pages 1 - 198)

<b>ROTHERHAM BOROUGH COUNCIL</b>
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<b>1.</b>	<b>Meeting:</b>	<b>Commissioner Ney's Meeting</b>
<b>2.</b>	<b>Date:</b>	<b>29<sup>th</sup> June 2015</b>
<b>3.</b>	<b>Title:</b>	<b>Hackney Carriage and Private Hire Licensing Policy</b>
<b>4.</b>	<b>Directorate:</b>	<b>Environment and Development Services</b>

**5. Summary**

- 5.1 The council's proposed policy in relation to Hackney Carriage and Private Hire Licensing has been subjected to a period of consultation.
- 5.2 Following consideration of the consultation responses, Commissioner Ney proposed a number of amendments to the policy; these were discussed with the Advisory Licensing Board on 16<sup>th</sup> June 2015 and are detailed in the report below.
- 5.3 This report now seeks the Commissioner's approval of the policy and its immediate application in relation to Hackney Carriage and Private Hire Licensing in Rotherham. A full review of the policy will take place 12 months after it has been introduced.

**6. Recommendations**

**Commissioner Ney is asked to:**

- 6.1 **Approve the Rotherham MBC Hackney Carriage and Private Hire Licensing Policy (attached as Appendix A to this report).**
- 6.2 **Approve the immediate application of the policy to any application for a driver, vehicle or private hire operator licence that is determined after the 6<sup>th</sup> July 2015.**
- 6.3 **Approve the immediate application of the policy to all licensed drivers, vehicle proprietors and private hire operators (who are in possession of a valid licence on 6<sup>th</sup> July 2015) subject to the implementation plan attached as Appendix B to this report. ]**
- 6.4 **Agree that the implementation and impact of the policy should be monitored during the initial 12 months following introduction, and a full review of the policy undertaken 12 months after the policy has been introduced.**

## 7. Proposed policy

7.1 The proposed policy is attached to this report as Appendix A. The policy is the result of the largest overhaul of Rotherham MBC licensing policy and practice ever to have taken place. Once implemented the policy is designed to bring about significant improvement in the regulation of the taxi and private hire trade in Rotherham and ensure that the standard of our drivers, vehicles and operators are second to none.

7.2 As a result of the responses received during the consultation, and discussions with the Advisory Licensing Board and licensed trade representatives, the following amendments have been made to the proposed policy:

### 7.3 Requirement for CCTV in vehicles.

The council considers that the installation of CCTV is essential for the protection of passengers and the driver and will provide reliable information in the event of a complaint / dispute. The draft policy required the installation of a suitable CCTV system that was capable of recording video only. This was due to case law that suggested that the permanent use of audio recording was in breach of privacy laws. However, a further review of this case has shown that audio recording may be used in certain circumstances. The council considers that the use of audio recording is essential in certain situations; therefore it is proposed that the requirement in relation to CCTV be amended as follows (wording has been added at the request of the trade associations to clarify the requirement during times when the vehicle is being used for domestic purposes):

*CCTV equipment, capable of recording both audio and video, must be installed in all licensed vehicles. The CCTV system must be operational at all times that the vehicle is being used as a licensed vehicle (i.e. for the carriage of fare paying passengers). The system does not need to be operational during other times (for example when being used for domestic purposes).*

*Video recording must be active at all times. Audio recording must be active in any of the following circumstances:*

- i. An unaccompanied child (i.e. under 18) or vulnerable adult is being carried in the vehicle, or*
- ii. Between the hours of 2200hrs and 0600hrs,*

*In addition, audio recording must be activated by the driver at any time where the driver and customer are involved in*

*a dispute or the driver feels threatened by the behaviour of a passenger.*

*There must also be the facility for the passenger to activate audio recording (independent of the driver) should the passenger wish to do so.*

*Once activated, the audio recording must continue for an uninterrupted period of 15 minutes.*

- 7.4 Considering the important role that CCTV will play in the protection of the driver and passengers, the council considers that it should be introduced as soon as reasonably practicable. Enquiries have been made of suppliers of suitable CCTV systems, and the council believes that the requirement for CCTV to be installed within 3 months is achievable, and therefore systems will be required in all licensed vehicles within three months.
- 7.5 The council has developed a specification that a CCTV system must meet in order to be considered suitable for installation in a vehicle licensed by Rotherham MBC. This specification is attached as Appendix C to this report.
- 7.6 Requirements in relation to vehicle colour.
- The policy (as it was at the start of the consultation period) proposed the following requirements in relation to vehicle colour:
- Hackney Carriages must be coloured white with a black bonnet and black boot lid, and
  - Private Hire Vehicles must not be coloured white.
- 7.7 These requirements were proposed so that members of the public could rapidly identify a Hackney Carriage and distinguish it from a Private Hire Vehicle.
- 7.8 Having considered the responses to the consultation, Commissioner Ney was of the view that the desired outcome could be achieved by improved signage and notices on licensed vehicles (which will be required to be permanently fixed to the vehicle). The requirements in relation to vehicle colour have therefor been removed from the policy (however the current requirement in relation to Hackney Carriages being coloured white will remain in effect).
- 7.9 Requirements in relation to vehicle age.

Having taken into consideration the responses received as part of the consultation, and comments received from the licensed trade, it is proposed to amend the proposal in relation to vehicle age as follows:

- Vehicles that are not already licensed on 6<sup>th</sup> July 2015 will not be licensed if the vehicle is more than five years old.
- Once licensed, vehicles will be considered suitable for licensing until the vehicle is 10 years old (or 12 years old in the case of purpose built wheelchair accessible vehicles) – this is subject to all other vehicle requirements being met.
- Any vehicle that is licensed on 6<sup>th</sup> July 2015 will be considered suitable for licensing until the vehicle is 10 years old (or 12 years old in the case of purpose built wheelchair accessible vehicles) – this is subject to all other vehicle requirements being met.
- Vehicles older than the ages specified above will only be considered suitable for licensing if they meet the exceptional criteria outlined in the policy.

7.10 In order to ensure that standards are maintained in relation to vehicles, the mandatory inspection frequency (by RMBC appointed vehicle inspectors) will be amended as follows:

- Vehicles aged up to three years on the date that the licence commences will be subjected to one mandatory test per year,
- Vehicles aged between three and five years on the date that the licence commences will be subjected to two mandatory tests per year,
- Vehicles aged between five and ten years on the date that the licence commences will be subjected to three mandatory tests per year.

7.11 No further amendments to the policy (as it was at the start of the consultation period) are proposed.

7.12 The introduction of the proposed policy will result in a number of key changes to current licensing practice. These key changes are summarised in Appendix D to this report.

7.13 The implementation and impact of the policy will be monitored during the initial 12 months after it is introduced, if necessary the council will review and revise the implementation if required.

7.14 A full review of the policy will be undertaken 12 months after the policy has been introduced.

## **8. Finance**

8.1 The policy has financial implications for both taxi professionals and the council.

- 8.2 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.
- 8.3 The council is currently reviewing the structure and operational arrangements in relation to licensing, and is exploring different ways of working that will reduce the impact that these proposals will have on service costs.

### **9. Risks and Uncertainties**

- 9.1 The existing policies are compliant with current legislation. New legislation is likely following the Law Commission report in 2014, 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.
- 9.2 Failure to introduce this policy not only risks massive reputational damage to the Council / Licensed trade, but more importantly may expose members of the public to unacceptable risks to their safety.
- 9.3 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.
- 9.4 Operators and drivers may be concerned about the impact of the proposed new processes and the impact on their business and customers.

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

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

### **11. Background Papers and Consultation**

- 11.1 The policy has been subjected to two periods of general consultation. In addition, numerous meetings have been held with groups representing the licensed trade. Written submissions have been received from these groups and other groups with an interest in the council's proposals (such as the group representing victims of child sexual exploitation and their families).
- 11.2 Further background information is available in the reports presented to the Licensing Board (pre February 2015) and Commissioner Ney's meeting (post February 2015).

**12. Contact Name:**

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Enclosures:

Appendix A Rotherham MBC Hackney Carriage and Private Hire Licensing Policy.

Appendix B Implementation Plan.

Appendix C CCTV Specification.

Appendix D Key changes to current licensing practice.

**Rotherham Council**

**Hackney Carriage & Private Hire Licensing Policy**

**Date of implementation: 6<sup>th</sup> July 2015**



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

**Contents**

<b>1. Introduction</b>	<b>5</b>
<b>2. Definitions</b>	<b>6</b>
<b>3. Aims and Objectives of the Hackney Carriage &amp; Private Hire Licensing Policy</b>	<b>7</b>
<b>4. Delegations</b>	<b>9</b>
<b>5. Driver Requirements</b>	<b>10</b>
5.1 Fit and Proper Person Test	10
5.2 Application Process	11
5.3 Disclosure and Barring Service (DBS)	12
5.4 Relevance of Convictions and Cautions	13
5.5 Knowledge Testing	13
5.6 Medical Assessment	14
5.7 Duration of licence	15
5.8 Qualifications	15
5.9 Conditions	16
5.10 Dress Code	16
5.11 Code of Conduct when working with vulnerable passengers	17
5.12 Right of driver to work in the UK	17
<b>6. Hackney Carriages and Private Hire Vehicles</b>	<b>18</b>
6.1 Application process	18
6.2 Grant and renewal of licences	18
6.3 Vehicle age and exhaust emissions	19
6.4 Insurance	20
6.5 Vehicle specifications	20
6.6 Conditions	20
6.7 Identification of vehicles as Private Hire Vehicles or Hackney Carriages	20
6.8 Fire extinguishers	21
6.9 Tyres	21
6.10 Accidents	22
6.11 Vehicle examination and testing requirements	22
6.12 Meters	23
6.13 Closed Circuit Television (CCTV)	23
6.14 Additional provisions for Private Hire vehicles only	24
6.15 Additional provisions for Hackney Carriages only	25
6.16 Taxi Ranks	26
6.17 Hackney Carriage and Private Hire Vehicle Quality Scheme	26

<b>7. Fares</b>	<b>27</b>
7.1 Hackney Carriages	27
7.2 Private Hire Vehicles	27
<b>8. Operators</b>	<b>28</b>
8.1 Requirement for a licence	28
8.2 Fitness and propriety	28
8.3 Insurance	29
8.4 Conditions	29
8.5 Use of operator name following revocation of licence	29
8.6 Private Hire Vehicle Operator Accreditation Scheme	29
8.7 Operator responsibility in relation to vehicles / drivers that are operated	29
<b>9. Fees</b>	<b>31</b>
9.1 Fee structure	31
<b>10. Compliance and enforcement</b>	<b>32</b>
10.1 Enforcement	32
10.2 Enforcement penalty points	33
10.3 Suspension of licence	33
10.4 Refusal to renew a licence	33
10.5 Prosecution of licence holders	34
10.6 Appeals	34
10.7 Service Requests and Complaints	34

## **Appendices**

- Appendix A Private Hire and Hackney Carriage Drivers Application Procedure
- Appendix B Disclosure and Barring Service (DBS) Application Procedure
- Appendix C Policy relating to the relevance of previous convictions and other relevant information
- Appendix D Private Hire / Hackney Carriage Driver Conditions of Licence
- Appendix E Hackney Carriage Byelaws
- Appendix F Dress Code
- Appendix G Code of Conduct when working with vulnerable persons
- Appendix H Hackney Carriage & Private Hire Vehicle Licensing Application Procedures
- Appendix I Vehicle age & emissions
- Appendix J Policy in Relation to the Specification of Private Hire Vehicles
- Appendix K Policy in Relation to the Specification of Hackney Carriages
- Appendix L Private Hire Vehicles - Schedule of Conditions
- Appendix M Hackney Carriage Conditions
- Appendix N Private Hire vehicle and Hackney Carriage vehicles examination and testing requirements
- Appendix O Advertisements
- Appendix P Taxi Rank Locations
- Appendix Q Private Hire Operators Conditions
- Appendix R General Enforcement Policy
- Appendix S Hackney Carriage and Private Hire Driver Points Based Enforcement Scheme

## 1. Introduction

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 Rotherham Council in the way in which it carries out its functions. The policy has immediate effect and will be applied to existing licences and new applications received after the date that the policy is adopted by the Council.

The Council reserves the right to overturn a decision that has previously been made, or refuse a renewal of a licence, where clear errors are discovered. In addition, the Council will undertake periodic auditing of currently licensed drivers / vehicles to ensure that perverse or wrong decisions are discovered and corrected. Such audits will be conducted using this policy as the required standard.

The policy has been developed by Rotherham 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 aims and objectives (see section 3 of this policy)
- Current legislation
- Other Rotherham Council 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, Local Government Regulation, 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 policy will be evaluated 12 months after it has been introduced, this will be to determine whether the policy is effective and has achieved the aims set out in Section 3 of this document. Following this initial evaluation, 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”) and the Town Police Clauses Act 1847 provides the regulatory framework for Rotherham Council (the “Council”) as the Local authority (the “Authority”) to carry out its licensing functions in respect of Hackney Carriage and Private Hire Licensing.

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 vehicle available to transport the public with no more than 8 passenger seats, which is licensed to ply for hire. This means that it may stand at ranks hailed in the street by members of the public, or undertake pre-booked work
- Private Hire vehicles: licensed to carry no more than 8 passengers but must be booked in advance by customers through an operator and cannot ply for hire in the street.
- Private Hire operators
- Hackney Carriage and Private Hire drivers

In undertaking its licensing function, the Council comply with relevant legislative requirements including:

- 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. Aims and Objectives of the Hackney Carriage & Private Hire Licensing Policy**

The principal purpose of Hackney Carriage and Private Hire licensing is to protect the public and promote public safety. The Council will adopt and carry out its Hackney Carriage and Private Hire licensing functions with a view to promoting the following:

- **The protection of the public, safeguarding children and the vulnerable and the prevention of crime and disorder,**
- **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 aims and objectives, the Council will expect to see licence holders and applicants continuously demonstrate that they meet or exceed the standards set by the Council.

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

- Raising awareness amongst the licensed trade, and the general public, of issues of safeguarding children and vulnerable adults.
- 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.
- An expectation that licence holders will treat all customers, passengers, the general public and Council officers with respect and courtesy at all times.

#### **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 issuing licences for vehicles that are unable to comply with European Emissions Standards.

### **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:

- 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
- Stimulating the local economy and helping local people into work

These aims and 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 aims and objectives.

## 4. Delegations

Under the Council's Constitution the Licensing Board has the authority, amongst other licensing matters, to discharge non-executive regulatory board functions with respect to Hackney Carriage and Private Hire licensing. 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.

As a result of the Secretary of State's intervention into Rotherham Council in February 2015, and the subsequent appointment of five Commissioners, the decision making authority of the Licensing Board and Sub-Committee has been suspended.

The existing delegation framework to officers will remain in place, but all decisions previously taken by the Licensing Board, Licensing Board sub-committee and Licensing Committee will now be taken by Commissioner Ney.

A process has been established for individual cases in which the members sit with the Commissioner to conduct any hearing, and the Commissioner then takes the decisions. Any policy decisions required will be taken by the Commissioner but modelled in the same way as the Advisory Cabinet process. The delegation levels will be subject to ongoing review, and it is expected that the authority to determine licences will return to the Licensing Board in due course.

The Director of Streetpride (the "Director") has been delegated by the Council to grant, suspend and refuse licences. In practice this power is restricted to the immediate suspension / revocation of licences in the interests of public safety, 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, suspension notices, 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 granted a drivers' licence, and must then remain a fit and proper person for the duration of that licence. The fitness and propriety of a driver will be monitored / assessed throughout the period that the licence is held.

Applicants are expected to act with honesty and integrity throughout the application process, and must therefore fully and accurately disclose any information that is requested. This includes information regarding previous convictions, warnings and reprimands, current investigations and pending criminal proceedings.

The Council aims to ensure that Private Hire and Hackney Carriage services delivered within the Borough are of a good standard. The application and compliance procedures are designed to ensure these standards are maintained, monitored for compliance and appropriately enforced.

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 considers that licensed drivers are in a position of trust, and therefore 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 and Proper Person" for the purposes of taxi and Private Hire licensing is not legally defined. However, in determining whether a person is fit and proper to hold a licence, those tasked with determining licences / applications are effectively asking the following question of themselves:

"Would you allow your son or daughter, spouse or partner, mother or father, grandson or granddaughter or any other person for whom you care, to get into a vehicle with this person alone?"

If the answer to the question is an unqualified 'yes', then the person can be considered to be fit and proper. If there are any doubts in the minds of those who make the decision, then further consideration should be given as to whether a licence should be granted to that person.

In order to assess the suitability of an applicant (and to inform decision makers when answering the question above), the Licensing Authority will undertake whatever checks and apply whatever processes it considers necessary to ensure that licences are not issued to, or used by, unsuitable people. In assessing the suitability of an applicant or licence holder, the Council will take into consideration the following factors:

- Criminality
- Period of holding a driver's licence
- Number of endorsed driving licence penalty points
- Right to work
- Medical fitness
- Standard of driving / driving ability
- General conduct / standards of behaviour (including online behaviour)
- The conduct of the applicant in making the application (e.g. whether they have acted with honesty and integrity during the application process).
- The previous licensing history of existing / former licence holders (including honesty and integrity).
- Theoretical knowledge of issues and matters related to the work of a licensed driver.

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

## **5.2 Application process**

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 2 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 initial licence is issued

The Council may directly access the DVLA records of applicants, or alternatively will employ the services of a third party to do this.

In addition, a third party service may be used to assess the suitability of applicants based on their general behaviour whilst using the internet (in particular social media sites).

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.

An individual will not be considered fit and proper to hold a licence if there is any evidence of dishonesty, and/or it can be shown that an applicant or existing licence holder has misled, or attempted to mislead, the Council (either officers or members

of the Licensing Board) as part of any process associated with the administration or determination of a licence.

### **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 1974 (Exceptions) Order 1975 (the “Exceptions Order”). Accordingly all drivers will be asked to disclose on their application form any caution or conviction even if it is spent for other purposes and those will be revealed on the DBS certificate. Advice will be provided in relation to certain old and minor cautions and convictions which are referred to as "protected". These do not have to be revealed, and will not appear on the DBS certificate. 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 Council’s Licensing Unit. However, DBS certificates that are issued to other local authorities will be accepted if it has been printed within the last four weeks, is to an enhanced level and has been processed in relation to the child and adult workforce employment position (as specified on the certificate).

All new applicants must declare on the application form 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.

All licence holders must subscribe to the Disclosure and Barring Service Online Update Service, this will be required by a condition placed on the licence. Any costs associated with maintaining this subscription must be met by the licence holder. The licence holder must give permission for the council to undertake checks of their DBS status should the council consider it necessary to do so. The council will use the update service to monitor the criminal record of licence holders. The update service can be used when a licence is renewed – if there are no changes recorded on the DBS certificate then a full DBS check will not be required. In all other cases a full Enhanced DBS check will be required before a licence is renewed.

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

If an applicant has spent six continuous months or more overseas the Council will need 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 (including UK citizens) suitable checks should be available. For those countries for which checks are not available, the Council will require a certificate of good conduct authenticated by the relevant embassy.

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

The Council is committed to ensuring that the licensed trade are fit and proper, this will entail periodic audits of licensed drivers to ensure that any errors or material changes are identified and acted upon.

In relation to the consideration of convictions, cautions, warning and reprimands etc., the Council has adopted the policy set out in Appendix C. The terms of this policy will have immediate effect, and will be immediately applied to all current licences issued by Rotherham Council (in so far as they relate to Private Hire and taxi licencing).

In assessing whether the applicant is a fit and proper person to hold or retain a licence, the Council will consider each case on its merits. 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.

The policy at Appendix C will also be used to determine the suitability of an existing licence holder should it be necessary to consider action in relation to the licence part way through the licence period.

### **5.5 Knowledge Testing**

Applicants for a driver's licence are required to have passed the Council's knowledge test. This test will ensure that the applicant has sufficient knowledge in relation to:

- i. Literacy and numeracy
- ii. Child / adult safeguarding awareness
- iii. Disability awareness (including physical and sensory disability)
- iv. Road Safety
- v. Basic vehicle maintenance
- vi. Customer care / customer awareness

vii. Local knowledge

In addition to the knowledge test, applicants will be required to demonstrate that they have abilities in English and Maths at least to Entry Level 3 standard (as defined in the Qualifications and Credit Framework). If necessary, the applicants' abilities in English and Maths will be assessed by an appropriately qualified individual that will be independent of the Council (such as a local college).

Applicants who do not meet Entry Level 3 standard in English and Maths 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 knowledge tests they will be required to wait at least 12 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 5 years thereafter until aged 65 years when annual examinations are required. Licence holders with certain medical conditions (for example certain neurological 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 Large Goods Vehicle (LGV) 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 must 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 (who are not existing licence holders) whose application for a drivers licence is determined on or after the date on which this policy becomes effective will be required to provide evidence of the following qualifications / skills to the Council before a licence will be issued:

- BTEC Level 2 Certificate in the Introduction to Role of the Professional Taxi and Private Hire Driver. Alternative qualifications may be accepted provided that they are to an equivalent standard of the BTEC and have a comparable syllabus. Any certificate must have been awarded within the last three years. In cases where the certificate was awarded more than 3 years ago, the certificate holder must demonstrate that they have undertaken a suitable refresher / CPD course – the content of which will be determined by the council.
- Satisfactory completion of an approved training / awareness raising course in relation to safeguarding children and vulnerable people. This course must have been approved by Rotherham Council Licensing Service.

- Ability in English and Maths at least to Entry Level 3 standard (as defined in the National Qualifications Framework).

Existing licence holders will be required to provide evidence of the qualifications detailed above in accordance with the implementation scheme determined by the Council.

Licence holders or applicants that possess an NVQ level 2 qualification in Road Passenger Vehicle Driving will only be exempted from the BTEC requirement if they are able to demonstrate that they have undertaken additional training in the elements covered in Unit 6 of the BTEC (unit code J/502/5985), have a level of knowledge comparable to that obtained by the completion of the BTEC and pass the council's enhanced knowledge test.

Alternative qualifications or training methods may be considered in exceptional circumstances, these will be determined on a case by case basis.

In addition to the above, all drivers that are licensed on the day that this policy is introduced, or are issued with a licence after this date, will be required to undertake an awareness raising session on safeguarding children and vulnerable within 3 months of three months of the policy being introduced. This training must be approved by Rotherham Council Licensing team. Drivers that can evidence that they have undertaken this training within the previous 12 months will be exempt from this requirement. All licensed drivers will be required to have undertaken this training by in accordance with the implementation scheme determined by the Council.

## **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 made 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, elderly 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.

## **5.12 Right of driver to work in the UK**

The Council will require all applicants to provide documentary evidence to confirm that they may legally work in the UK. Examples of documents that maybe provided include:

- A UK passport confirming that the holder is British Citizen (or citizen of another EEA country – including Switzerland),
- Passport or other travel document endorsed to show that the holder is allowed to stay in the United Kingdom and undertake paid employment,
- Full UK Birth / Adoption Certificate,
- An Immigration Document issued by the Border and Immigration Agency to the holder which indicates that the person named in it can stay in the United Kingdom and undertake paid employment,
- A work permit or other approval to take employment issued by the Home Office or the Border and Immigration Agency when produced in combination with either a passport or another travel document endorsed to show the holder is allowed to stay in the United Kingdom and is allowed to undertake paid employment.

This list is not exhaustive, and other documents may be accepted – further information will be provided by the Licensing Office on request.

**Where an applicant is subject to immigration controls, a licence will not be issued for longer than the period that the applicant has permission to undertake paid employment in the United Kingdom.**



## **6. Hackney Carriages and Private Hire 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 new keeper's supplement section of the V5 document will be accepted in the case of vehicles that are not licensed at the time that the application is made, and the vehicle has recently been purchased by the applicant (documentary evidence will be required). Licences will not be renewed unless the full V5 document is made available to the council at the time of application);
- The original insurance certificate or insurance cover note for the vehicle (this must be provided before the licence is issued)
- 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 and the provision of a valid certificate of motor insurance.

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 Council's Air Quality Action Plan 2015 includes the measure of improving the Hackney Carriage and Private Hire fleet by setting minimum emission standards for vehicles licensed in the borough. The Council aims to ensure that Hackney Carriages 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 issued. 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.

The council will undertake periodic auditing of licensed vehicles to verify that the vehicle is appropriately insured.

## **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 it's the aims and objectives of this policy.

## **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.

b) Private Hire Vehicles

- The TX4 or similar vehicle (commonly referred to as a 'London cab') will not be licensed as a Private Hire vehicle.
- The minibus variants of approved Hackney Carriage vehicles (such as the Mercedes Vito) 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.

The Council requires that all licensed vehicles to adhere to the following provisions with regard to tyres:

- Tyre treads are designed to efficiently and effectively remove water from the road surface and provide maximum grip. All tyres fitted to the vehicle must have at least 2.0 mm tread depth throughout a continuous band in the centre 3/4 of the tread and around the entire circumference of the tyre.
- Tyre fitted to a motor vehicle or trailer must be fit for purpose and be free from any defects which might damage the road or endanger any person. Fit for purpose means that a tyre must:
  - be compatible with the types of tyres fitted to the other wheels,
  - not have any lump, bulge or tear caused by separation or partial failure of the structure,

- not have a cut or tear in excess of 25mm or 10% of the sectional width of the tyre, whichever is the greater, and which is deep enough to reach the ply or cord,
- not have any part of the ply or cord exposed.
- Tyres must be correctly inflated to the vehicle / tyre manufacturer's recommended pressure.
- All replacement tyres fitted to licensed vehicles must be new (i.e. not have been used previously on any other vehicle) and have been fitted by a reputable vehicle maintenance company / contractor. Vehicle proprietors are required to retain invoices / receipts to show that any tyre that is purchased meets this requirement.
- The fitting of part worn tyres to licensed vehicles is not permitted.
- 'Space saving' spare wheels must only be used in an emergency, and then only in accordance with the manufacturer's instructions. Should the use of a 'space saving' spare wheel become necessary during a period of hire then the journey may continue, but the wheel must be replaced before another journey commences.

### **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 one working day (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 Meters**

All Hackney Carriages must be fitted with an approved meter.

The Council will 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:

- In the case of Hackney Carriages, 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.
- In the case of Private Hire Vehicles, any scale of charges provided by the operator of the vehicle.

Meters will be checked for accuracy by a measured 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.

Private Hire Operators and / or drivers may agree a cost for the journey with the customer prior to the journey commencing. In this situation, the price quoted is the price that must be charged – there is to be no deviation from this price without the agreement of the customer. On occasions where a price has been not been agreed prior to the journey commencing, the fare charged must be that which is reflected on the meter were the vehicle is equipped with a meter.

## **6.13 Closed Circuit Television (CCTV)**

CCTV equipment, capable of recording both audio and video, must be installed in all licensed vehicles. The CCTV system must meet or exceed the council's specification for CCTV systems and must be operational at all times that the vehicle is being used as a licensed vehicle (i.e. for the carriage of fare paying passengers). The system does not need to be operational during other times (for example when being used for domestic purposes).

Video recording must be active at all times. Audio recording must be active in any of the following circumstances:

- An unaccompanied child (i.e. under 18) or vulnerable adult is being carried in the vehicle, or
- Between the hours of 2200hrs and 0600hrs,

In addition, audio recording must be activated by the driver at any time where the driver and customer are involved in a dispute or the driver feels threatened by the behaviour of a passenger.

There must also be the facility for the passenger to activate audio recording (independent of the driver) should the passenger wish to do so.

Once activated, the audio recording must continue for an uninterrupted period of 15 minutes.

The requirement for all vehicles to have CCTV fitted will apply in relation to all licences that are issued from the date on which this policy becomes effective. However in the case of vehicles that are already licensed on the date on which this policy becomes effective, the requirement will take effect as determined by the Council's implementation scheme.

## **6.14 Additional provisions for Private Hire vehicles only**

### **6.14.1 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)
- Suitable fittings for the securing of the wheelchair and any passengers seated in them
- access and egress via suitable side or rear doors.

### **6.14.2 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.

### **6.14.3 Limousines and executive hire**

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

Vehicles used for this purpose must meet the requirements for Private Hire Vehicles.

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 must 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.

#### **6.14.4 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 special event vehicle, the Council will have regard to the general requirements for Private Hire vehicles contained within this policy and relevant appendices.

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 be licensed as Private Hire vehicles, driven by Private Hire drivers and the journey must be booked via a Private Hire operator.

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

#### **6.15.1 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 Hackney Carriage and Private Hire services, because of the part they play in local transport provision. Disabled groups are particularly reliant on Hackney Carriages 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 delimitation will be kept under review.

#### **6.15.2 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 accordance with the requirement set out in Appendix O.

#### **6.16 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 P. Taxi ranks to be used by Hackney Carriages whilst waiting for their next hire. They are not to be regarded as parking places.

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, nor must they allow customers to alight from their vehicle on a taxi rank.

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

Before the 31st March 2016 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

## **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 for journeys within the Borough which can be negotiated downwards by the hirer for journeys. The hirer may agree to the fare for a journey which ends outside the borough being charged other than at the metered rate.

A fares tariff is enforceable as a byelaw and it is an offence for any person to charge more than the metered fare.

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 will 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 must, 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 must 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 must, if requested by the passenger, provide written receipts for fares paid.

## 8 Operators

### 8.1 Requirement for a licence

A licensed hire vehicle must 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 must 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. This authority must be the same authority that issued the operator's 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 will grant Private Hire operator licences for a period of 12 months.

### 8.2 Fitness and propriety

The Council will only issue licences to applicants that are deemed to be fit and proper. In assessing this, the Council will have regard to the following:

- Criminal record (including convictions, cautions, warnings and reprimands),
- Factors such as demeanour, general character, non-criminal behaviour, honesty and integrity,
- Previous conduct (particularly in cases where the applicant holds or has previously held a licence issued by Rotherham Council),
- Business practices demonstrated by the applicant (for example standard of record keeping, compliance with other regulatory requirements, financial practices etc.)

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

If an application is received from a person that is not a driver licensed by Rotherham MBC then the applicant will be required to provide a Basic Disclosure from the Disclosure and Barring Service, and undertake the council's Child and Adult Safeguarding Awareness Training (as required by licensed drivers).

### **8.3 Insurance**

Before an application for a Private Hire operator's licence is issued, the applicant shall produce evidence that they have taken out appropriate public liability insurance for the premises to be licensed. Where necessary, operators must also 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 Q.

However, where it is considered necessary, additional conditions may be imposed. In considering what is reasonably necessary the Council will take into account it's the aims and objectives of this policy.

Operators must only use vehicles and drivers licensed by Rotherham Council.

Failure of the operator to adhere to the conditions of licence will lead to enforcement action and / or the issue of enforcement penalty points.

### **8.5 Use of operator name following revocation of licence**

Where an operator licence is revoked by the Council, the name (or a similar name) of the Private Hire company associated with that licence cannot be used by another operator until such time as six months has elapsed since the date of revocation or the date on which all appeal processes have been concluded (whichever is the longer).

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

Before the 31st March 2016 the Council will be consulting on the introduction of an accreditation Scheme for all licensed vehicles operating within the Borough.

### **8.7 Operator responsibility in relation to vehicles / drivers that are operated**

The operator is responsible for all persons (and vehicles) that are employed, contracted or otherwise used in the course of their business. To that end, the operator must undertake sufficient checks to satisfy themselves that only suitable drivers and vehicles are used (and continue to be used) in the course of their business. The failure of an operator to ensure that appropriate checks are carried out may call into question the operator's fitness and propriety. In addition, a failure to take appropriate action in relation to drivers that persistently breach licence conditions may also be detrimental to the continued fitness and propriety of the operator.

The following are examples of circumstances that may affect the fitness and propriety of a Private Hire operator:

- Licensed drivers or vehicle proprietors persistently (either individually or as a group) breaching the conditions of their licence whilst working for / under the instruction of a particular operator.
- Vehicles being operated that are in an unsuitable condition.
- Failure by the operator to satisfactorily address concerns in relation to licensed drivers / vehicle proprietors (including matters related to child / adult safeguarding).

Operators may be issued with enforcement penalty points as a result of the actions of the drivers / vehicle proprietors that are working for them or under their control.

The council expects licensed operators to support the council in its aims to raise awareness of and tackle issues around child and adult safeguarding. Operators must remain alert to these and similar issues, failure to do so will call into question the fitness and propriety of the operator.

## **9. Fees**

### **9.1 Fee Structure**

The legislation provides that fees charged to applicants can cover most of the costs to the Council in providing the licensing services. This includes the administration of applications, and ensuring compliance by licensees within 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.

## 10. Compliance and enforcement

### 10.1 Enforcement

The principal purpose of Hackney Carriage and Private Hire licensing is to protect the public and promote public safety.

In doing this, 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 R.

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.

If the Council considers it necessary, in the interests of public safety, it may require a suspension or revocation of a licence to have effect immediately.

Once a licence has been suspended or revoked, the licence holder (or former licence holder) may appeal to the local Magistrates Court in order to challenge the council's decision. There is no other recourse available to the licence holder (or former licence holder) should they wish to have the decision to suspend or revoke their licence reversed.

## **10.2 Enforcement Penalty points**

The Council will operate a penalty point system of enforcement of specified breaches of byelaws, conditions of licence or other unacceptable behaviour specified as part of this policy. The penalty point system will apply to drivers, operators and vehicles.

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”. 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 S.

## **10.3 Suspension of licence**

Where an individual failure in meeting the vehicle conditions is detected 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 Streetpride, under delegated powers, is permitted to suspend the licence of a driver, vehicle or operator.

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 aims and objectives of this policy 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 will 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 Regulator's 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 considering the most appropriate action to take in relation to a complaint, the credibility of both the complainant and the licence holder will be taken into account.

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

## **Rotherham MBC Hackney Carriage & Private Hire Licensing Policy Implementation Scheme**

The requirements of the Hackney Carriage and Private Hire Licensing Policy will be implemented according to the following scheme.

### **Requirements in relation to vehicles**

- **Requirement for all vehicles to be fitted with Closed Circuit Television.**

Vehicles with licences that expire at a point up to four months from the date that the policy is introduced will be required to have CCTV fitted from the date that their licence falls due for renewal, or within one month of the policy being introduced, whichever is the earlier.

Vehicles with licences that expire at a point between four and eight months from the date that the policy is introduced will be required to have CCTV fitted from the date that their licence falls due for renewal, or within two months of the policy being introduced, whichever is the earlier.

Vehicles with licences that expire at a point between eight and twelve months from the date that the policy is introduced will be required to have CCTV fitted from the date that their licence falls due for renewal, or within three months of the policy being introduced, whichever is the earlier.

The council is adopting this approach in order to reduce the impact on CCTV system suppliers and installers. It is expected that suppliers and installers will be able to meet demand, however this will be monitored and the approach reviewed if necessary.

- **Vehicle age and emissions.**

Once the policy is introduced, it will have immediate effect in relation to vehicles that are not licensed at the time when an application is made (commonly referred to as the 'grant' of a licence).

If a vehicle is licensed at the time when the application is made (commonly referred to as a 'renewal'), then the following criteria will apply:

- Vehicle licences that fall due for renewal within one month of the policy being introduced will be issued with a licence for a period not exceeding three months, unless the vehicle is aged less than 10 years at the time of licence renewal (or 12 years in the case of purpose built wheelchair accessible vehicles).
- Vehicle licences that fall due for renewal between one and two months of the policy being introduced will be issued with a licence for a period not exceeding two months, unless the vehicle is aged less than 10 years at the time of licence renewal (or 12 years in the case of purpose built wheelchair accessible vehicles).

- Vehicle licences that fall due for renewal between two and three months of the policy being introduced will be issued with a licence for a period not exceeding one month, unless the vehicle is aged less than 10 years at the time of licence renewal (or 12 years in the case of purpose built wheelchair accessible vehicles).

This staged approach will mean that vehicle proprietors who own vehicles that are older than 10 years (or 12 for purpose built wheelchair accessible vehicles) on 6<sup>th</sup> July 2015 will have at least three months to replace the vehicle with one that meets the council's requirements.

- In all other cases, licences will only be issued in respect of vehicles that were first registered (or, in the case of imported vehicles, manufactured) more than 10 years prior to the date that the vehicle's current licence expires (or 12 years in relation to purpose built wheelchair accessible vehicles).

The age of the vehicle is determined according to the date that the vehicle was first registered in the UK (or, in the case of imported vehicles, the date it was manufactured) and the expiry date of the current licence in respect of that vehicle.

- Vehicle Signage

Once the policy is introduced, it will have immediate effect in relation to vehicles that are not licensed at the time when an application is made (commonly referred to as the 'grant' of a licence).

In all other circumstances (including currently licensed vehicles), the requirements in relation to vehicle signage will take effect three months after the policy has been introduced.

### Requirements in relation to drivers and operators

- Rotherham MBC policy relating to the relevance of previous convictions and other relevant information (Appendix C of the policy).

This policy will have effect immediately, and will be applied to **every** application where the licence would be issued after the date that the policy is introduced. This includes grant and renewal applications.

In addition, the council will apply the policy to all licence holders whose licence does not expire within a three month period following the introduction of the policy.

**This will mean that all Private Hire and Hackney Carriage driver licences, and all Private Hire Operator licences, will be audited against relevant aspects of Appendix C of the policy.**

**Action taken by the council following the review of licences will be dependent on individual circumstances. Potential actions are:**

- i. The licence holder will be contacted and informed that they meet the requirements of the policy and no further action will be taken in relation to the licence holder, or**
  - ii. The licence holder will be referred to the Commissioner for a decision to be made with regard to their suitability to hold a licence, or**
  - iii. The licence will be revoked with immediate effect.**
- Requirement to undertake child and adult safeguarding awareness training.

Once the policy is introduced, it will have immediate effect in relation to individuals that are not licensed at the time when an application is made (commonly referred to as the 'grant' of a licence).

For individuals that are already licenced, the requirement will take effect three months after the introduction of the policy. This will mean that all licensed drivers and operators must have undertaken the training by the time three months has passed since the introduction of the policy. To facilitate this, the Council will provide suitable sessions for licensed drivers and operators to attend in order to receive the awareness training. The cost of this training will be met by the Council.

- Requirement to undertake a BTEC qualification (drivers only).

Once the policy is introduced, it will have immediate effect in relation to individuals that are not licensed at the time when an application is made (commonly referred to as the 'grant' of a licence).

For individuals that are already licenced, the requirement will take effect as follows:

- Drivers whose licences expire within three months of the policy being introduced will be required to obtain the qualification no later than three months after the introduction of the policy.
  - All other drivers will be required to obtain the qualification no later than 12 months after the introduction of the policy.
- Requirement for drivers to subscribe to the Disclosure and Barring Service online update service

This requirement will have immediate effect In relation to drivers and operators whose most recent DBS certificate was printed on or after 29<sup>th</sup> June

2015. Licence holders are required to subscribe to the online service within two weeks of the date printed on their certificate.

The council is in discussion with the Disclosure and Barring Service to identify an appropriate time period within which this requirement will become effective for all other drivers and operators. Drivers and operators will be notified of the time scale in due course.

- Prohibition on Private Hire Operators operating vehicles / drivers that are not licensed by Rotherham MBC

This requirement will take effect three months after the date that the policy is implemented.

**All other requirements of the policy will take immediate effect from the date that the policy is introduced.**

**Rotherham MBC Specification for Closed Circuit Television (CCTV) Systems  
Installed in Licensed Vehicles.**

The following are the minimum criteria that Rotherham MBC expects a CCTV system to meet in order for the system to be considered suitable for installation in a vehicle licensed by the council.

The system shall, as a minimum:

- Meet the current Information Commissioner data protection requirements.
- Be capable of date, time and system identification stamping. When the recorded images are viewed, it must be possible identify the vehicle to which the images relate (for example, by means of a unique reference number added to the recorded images).
- Be capable of recording and storing images for a minimum period of fourteen days.
- Be capable of capturing images that, in low light conditions, must be of sufficient quality to enable identification of any person travelling in the vehicle and be of such quality that they can be used for evidential purposes.
- Be capable of storing images in a manner, which prevents them being removed, downloaded or viewed by the driver or any other person travelling in the vehicle.
- Provide that images are only capable of being downloaded by a system administrator.
- Provide that images are digitally encrypted. De-encryption software required to view the recorded images must be supplied to the Council free of charge before the system is installed in the vehicle.
- Provide that the hard disk or data card is not able to be accessed by the driver or any other person travelling in the vehicle.
- Provide that the data unit is stored separately from the camera(s) and out of view of person travelling in the vehicle.
- Provide that cameras are capable of being fitted in locations that do not affect the safety of any person travelling in the vehicle, and located as securely and discreetly as possible to avoid passengers travelling in the vehicle from tampering with them.
- Provide that, where the system uses a DVD recorder, the system is protected from shock.
- Ensure that the area recorded by the camera does not extend outside of the vehicle.
- Any system must be marked with the EMC [Electro Magnetic Certification], which signifies that it meets the European Industry Standard.
- Be capable of recording audio (in addition to video images) when requested by the driver (ideally the system will have the capability to automatically record audio between predetermined times of day). In addition, the passenger must be able to activate audio recording (independent of the driver, and from the rear of the vehicle if necessary). Once activated, audio must be recorded for a period of 15 minutes.
- The system must operate for 15 minutes after the ignition has been switched off.

**Summary of key changes to existing policy / practice (should the policy be introduced as proposed).**

1. Requirements in relation to individuals:
  - a) Introduction of a local definition of “fit and proper person” in relation to taxi and private hire licensing, and clarification on the factors that will be considered as part of making an assessment of fitness and propriety (this will include non-conviction information and any other relevant information).
  - b) Significantly more rigorous guidelines relating to the relevance of convictions / caution etc. This will, for example, result in those convicted of a sexual offence having their licence revoked (or their application for a licence refused). These revised guidelines will be applied to all drivers and operators within three months of the policy becoming effective.
  - c) Requirement of all drivers and operators to subscribe to the Disclosure and Barring Service online update service. This will allow the council to undertake instant checking of a licence holder’s criminal record.
  - d) Requirement for drivers to hand in their licence if they are not intending to work as a licensed driver for a period in excess of four months (due to illness or being out of the country for example).
  - e) Enhanced knowledge test, and assessment of English Language and Maths ability.
  - f) Requirement for all drivers to hold a BTEC Level 2 qualification in ‘The Role of the Professional Taxi and Private Hire Driver’. All licensed drivers will be required to possess this qualification (or an equivalent) within 12 months of the policy being introduced.
  - g) Requirement for all drivers and operators to undertake child and adult safeguarding awareness training (to be provided by the Council). All drivers and operators will be required to undertake this training within three months of the policy being introduced.
  - h) Introduction of a mandatory dress code for licensed drivers.
  - i) Introduction of a mandatory code of practice for licensed drivers and operators when working with vulnerable passengers.
  - j) Requirement for licensed drivers to have held a full UK driving licence for at least two years before being considered suitable for licensing.
  - k) Additional checks to be carried out on non-EU nationals in order to determine fitness and propriety (in the event that existing UK / EU

processes do not provide sufficient information to make a determination on an applicant's fitness and propriety).

2. Requirements in relation to vehicles:

- a) A 10 year age limit on licensed vehicles (12 years for purpose built wheelchair accessible vehicles), vehicles that are not the subject of a renewal application must be no older than five years old on the date that the licence commences.
- b) Requirement for additional plates / notices on vehicles to facilitate the rapid identification of the vehicle and driver.
- c) Prohibition on the fitting of part worn tyres to licensed vehicles, and a requirement for a minimum tread depth of 2.0mm. In addition, space saving spare wheels must not be used (except in certain situations).
- d) Prohibition on the carriage of children in the front seat of licensed vehicles (subject to certain exemptions).
- e) Requirement for all licensed vehicles to be fitted with Closed Circuit Television (CCTV) that must meet the specification set by the council and must be in operation at all times that the vehicle is being used as a taxi / private hire vehicle. The system will record video at all times, along with audio in particular circumstances. All vehicles will be required to have CCTV installed within three months of the policy being introduced.
- f) Accidents to be reported to the council within one working day.
- g) Wheelchair access will be permitted through suitable rear doors on vehicles (in addition to side doors).

3. General requirements:

- a) The policy and standards will be applied to all new applications where the licence is determined after the date that the policy becomes effective. In addition, the policy will be immediately applied to all currently drivers, operators and vehicles (subject to the implementation scheme).
- b) A prohibition on taxi firms using vehicles or drivers that are licensed by other councils (i.e. all drivers and vehicles working for Rotherham taxi firms will meet the new standards).
- c) Taxi firms will be held to account for the actions of their drivers and the condition of their vehicles – this may lead to the removal of the firm's licence.
- d) Mystery shopping / customer testing of licensed vehicles.



- e) The introduction of a Quality Assurance Scheme for vehicles and operators (similar to the Scores on the Doors Scheme that is applied to food premises in the Borough).
- f) The introduction of a scheme that will see 'penalty points' issued to drivers and operators for minor breaches of licence conditions (where the safety of the public has not been compromised) – upon reaching a trigger level the driver / operator will be required to attend a Commissioner's Case Hearing Meeting (or Licensing Board).
- g) Clarification that the credibility of the witness / complainant and the licence holder will be taken into account when determining an appropriate course of action following a complaint against a licence holder. This may mean that action could still be taken even in cases where it is 'one person's word against another'.
- h) Private Hire Operators will be held accountable for the actions of drivers under their control (as far as is reasonable), and as such may receive penalty points due to the conduct of drivers.
- i) In the event that an operator licence is revoked, the trading name will not be able to be used by another operator until a period of six months has elapsed (since the date that the revocation became effective).

**Rotherham Council**

**Hackney Carriage & Private Hire Licensing Policy**

**Date of implementation: 6<sup>th</sup> July 2015**

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

**Contents**

<b>Foreword by Commissioner Mary Ney</b>	<b>5</b>
<b>1. Introduction</b>	<b>6</b>
<b>2. Definitions</b>	<b>7</b>
<b>3. Aims and Objectives of the Hackney Carriage &amp; Private Hire Licensing Policy</b>	<b>8</b>
<b>4. Delegations</b>	<b>10</b>
<b>5. Driver Requirements</b>	<b>11</b>
5.1 Fit and Proper Person Test	11
5.2 Application Process	12
5.3 Disclosure and Barring Service (DBS)	13
5.4 Relevance of Convictions and Cautions	14
5.5 Knowledge Testing	14
5.6 Medical Assessment	15
5.7 Duration of licence	16
5.8 Qualifications	16
5.9 Conditions	17
5.10 Dress Code	17
5.11 Code of Conduct when working with vulnerable passengers	18
5.12 Right of driver to work in the UK	18
<b>6. Hackney Carriages and Private Hire Vehicles</b>	<b>19</b>
6.1 Application process	19
6.2 Grant and renewal of licences	19
6.3 Vehicle age and exhaust emissions	20
6.4 Insurance	21
6.5 Vehicle specifications	21
6.6 Conditions	21
6.7 Identification of vehicles as Private Hire Vehicles or Hackney Carriages	21
6.8 Fire extinguishers	22
6.9 Tyres	22
6.10 Accidents	23
6.11 Vehicle examination and testing requirements	23
6.12 Meters	24
6.13 Closed Circuit Television (CCTV)	24
6.14 Additional provisions for Private Hire vehicles only	25
6.15 Additional provisions for Hackney Carriages only	26
6.16 Taxi Ranks	27

6.17 Hackney Carriage and Private Hire Vehicle Quality Scheme	27
<b>7. Fares</b>	<b>28</b>
7.1 Hackney Carriages	28
7.2 Private Hire Vehicles	28
<b>8. Operators</b>	<b>29</b>
8.1 Requirement for a licence	29
8.2 Fitness and propriety	29
8.3 Insurance	30
8.4 Conditions	30
8.5 Use of operator name following revocation of licence	30
8.6 Private Hire Vehicle Operator Accreditation Scheme	30
8.7 Operator responsibility in relation to vehicles / drivers that are operated	30
<b>9. Fees</b>	<b>32</b>
9.1 Fee structure	32
<b>10. Compliance and enforcement</b>	<b>33</b>
10.1 Enforcement	33
10.2 Enforcement penalty points	34
10.3 Suspension of licence	34
10.4 Refusal to renew a licence	34
10.5 Prosecution of licence holders	35
10.6 Appeals	35
10.7 Service Requests and Complaints	35

**Appendices**

Appendix A Private Hire and Hackney Carriage Drivers Application Procedure

Appendix B Disclosure and Barring Service (DBS) Application Procedure

Appendix C Policy relating to the relevance of previous convictions and other relevant information

Appendix D Private Hire / Hackney Carriage Driver Conditions of Licence

Appendix E Hackney Carriage Byelaws

Appendix F Dress Code

Appendix G Code of Conduct when working with vulnerable persons

Appendix H Hackney Carriage & Private Hire Vehicle Licensing Application Procedures

Appendix I Vehicle age & emissions

Appendix J Policy in Relation to the Specification of Private Hire Vehicles

Appendix K Policy in Relation to the Specification of Hackney Carriages

Appendix L Private Hire Vehicles - Schedule of Conditions

Appendix M Hackney Carriage Conditions

Appendix N Private Hire vehicle and Hackney Carriage vehicles examination and testing requirements

Appendix O Advertisements

Appendix P Taxi Rank Locations

Appendix Q Private Hire Operators Conditions

Appendix R General Enforcement Policy

Appendix S Hackney Carriage and Private Hire Driver Points Based Enforcement Scheme

## Foreword by Commissioner Mary Ney

This policy seeks to set a standard that is amongst the highest in the country with the intention of both protecting the public and rebuilding confidence in the licensed trade. It is designed to promote improved professional behaviour amongst licence holders, to increase their awareness of safeguarding issues, and to allow those that share the Council's commitment to a high standard of service to thrive. The policy will make it extremely difficult for disreputable individuals to operate within the licensed trade.

Both the Jay report into Child Sexual Exploitation (CSE) in Rotherham and the subsequent Corporate Governance Inspection led by Louise Casey CB identified issues, amongst which was the importance of having effective regulatory and enforcement functions in preventing and disrupting CSE. The Taxi licensing function has a key role in this.

At the heart of the new policy lies a commitment to the protection of the public, safeguarding children and the vulnerable and the prevention of crime and disorder. We aim to ensure that licensed drivers, operators and vehicles operating in the Borough are of the highest quality, and can be held to account for their performance.

The Council recognises the important role that Hackney Carriages and Private Hire vehicles play in enabling people to travel around the borough, in doing so they also have a role in portraying the image of the borough. The drivers themselves have a key role as Ambassadors for the Borough and Customers rightly expect that in using licensed vehicles they will be transported in comfort and safety. This will help to ensure that the industry and the local economy thrive.

The policy has been the subject of two rounds of consultation and I am grateful to all those who contributed their comments which has helped to shape the final policy. The council will begin the task of implementation from July 2015 and review progress and the workings of the policy in 12 months' time.

Mary Ney

Commissioner

July 2015

## 1. Introduction

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 Rotherham Council in the way in which it carries out its functions. The policy has immediate effect and will be applied to existing licences and new applications received after the date that the policy is adopted by the Council.

The Council reserves the right to overturn a decision that has previously been made, or refuse a renewal of a licence, where clear errors are discovered. In addition, the Council will undertake periodic auditing of currently licensed drivers / vehicles to ensure that perverse or wrong decisions are discovered and corrected. Such audits will be conducted using this policy as the required standard.

The policy has been developed by Rotherham 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 aims and objectives (see section 3 of this policy)
- Current legislation
- Other Rotherham Council 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, Local Government Regulation, 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 policy will be evaluated 12 months after it has been introduced, this will be to determine whether the policy is effective and has achieved the aims set out in Section 3 of this document. Following this initial evaluation, 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”) and the Town Police Clauses Act 1847 provides the regulatory framework for Rotherham Council (the “Council”) as the Local authority (the “Authority”) to carry out its licensing functions in respect of Hackney Carriage and Private Hire Licensing.

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 vehicle available to transport the public with no more than 8 passenger seats, which is licensed to ply for hire. This means that it may stand at ranks hailed in the street by members of the public, or undertake pre-booked work
- Private Hire vehicles: licensed to carry no more than 8 passengers but must be booked in advance by customers through an operator and cannot ply for hire in the street.
- Private Hire operators
- Hackney Carriage and Private Hire drivers

In undertaking its licensing function, the Council comply with relevant legislative requirements including:

- 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. Aims and Objectives of the Hackney Carriage & Private Hire Licensing Policy**

The principal purpose of Hackney Carriage and Private Hire licensing is to protect the public and promote public safety. The Council will adopt and carry out its Hackney Carriage and Private Hire licensing functions with a view to promoting the following:

- **The protection of the public, safeguarding children and the vulnerable and the prevention of crime and disorder,**
- **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 aims and objectives, the Council will expect to see licence holders and applicants continuously demonstrate that they meet or exceed the standards set by the Council.

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

- Raising awareness amongst the licensed trade, and the general public, of issues of safeguarding children and vulnerable adults.
- 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.
- An expectation that licence holders will treat all customers, passengers, the general public and Council officers with respect and courtesy at all times.

#### **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 issuing licences for vehicles that are unable to comply with European Emissions Standards.

### **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:

- 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
- Stimulating the local economy and helping local people into work

These aims and 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 aims and objectives.

## 4. Delegations

Under the Council's Constitution the Licensing Board has the authority, amongst other licensing matters, to discharge non-executive regulatory board functions with respect to Hackney Carriage and Private Hire licensing. 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.

As a result of the Secretary of State's intervention into Rotherham Council in February 2015, and the subsequent appointment of five Commissioners, the decision making authority of the Licensing Board and Sub-Committee has been suspended.

The existing delegation framework to officers will remain in place, but all decisions previously taken by the Licensing Board, Licensing Board sub-committee and Licensing Committee will now be taken by Commissioner Ney.

A process has been established for individual cases in which the members sit with the Commissioner to conduct any hearing, and the Commissioner then takes the decisions. Any policy decisions required will be taken by the Commissioner but modelled in the same way as the Advisory Cabinet process. The delegation levels will be subject to ongoing review, and it is expected that the authority to determine licences will return to the Licensing Board in due course.

The Director of Streetpride (the "Director") has been delegated by the Council to grant, suspend and refuse licences. In practice this power is restricted to the immediate suspension / revocation of licences in the interests of public safety, 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, suspension notices, 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 granted a drivers' licence, and must then remain a fit and proper person for the duration of that licence. The fitness and propriety of a driver will be monitored / assessed throughout the period that the licence is held.

Applicants are expected to act with honesty and integrity throughout the application process, and must therefore fully and accurately disclose any information that is requested. This includes information regarding previous convictions, warnings and reprimands, current investigations and pending criminal proceedings.

The Council aims to ensure that Private Hire and Hackney Carriage services delivered within the Borough are of a good standard. The application and compliance procedures are designed to ensure these standards are maintained, monitored for compliance and appropriately enforced.

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 considers that licensed drivers are in a position of trust, and therefore 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 and Proper Person" for the purposes of taxi and Private Hire licensing is not legally defined. However, in determining whether a person is fit and proper to hold a licence, those tasked with determining licences / applications are effectively asking the following question of themselves:

"Would you allow your son or daughter, spouse or partner, mother or father, grandson or granddaughter or any other person for whom you care, to get into a vehicle with this person alone?"

If the answer to the question is an unqualified 'yes', then the person can be considered to be fit and proper. If there are any doubts in the minds of those who make the decision, then further consideration should be given as to whether a licence should be granted to that person.

In order to assess the suitability of an applicant (and to inform decision makers when answering the question above), the Licensing Authority will undertake whatever checks and apply whatever processes it considers necessary to ensure that licences are not issued to, or used by, unsuitable people. In assessing the suitability of an applicant or licence holder, the Council will take into consideration the following factors:

- Criminality
- Period of holding a driver's licence
- Number of endorsed driving licence penalty points
- Right to work
- Medical fitness
- Standard of driving / driving ability
- General conduct / standards of behaviour (including online behaviour)
- The conduct of the applicant in making the application (e.g. whether they have acted with honesty and integrity during the application process).
- The previous licensing history of existing / former licence holders (including honesty and integrity).
- Theoretical knowledge of issues and matters related to the work of a licensed driver.

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

## **5.2 Application process**

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 2 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 initial licence is issued

The Council may directly access the DVLA records of applicants, or alternatively will employ the services of a third party to do this.

In addition, a third party service may be used to assess the suitability of applicants based on their general behaviour whilst using the internet (in particular social media sites).

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.

An individual will not be considered fit and proper to hold a licence if there is any evidence of dishonesty, and/or it can be shown that an applicant or existing licence holder has misled, or attempted to mislead, the Council (either officers or members

of the Licensing Board) as part of any process associated with the administration or determination of a licence.

### **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 1974 (Exceptions) Order 1975 (the “Exceptions Order”). Accordingly all drivers will be asked to disclose on their application form any caution or conviction even if it is spent for other purposes and those will be revealed on the DBS certificate. Advice will be provided in relation to certain old and minor cautions and convictions which are referred to as "protected". These do not have to be revealed, and will not appear on the DBS certificate. 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 Council’s Licensing Unit. However, DBS certificates that are issued to other local authorities will be accepted if it has been printed within the last four weeks, is to an enhanced level and has been processed in relation to the child and adult workforce employment position (as specified on the certificate).

All new applicants must declare on the application form 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.

All licence holders must subscribe to the Disclosure and Barring Service Online Update Service, this will be required by a condition placed on the licence. Any costs associated with maintaining this subscription must be met by the licence holder. The licence holder must give permission for the council to undertake checks of their DBS status should the council consider it necessary to do so. The council will use the update service to monitor the criminal record of licence holders. The update service can be used when a licence is renewed – if there are no changes recorded on the DBS certificate then a full DBS check will not be required. In all other cases a full Enhanced DBS check will be required before a licence is renewed.

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

If an applicant has spent six continuous months or more overseas the Council will need 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 (including UK citizens) suitable checks should be available. For those countries for which checks are not available, the Council will require a certificate of good conduct authenticated by the relevant embassy.

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

The Council is committed to ensuring that the licensed trade are fit and proper, this will entail periodic audits of licensed drivers to ensure that any errors or material changes are identified and acted upon.

In relation to the consideration of convictions, cautions, warning and reprimands etc., the Council has adopted the policy set out in Appendix C. The terms of this policy will have immediate effect, and will be immediately applied to all current licences issued by Rotherham Council (in so far as they relate to Private Hire and taxi licencing).

In assessing whether the applicant is a fit and proper person to hold or retain a licence, the Council will consider each case on its merits. 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.

The policy at Appendix C will also be used to determine the suitability of an existing licence holder should it be necessary to consider action in relation to the licence part way through the licence period.

### **5.5 Knowledge Testing**

Applicants for a driver's licence are required to have passed the Council's knowledge test. This test will ensure that the applicant has sufficient knowledge in relation to:

- i. Literacy and numeracy
- ii. Child / adult safeguarding awareness
- iii. Disability awareness (including physical and sensory disability)
- iv. Road Safety
- v. Basic vehicle maintenance
- vi. Customer care / customer awareness

vii. Local knowledge

In addition to the knowledge test, applicants will be required to demonstrate that they have abilities in English and Maths at least to Entry Level 3 standard (as defined in the Qualifications and Credit Framework). If necessary, the applicants' abilities in English and Maths will be assessed by an appropriately qualified individual that will be independent of the Council (such as a local college).

Applicants who do not meet Entry Level 3 standard in English and Maths 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 knowledge tests they will be required to wait at least 12 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 5 years thereafter until aged 65 years when annual examinations are required. Licence holders with certain medical conditions (for example certain neurological 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 Large Goods Vehicle (LGV) 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 must 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 (who are not existing licence holders) whose application for a drivers licence is determined on or after the date on which this policy becomes effective will be required to provide evidence of the following qualifications / skills to the Council before a licence will be issued:

- BTEC Level 2 Certificate in the Introduction to Role of the Professional Taxi and Private Hire Driver. Alternative qualifications may be accepted provided that they are to an equivalent standard of the BTEC and have a comparable syllabus. Any certificate must have been awarded within the last three years. In cases where the certificate was awarded more than 3 years ago, the certificate holder must demonstrate that they have undertaken a suitable refresher / CPD course – the content of which will be determined by the council.
- Satisfactory completion of an approved training / awareness raising course in relation to safeguarding children and vulnerable people. This course must have been approved by Rotherham Council Licensing Service.

- Ability in English and Maths at least to Entry Level 3 standard (as defined in the National Qualifications Framework).

Existing licence holders will be required to provide evidence of the qualifications detailed above in accordance with the implementation scheme determined by the Council.

Licence holders or applicants that possess an NVQ level 2 qualification in Road Passenger Vehicle Driving will only be exempted from the BTEC requirement if they are able to demonstrate that they have undertaken additional training in the elements covered in Unit 6 of the BTEC (unit code J/502/5985), have a level of knowledge comparable to that obtained by the completion of the BTEC and pass the council's enhanced knowledge test.

Alternative qualifications or training methods may be considered in exceptional circumstances, these will be determined on a case by case basis.

In addition to the above, all drivers that are licensed on the day that this policy is introduced, or are issued with a licence after this date, will be required to undertake an awareness raising session on safeguarding children and vulnerable within 3 months of three months of the policy being introduced. This training must be approved by Rotherham Council Licensing team. Drivers that can evidence that they have undertaken this training within the previous 12 months will be exempt from this requirement. All licensed drivers will be required to have undertaken this training by in accordance with the implementation scheme determined by the Council.

## **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 made 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, elderly 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.

### **5.12 Right of driver to work in the UK**

The Council will require all applicants to provide documentary evidence to confirm that they may legally work in the UK. Examples of documents that maybe provided include:

- A UK passport confirming that the holder is British Citizen (or citizen of another EEA country – including Switzerland),
- Passport or other travel document endorsed to show that the holder is allowed to stay in the United Kingdom and undertake paid employment,
- Full UK Birth / Adoption Certificate,
- An Immigration Document issued by the Border and Immigration Agency to the holder which indicates that the person named in it can stay in the United Kingdom and undertake paid employment,
- A work permit or other approval to take employment issued by the Home Office or the Border and Immigration Agency when produced in combination with either a passport or another travel document endorsed to show the holder is allowed to stay in the United Kingdom and is allowed to undertake paid employment.

This list is not exhaustive, and other documents may be accepted – further information will be provided by the Licensing Office on request.

**Where an applicant is subject to immigration controls, a licence will not be issued for longer than the period that the applicant has permission to undertake paid employment in the United Kingdom.**

## **6. Hackney Carriages and Private Hire 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 new keeper's supplement section of the V5 document will be accepted in the case of vehicles that are not licensed at the time that the application is made, and the vehicle has recently been purchased by the applicant (documentary evidence will be required). Licences will not be renewed unless the full V5 document is made available to the council at the time of application);
- The original insurance certificate or insurance cover note for the vehicle (this must be provided before the licence is issued)
- 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 and the provision of a valid certificate of motor insurance.

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 Council's Air Quality Action Plan 2015 includes the measure of improving the Hackney Carriage and Private Hire fleet by setting minimum emission standards for vehicles licensed in the borough. The Council aims to ensure that Hackney Carriages 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 issued. 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.

The council will undertake periodic auditing of licensed vehicles to verify that the vehicle is appropriately insured.

## **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 it's the aims and objectives of this policy.

## **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.

b) Private Hire Vehicles

- The TX4 or similar vehicle (commonly referred to as a 'London cab') will not be licensed as a Private Hire vehicle.
- The minibus variants of approved Hackney Carriage vehicles (such as the Mercedes Vito) 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.

The Council requires that all licensed vehicles to adhere to the following provisions with regard to tyres:

- Tyre treads are designed to efficiently and effectively remove water from the road surface and provide maximum grip. All tyres fitted to the vehicle must have at least 2.0 mm tread depth throughout a continuous band in the centre 3/4 of the tread and around the entire circumference of the tyre.
- Tyre fitted to a motor vehicle or trailer must be fit for purpose and be free from any defects which might damage the road or endanger any person. Fit for purpose means that a tyre must:
  - be compatible with the types of tyres fitted to the other wheels,
  - not have any lump, bulge or tear caused by separation or partial failure of the structure,

- not have a cut or tear in excess of 25mm or 10% of the sectional width of the tyre, whichever is the greater, and which is deep enough to reach the ply or cord,
- not have any part of the ply or cord exposed.
- Tyres must be correctly inflated to the vehicle / tyre manufacturer's recommended pressure.
- All replacement tyres fitted to licensed vehicles must be new (i.e. not have been used previously on any other vehicle) and have been fitted by a reputable vehicle maintenance company / contractor. Vehicle proprietors are required to retain invoices / receipts to show that any tyre that is purchased meets this requirement.
- The fitting of part worn tyres to licensed vehicles is not permitted.
- 'Space saving' spare wheels must only be used in an emergency, and then only in accordance with the manufacturer's instructions. Should the use of a 'space saving' spare wheel become necessary during a period of hire then the journey may continue, but the wheel must be replaced before another journey commences.

### **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 one working day (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 Meters**

All Hackney Carriages must be fitted with an approved meter.

The Council will 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:

- In the case of Hackney Carriages, 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.
- In the case of Private Hire Vehicles, any scale of charges provided by the operator of the vehicle.

Meters will be checked for accuracy by a measured 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.

Private Hire Operators and / or drivers may agree a cost for the journey with the customer prior to the journey commencing. In this situation, the price quoted is the price that must be charged – there is to be no deviation from this price without the agreement of the customer. On occasions where a price has been not been agreed prior to the journey commencing, the fare charged must be that which is reflected on the meter were the vehicle is equipped with a meter.

## **6.13 Closed Circuit Television (CCTV)**

CCTV equipment, capable of recording both audio and video, must be installed in all licensed vehicles. The CCTV system must meet or exceed the council's specification for CCTV systems and must be operational at all times that the vehicle is being used as a licensed vehicle (i.e. for the carriage of fare paying passengers). The system does not need to be operational during other times (for example when being used for domestic purposes).

Video recording must be active at all times. Audio recording must be active in any of the following circumstances:

- An unaccompanied child (i.e. under 18) or vulnerable adult is being carried in the vehicle, or
- Between the hours of 2200hrs and 0600hrs,

In addition, audio recording must be activated by the driver at any time where the driver and customer are involved in a dispute or the driver feels threatened by the behaviour of a passenger.

There must also be the facility for the passenger to activate audio recording (independent of the driver) should the passenger wish to do so.

Once activated, the audio recording must continue for an uninterrupted period of 15 minutes.

The requirement for all vehicles to have CCTV fitted will apply in relation to all licences that are issued from the date on which this policy becomes effective. However in the case of vehicles that are already licensed on the date on which this policy becomes effective, the requirement will take effect as determined by the Council's implementation scheme.

## **6.14 Additional provisions for Private Hire vehicles only**

### **6.14.1 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)
- Suitable fittings for the securing of the wheelchair and any passengers seated in them
- access and egress via suitable side or rear doors.

### **6.14.2 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.

### **6.14.3 Limousines and executive hire**

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

Vehicles used for this purpose must meet the requirements for Private Hire Vehicles.

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 must 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.

#### **6.14.4 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 special event vehicle, the Council will have regard to the general requirements for Private Hire vehicles contained within this policy and relevant appendices.

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 be licensed as Private Hire vehicles, driven by Private Hire drivers and the journey must be booked via a Private Hire operator.

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

#### **6.15.1 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 Hackney Carriage and Private Hire services, because of the part they play in local transport provision. Disabled groups are particularly reliant on Hackney Carriages 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 delimitation will be kept under review.

#### **6.15.2 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 accordance with the requirement set out in Appendix O.

#### **6.16 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 P. Taxi ranks to be used by Hackney Carriages whilst waiting for their next hire. They are not to be regarded as parking places.

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, nor must they allow customers to alight from their vehicle on a taxi rank.

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

Before the 31st March 2016 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

## **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 for journeys within the Borough which can be negotiated downwards by the hirer for journeys. The hirer may agree to the fare for a journey which ends outside the borough being charged other than at the metered rate.

A fares tariff is enforceable as a byelaw and it is an offence for any person to charge more than the metered fare.

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 will 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 must, 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 must 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 must, if requested by the passenger, provide written receipts for fares paid.

## 8 Operators

### 8.1 Requirement for a licence

A licensed hire vehicle must 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 must 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. This authority must be the same authority that issued the operator's 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 will grant Private Hire operator licences for a period of 12 months.

### 8.2 Fitness and propriety

The Council will only issue licences to applicants that are deemed to be fit and proper. In assessing this, the Council will have regard to the following:

- Criminal record (including convictions, cautions, warnings and reprimands),
- Factors such as demeanour, general character, non-criminal behaviour, honesty and integrity,
- Previous conduct (particularly in cases where the applicant holds or has previously held a licence issued by Rotherham Council),
- Business practices demonstrated by the applicant (for example standard of record keeping, compliance with other regulatory requirements, financial practices etc.)

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

If an application is received from a person that is not a driver licensed by Rotherham MBC then the applicant will be required to provide a Basic Disclosure from the Disclosure and Barring Service, and undertake the council's Child and Adult Safeguarding Awareness Training (as required by licensed drivers).

### **8.3 Insurance**

Before an application for a Private Hire operator's licence is issued, the applicant shall produce evidence that they have taken out appropriate public liability insurance for the premises to be licensed. Where necessary, operators must also 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 Q.

However, where it is considered necessary, additional conditions may be imposed. In considering what is reasonably necessary the Council will take into account it's the aims and objectives of this policy.

Operators must only use vehicles and drivers licensed by Rotherham Council.

Failure of the operator to adhere to the conditions of licence will lead to enforcement action and / or the issue of enforcement penalty points.

### **8.5 Use of operator name following revocation of licence**

Where an operator licence is revoked by the Council, the name (or a similar name) of the Private Hire company associated with that licence cannot be used by another operator until such time as six months has elapsed since the date of revocation or the date on which all appeal processes have been concluded (whichever is the longer).

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

Before the 31st March 2016 the Council will be consulting on the introduction of an accreditation Scheme for all licensed vehicles operating within the Borough.

### **8.7 Operator responsibility in relation to vehicles / drivers that are operated**

The operator is responsible for all persons (and vehicles) that are employed, contracted or otherwise used in the course of their business. To that end, the operator must undertake sufficient checks to satisfy themselves that only suitable drivers and vehicles are used (and continue to be used) in the course of their business. The failure of an operator to ensure that appropriate checks are carried out may call into question the operator's fitness and propriety. In addition, a failure to take appropriate action in relation to drivers that persistently breach licence conditions may also be detrimental to the continued fitness and propriety of the operator.

The following are examples of circumstances that may affect the fitness and propriety of a Private Hire operator:

- Licensed drivers or vehicle proprietors persistently (either individually or as a group) breaching the conditions of their licence whilst working for / under the instruction of a particular operator.
- Vehicles being operated that are in an unsuitable condition.
- Failure by the operator to satisfactorily address concerns in relation to licensed drivers / vehicle proprietors (including matters related to child / adult safeguarding).

Operators may be issued with enforcement penalty points as a result of the actions of the drivers / vehicle proprietors that are working for them or under their control.

The council expects licensed operators to support the council in its aims to raise awareness of and tackle issues around child and adult safeguarding. Operators must remain alert to these and similar issues, failure to do so will call into question the fitness and propriety of the operator.



## **9. Fees**

### **9.1 Fee Structure**

The legislation provides that fees charged to applicants can cover most of the costs to the Council in providing the licensing services. This includes the administration of applications, and ensuring compliance by licensees within 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.

## **10. Compliance and enforcement**

### **10.1 Enforcement**

The principal purpose of Hackney Carriage and Private Hire licensing is to protect the public and promote public safety.

In doing this, 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 R.

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.

If the Council considers it necessary, in the interests of public safety, it may require a suspension or revocation of a licence to have effect immediately.

Once a licence has been suspended or revoked, the licence holder (or former licence holder) may appeal to the local Magistrates Court in order to challenge the council's decision. There is no other recourse available to the licence holder (or former licence holder) should they wish to have the decision to suspend or revoke their licence reversed.

## **10.2 Enforcement Penalty points**

The Council will operate a penalty point system of enforcement of specified breaches of byelaws, conditions of licence or other unacceptable behaviour specified as part of this policy. The penalty point system will apply to drivers, operators and vehicles.

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”. 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 S.

## **10.3 Suspension of licence**

Where an individual failure in meeting the vehicle conditions is detected 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 Streetpride, under delegated powers, is permitted to suspend the licence of a driver, vehicle or operator.

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 aims and objectives of this policy 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 will 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 Regulator's 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 considering the most appropriate action to take in relation to a complaint, the credibility of both the complainant and the licence holder will be taken into account.

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

## **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.

Applicants are expected to act with honesty and integrity throughout the application process, and must therefore fully and accurately disclose any information that is requested. This includes information regarding previous convictions, warnings and reprimands, current investigations and pending criminal proceedings.

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 two years (please note that the requirement is to have held the full licence for at least two years, not two 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. Applicants (who are not existing licence holders) that submit their application for a drivers licence on or after the date on which this policy comes into effect will be required to provide evidence of the following qualifications / skills to the council before a licence will be issued:
  - BTEC Level 2 Certificate Introduction to Role of the Professional Taxi and Private Hire Driver. Alternative qualifications may be accepted provided that they are to an equivalent standard of the BTEC and have a comparable syllabus. Any certificate must have been awarded within the last three years. In cases where the certificate was awarded more than 3 years ago, the certificate holder must demonstrate that they have undertaken a suitable refresher / CPD course – the content of which will be determined by the council.
  - Satisfactory completion of an approved training / awareness raising course in relation to safeguarding children and vulnerable people. This course must have been approved by Rotherham MBC Licensing Service.
  - Ability in English and Maths at least to Entry Level 3 standard (as defined in the Qualifications and Credit Framework).

The council will introduce an implementation scheme that will determine when existing licence holders will be required to provide evidence of the qualifications detailed above.

Licence holders or applicants that possess an NVQ level 2 qualification in Road Passenger Vehicle Driving will only be exempted from the BTEC requirement if they are able to demonstrate that they have undertaken additional training in the elements covered in Unit 6 of the BTEC (unit code J/502/5985), have a level of knowledge comparable to that obtained by the completion of the BTEC and pass the council's enhanced knowledge test.

Alternative qualifications or training methods may be considered in exceptional circumstances, these will be determined on a case by case basis.

In addition to the above, all drivers will be required to undertake an awareness raising session on safeguarding children and vulnerable adults within 3 months from the date that this policy is implemented. This training must be approved by the council (such as the training delivered by the Corporate Transport Unit as part of the home to school contract provision). Drivers that can evidence that they have undertaken this training within the previous 12 months will be exempt from this requirement.

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 fitness and propriety 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.

Once it has been issued by the DBS, the Council will consider an Enhanced Disclosure Certificate to be valid for a period of 3 months from the date that it was printed. This is subject to the certificate having been obtained through the Council's licensing service as part of a driver or operator application. The Council reserves the right to request a new Enhanced DBS check should it consider it appropriate to do so.

4. Applicants are required to have passed the council's taxi and private hire driver 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 taking it for a third time they will not be permitted to take the test again until at least 12 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 (taxi and private hire test). 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. Applicants whose DVLA driving licence is endorsed with more than 6 penalty points will be required to attend a hearing of the Licensing Board in order for their application to be determined.
8. 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. A new medical will then be required every five years from the age of 45. On reaching the age of 65 a new 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 (please note that any fees for pre-application tests etc are 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).

If a licence is not renewed prior to its expiry (or if a renewal application is received, but the application is not determined prior to the expiry of the licence) then that person will no longer be able to lawfully operate as a licensed driver.



## **Appendix B**

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

As part of the application process, the council will undertake a check of your criminal record. A failure to declare a conviction, caution or pending police action on your application form will be taken into account and may have a significant impact on how your application will be determined, or whether your licence will continue.

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 "Policy relating to the relevance of previous convictions and other relevant information".

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 authority's statement of policy for the recruitment of ex-offenders, 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.

### **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 be taken into account and may have a significant impact on how your application will be determined, or whether your licence will continue.

**Appendix C**

**Rotherham Metropolitan Borough Council**

**Policy relating to the relevance of previous convictions and other relevant information**

## 1. Introduction

- 1.1 This policy provides guidance to the Licensing Board and its sub-committee 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 be granted, have renewed or continue to hold a Hackney Carriage and / or Private Hire Driver Licence. Whilst criminal convictions will play a significant part in the Licensing Authority's determination on whether an individual is fit and proper or not, the Council will also take into account other factors such as demeanour, general character, non-criminal behaviour, driving abilities, and other police information etc.
- 1.2 Whilst this policy primarily applies to the determination of driver licences, the principles within it are equally applicable to the determination of Private Hire Operator and Vehicle / Hackney Carriage licence applications. Consequently, where a conviction (as defined below) is considered relevant to the fitness and propriety / suitability of an individual to hold (or be granted) a Private Hire Operator Licence or a vehicle licence, then this policy must be referred to in the determination of that licence / application.
- 1.3 This policy will be immediately applied to all current licences, in addition to being considered at the time of renewal and grant of a licence.
- 1.3 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. Licences will not be issued unless the person is considered to be 'fit and proper'.
- 1.4 In seeking to safeguard the safety of the public. The council 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
- 1.5 The term "Fit and Proper Person" for the purposes of taxi and private hire licensing is not legally defined. However, in determining whether a person is fit and proper to hold a licence, those tasked with determining licences / applications are effectively asking the following question of themselves:

'Would you allow your son or daughter, spouse or partner, mother or father, grandson or granddaughter or any other person for whom you care, to get into a vehicle with this person alone?'

If the answer to the question is an unqualified 'yes', then the person can be considered to be fit and proper. If there are any doubts in the minds of those who make the decision,

then further consideration should be given as to whether a licence should be granted to that person.

In order to assess the suitability of an applicant (and to inform decision makers when answering the question above), the Council will undertake whatever checks and apply whatever processes it considers necessary to ensure that licences are not issued to, or used by, unsuitable people. In assessing the suitability of an applicant or licence holder, the council will take into consideration the following factors:

- Criminality
- Period of holding a driver's licence
- Number of endorsed driving licence penalty points
- Right to work,
- Medical fitness
- Standard of driving / driving ability
- The conduct of the applicant in making the application (e.g. whether they have acted with integrity during the application process).
- The previous licensing history of existing / former licence holders.

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

1.6 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 and Judges hearing appeals against local authority decisions

1.7 In considering this guidance the Council 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.

1.8 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' is taken to be the date which is reached once the whole of the period as sentenced by the court has elapsed and not necessarily the length of time served by the applicant. For example, if a sentence is five years imprisonment then the date that the sentence ends will be five years from the date of sentencing – regardless of the amount of time actually served by the applicant. If the sentence is amended by a court at a later date then this new sentence becomes relevant for the purposes of this policy. The term 'since completion of sentence' is to be construed in a similar way.

1.9 In this policy the word applicant refers to either new applicants, existing licence holders who are seeking renewal and existing licence holders that are the subject of periodic

auditing or having their licence reviewed by the council as part of the policy implementation process. It also includes existing licence holders who are being considered by the Council by virtue of offending activity having recently come to light.

The Council reserves the right to overturn a decision that has previously been made, or refuse a renewal of a licence, where clear errors are discovered.

## **2. General Policy**

2.1 Whilst the Board 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 standards and criteria set out in paragraphs 6 to 16 below are those that would normally be applied to applications and licences. The Council may depart from these criteria, however it must only do so 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 council 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 of the Local Government Miscellaneous Provisions Act 1976 allow the council 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) Order 1975, allows the council to take into account all convictions recorded against an applicant or the holder of a Private Hire or Hackney Carriage driver's licence, whether spent or not. Therefore the council 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 council 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 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 council 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 the conviction, warning, caution etc.
- Circumstances of the individual concerned
- Any sentence imposed by the court
- The applicant's age at the time of offence / incident leading to the conviction, warning, caution etc.
- Whether they form part of a pattern of offending
- Any other character check considered reasonable (e.g. personal references)
- Any other factors that might be relevant, for example:
  - The previous conduct of an existing or former licence holder,
  - Whether the applicant has intentionally misled the council or lied as part of the application process,
  - Information provided by other agencies / council departments.

4.4 Existing holders of driver's licences are required to notify the council in writing within five working days of receiving a driving licence endorsement, fixed penalty notice, warning, reprimand, police caution, criminal conviction or other criminal proceedings (including their acquittal as part of a criminal case). In addition, licence holders must inform the council within 3 working days of their arrest for any matter (whether subsequently charged or not). To fail to do so, will raise serious questions for the Council 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 for advice.

4.6 The Council 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, this includes any fees payable to the DBS. Further details are provided in Appendix A and Appendix B of this policy.

4.7 The Council 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 Council or other licensing authorities, and information disclosed by the police under the Common Law Police Disclosure Scheme or other



similar arrangements. Examples of such information sources that may be used include social care information, benefits payments etc.

- 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 (s57 Local Government (Miscellaneous Provisions) Act 1976). 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 Any offences or behaviour not covered by this Policy will not prevent the Council from taking into account those offences or behaviours.

## **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 which may include the use of enforcement penalty points
- For existing drivers who have accumulated 9 or more points on their DVLA driving licence, their drivers' licence will normally be suspended until the driver has successfully undertaken a driving test to DVSA standards. Such a test will be at the licence holder's 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 be refused if the applicant has a conviction for an offence that involved the loss of life.

- 6.2 A licence will not be granted where the applicant has a conviction for an offence such as:

- Murder
- Manslaughter
- Manslaughter or culpable homicide while driving
- Terrorism offences
- Any offences (including attempted or conspiracy to commit offences) that are similar to those above.

- 6.3 Consideration may only be given to the granting / issuing of a licence if at least 10 years have passed since the completion of any sentence and / or licence period following conviction for an offence shown below:

- Arson
- Malicious wounding or grievous bodily harm which is racially aggravated

- Actual bodily harm
- Grievous bodily harm
- Robbery
- Possession of firearm
- Riot
- Assault Police
- Violent disorder
- Resisting arrest
- Any racially-aggravated offence against a person or property
- Common assault
- Affray
- Any offence that may be categorised as domestic violence
- Any Public Order Act offence (harassment, alarm or distress, intentional harassment or fear of provocation of violence)
- Any offences (including attempted or conspiracy to commit offences) that are similar to those above.

6.4 Consideration may only be given to the granting / issuing of a licence if at least 5 years have passed since the completion of any sentence and / or licence period following conviction for an offence shown below:

- Obstruction
- Criminal damage
- Any offences (including attempted or conspiracy to commit offences) that are similar to those above.

6.5 A licence will not be granted if an applicant has more than one conviction for an offence of a violent nature.

## **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. Sexual and indecency offences**

8.1 As licensed drivers often carry unaccompanied and vulnerable passengers, the council will take a strong line in relation to applicants or existing licence holders with convictions for sexual offences. All sexual and indecency offences will be considered as serious. Applicants with convictions for sexual or indecency offences that involve a third party will be refused a licence. Such offences include:

- Rape
- Assault by penetration

- Offences involving children or vulnerable adults
  - Trafficking, sexual abuse against children and / or vulnerable adults and preparatory offences (as defined within the Sexual Offences Act 2003).
  - Making or distributing obscene material
  - Possession of indecent photographs depicting child pornography.
  - Sexual assault
  - Indecent assault
  - Exploitation of prostitution
  - Soliciting (kerb crawling)
  - Making obscene / indecent telephone calls
  - Indecent exposure
  - Any similar offences (including attempted or conspiracy to commit) offences which replace the above
- 8.2 In addition to the above the council will not grant a licence to any applicant who is currently on the Sex Offenders Register or any other similar 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 5 years free of conviction or at least 5 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
- 9.3 Applicants or existing licence holders that are found to have intentionally misled the council, or lied as part of the application process, will not be issued with a licence.

## **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 will 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 granted. 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 granted.
- 10.3 Because of the nature of a driver's involvement with the public, a licence will not be granted where the applicant has a conviction for an offence related to the supply of drugs.
- 10.4 A licence will not be granted where the applicant has a conviction for offences related to the possession of illegal / controlled drugs until at least 10 years have passed since the completion of any sentence and / or licence period, and only then after full consideration of the nature of the offence and the quantity / type of drugs involved.
- 10.5 If there is evidence of persistent drugs use, misuse or dependency a specialist medical examination (in accordance with DVLA Group 2 medical standards) and a satisfactory medical report may be required before the licence is granted. If the applicant was an addict then they would 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 be granted if an applicant has a conviction for:

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

## **12. Other traffic offences**

- 12.1 Traffic offences such as obstruction, some speeding offences (usually dealt with by means of a fixed penalty), pedestrian crossing offences, traffic light offences waiting in a restricted area, or offences of a similar nature 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 or more points on their DVLA driving licence, their driver licence will normally be suspended until the driver has successfully undertaken a driving test to DVSA standards (taxi and private hire test). Such a test will be at the licence holder's expense.
- 12.2 Traffic offences such as driving without due care and attention, reckless driving, more serious speeding offences (usually dealt with by a court rather than a fixed penalty), or offences of a similar nature will give rise to serious doubts about the applicant's suitability to be a driving professional. An applicant with any such convictions will 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.
- 12.3 In cases where the courts have imposed a disqualification in respect of the DVLA driving licence, the periods stated above should normally commence from the date of the restoration of the licence.

## **13. Outstanding Charges or Summonses**

- 13.1 If the individual is the subject of an outstanding charge or summons their application may be suspended until the matter is resolved, this decision will be made on a case by case basis.

## **14. Non-conviction information**

- 14.1 The Council will also take into account situations and circumstances that have not led to a conviction. This will include acquittals, circumstances in which convictions were quashed due to misdirection to the jury, circumstances where the decision was taken not to prosecute, situations where the person has been arrested and bailed but not yet charged, and complaints from the public. In considering the most appropriate action to take in relation to non-conviction information (or a complaint), the credibility of both the witness / complainant and the licence holder will be taken into account.
- 14.2 If an applicant has 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 violent and / or sexual offences.
- 14.3 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 will prevent a licence being granted or renewed until a period of 3 years has passed since conviction.

**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 will prevent a licence being granted or renewed.
- 16.2 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 will not be permitted to hold a licence for a period of at least three years.

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

- 17.1 If an applicant has spent six continuous months or more overseas (since the age of 16) the council 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 Council will need to ensure that sufficient background checks are conducted for those applicants who have lived overseas. For EU nationals a disclosure that is similar to the UK DBS will be required, for those countries for which checks are not available, the council will 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, in most cases, an applicant would be expected to have remained free from conviction for 3 to 10 years (the period of time depending on the crime committed, as detailed above), before an application is likely to be successful. If there is any 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.

- 18.3 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. [s61(2B) of the Local Government (Miscellaneous Provisions) Act 1976.
- 18.4 At least three years should elapse (after the restoration of the DVLA driving licence), before a licence would be granted for a Hackney Carriage or Private Hire drivers licence.

**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).

<b>Code</b>	<b>Offence</b>	<b>Penalty Points</b>
<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	3-11



	vehicle	
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 must 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 must 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 remains the property of the Council. Upon expiry of the licence and badge (whether application to renew has been made or not) the badge must 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 must dress in accordance with the Rotherham MBC Licensed Driver Dress Code.
- b. The driver must comply with the Rotherham MBC Code of Conduct in relation to working with vulnerable passengers.
- c. The driver must 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 must afford all reasonable assistance with passenger luggage as may be required. At the conclusion of the journey the driver must 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 must remain alert safeguarding matters related to children and vulnerable adults. Drivers should ensure that children and vulnerable adults leave the vehicle directly onto

the kerb and immediately outside their destination (if it is safe and legal to do so).

- f. The driver must 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 must not smoke tobacco or like substance in the vehicle at any time as provided by the Health Act 2006.
- h. The driver must not, without the express consent of the hirer, drink or eat in the vehicle (water may be drunk) 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 must at all times when driving a licensed vehicle ensure that such vehicle is maintained in a roadworthy and clean condition.
- j. The driver of a licensed vehicle must 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.
- k. The driver of a private hire vehicle must 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.
- l. The use of scanner equipment is prohibited.
- m. The driver of a wheelchair accessible vehicle is required to hold a Driving Standards Agency (DSA) Wheelchair Assessment Certificate.
- n. 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.
- o. 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.

- p. 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 to be carried out by the driver must include all vehicle maintenance items listed in the annex to the Highway Code entitled 'vehicle maintenance, safety and security'. In addition, a check must be made to ensure that all signage and notices that are required by Rotherham MBC licensing conditions are appropriately fixed / attached to the vehicle. A record must be made by the driver to confirm that the checks have been undertaken, this record must be available for inspection by an authorised officer of the council.

#### 4 FARES AND FARECARDS

- a. The driver of a **private hire vehicle** must 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 must be displayed and must be a similar size to the fare cards carried by Hackney Carriages and must 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 must 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 must 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 must, 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 must 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 must ensure that seat belt legislation is complied with in respect of all children conveyed in the vehicle.
- b. The driver must not allow to be conveyed in the front of a licensed vehicle:-
  - more than one person unless the vehicle is manufactured to carry two front seat passengers and seat belts are fitted for both passengers, or
  - any child under the age of 10 years old,
  - any person between the ages of 10 and 18 years old, unless the passenger is part of a group that includes at least one person over the age of 18, or all other passenger seats in the vehicle are occupied by persons under the age of 18.
- c. The driver must not, without the consent of the hirer of the vehicle, convey or permit to be conveyed any other person in that vehicle.
- d. The driver must 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 36 of the Disability Discrimination Act 1995 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 Equality Act 2010 as being a 'wheelchair accessible vehicle'

Section 36 of the DDA 1995 remains in effect until such time as section 165 of the Equalities Act 2010 comes into force. It will then be a condition of licence that drivers adhere to the requirements of s165 of the 2010 Act.

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

- e. The driver must 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 must, 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, must deliver the item to Rotherham Police Station (Main Street) at the earliest opportunity, unless an alternative arrangement has been made with the owner of the property.

## 7 MEDICAL CONDITION(S)

- a. The licence holder must notify the Council ***in writing without undue delay*** of any change in medical condition.
- b. The licence holder must 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, CAUTIONS, ARREST ETC.

The licence holder must notify the Council **in writing within 5 working days (or 3 working days in the case of arrest)** providing full details of any conviction, binding over, caution, warning, reprimand or arrest for any matter (whether or not charged) imposed on him / her during the period of the licence.

***The 5 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).**
- **Any acquittal following a criminal case heard by a court.**

### **Fixed Penalty Notices**

The driver must notify the Council in writing of any fixed penalty notice within ***35 days of the receipt of such a notice***. The driver must 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. This means that licence holders are required to notify the council if they opt to attend a speed awareness course rather than have their licence endorsed.

### **Arrest for any Offence**



Whether charged or not the driver must notify the Council within 3 working days of their arrest for an alleged offence(s).

## **9 DISCLOSURE AND BARRING SERVICE ONLINE UPDATE SERVICE**

All licence holders must subscribe to the Disclosure and Barring Service Online Update Service. Any costs associated with maintaining this subscription must be met by the licence holder.

The licence holder must give permission for the council to undertake checks of their DBS status should the council consider it necessary to do so. The council will use the update service to monitor the criminal record of licence holders.

## **10 CHANGE OF OPERATOR**

The licence holder must notify the Council ***in writing within 5 working days*** \* of any change of operator through whom he/she works.

***\* The 5 working 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 CHANGE OF ADDRESS**

The licence holder must notify the Council ***in writing within 5 working days*** \* of any change of his/her address taking place during the period of the licence, whether permanent or temporary.

***\* The 5 working 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.***

## **12 WORKING HOURS**

Licensed drivers will not drive when their ability to do so is impaired by having worked excessive hours. The maximum daily driving time is 9 hours, and drivers must have a break lasting at least 45 minutes after driving for 4.5 hours (The break can be divided into two periods – the first at least 15 minutes long and the second at least 30 minutes – taken over the 4.5 hours).

## **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).

## **15 OCCASIONS WHEN LICENSED DRIVERS ARE NOT UTILISING THEIR LICENSES FOR AN EXTENDED PERIOD OF TIME**

If circumstances are such that a licensed driver does not intend to work as hackney carriage / private hire driver in Rotherham for a period exceeding 4 months, they must surrender their licence to the council. The licence must be surrendered as soon as it becomes clear that the holder will not be working for a period exceeding this time.

Once the council is in receipt of the licence, the licence will be suspended until such time as the holder is in a position to commence work again. The council reserve the right to undertake any checks in relation to the licence holder that may be required to ensure that the driver remains a fit and proper person to hold a licence. Such checks may include a medical examination, DBS disclosure and checks with other agencies.

Examples of circumstances that may require the surrender of the licence include:

- The licence holder intends to spend an extended period of time outside of the UK
- The licence holder is ill or unable to work for some other reason.

This is not an exhaustive list.

## **16 DUTY TO COOPERATE ON REGULATORY MATTERS**

Licensed drivers must co-operate with authorised officers of the council in all matters relating to the regulation of the licensed vehicle trade.

However nothing in this condition affects the licence holders statutory protection afforded by other legislation.

**17. APPEARANCE OF DRIVER**

If a licensed driver alters their appearance significantly (for example by growing / removing a beard or moustache, changing hair colour etc), they must request a replacement ID badge from the council at the earliest opportunity and supply them with a up to date photograph that is an accurate portrayal of their current appearance.

**18. 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 1 working day (by telephone or email). An accident report form (available from the licensing office) must then 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 after the five working day deadline – an example of an exceptional circumstance would be that the driver is incapacitated due to the accident and physically unable to make the notification).

**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 of 1976 pursuant to Section 76 may 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.
- (iii) The use of a vehicle not licensed as a private hire vehicle or Hackney carriage 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.
- (iv) A child can travel in a licensed vehicle without a child car seat, however the following must be observed:
  - a. children under 3 years of age can travel without a child's car seat or seat belt, but only on the back seat
  - b. children aged 3 years or older can travel without a child's car seat if they wear an adult seat belt
- (v) If at any time the conduct of the driver leads to concerns by the Council as to whether they remain a fit and proper person 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.
- (vi) Failure to declare any conviction within the required timescale 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.
- (vii) **ANY INFRINGEMENT OF THE LICENSING CONDITIONS COULD LEAD TO SUSPENSION OF REVOCATION OF THE LICENCE.**
- (viii) **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.**

- (ix) **ANY PERSON AGGREIVED BY ANY CONDITION SPECIFIED IN THE LICENCE MAY APPEAL TO A MAGISTRATES' COURT WITHIN 21 DAYS OF ISSUE.**

**Appendix E**

**Hackney Carriage 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, bring 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 .am. 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 of 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. All clothing worn by the driver must be clean and in good condition, and the driver must have good standards of personal hygiene.

As a **minimum** standard, males should wear trousers and a shirt which has a full body and short sleeves. Knee length shorts may be worn, for example during periods of warm weather.

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.
  - (f) The wearing of hoods or other clothing that obscures the drivers vision or their identity

## 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. In addition, an individual should be considered vulnerable if they do fall within the description above, but their condition is such as to render them more susceptible to harm than may otherwise be the case (for example as a result of being under the influence of alcohol).

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 must carry photo ID at all times, and wear it in accordance with the conditions of licence.
- A vulnerable passenger must not be transported in the front passenger seat of the vehicle.
- 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 if appropriate measures are not in place then the driver / operator must not undertake the journey.
- When making a journey with vulnerable passengers, photo-identification should be produced to the carer responsible for the vulnerable person. If necessary, the driver 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. For example, this situation may arise if the customer has an assistance dog and the driver has a medical exemption granted by the council.
- Drivers should always ask if a vulnerable passenger needs help, and should not make assumptions.
- Drivers must remain professional at all times and should not:
  - Touch a 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 passenger feel intimidated or threatened
  - Attempt to misuse personal details obtained via the business about a person

These standards are equally applicable when working with vulnerable and non-vulnerable passengers.

- 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.
- Drivers and operators must remain alert to issues around the safeguarding of children and vulnerable adults. If a driver/operator is concerned about the safety, welfare or behaviour of a vulnerable person, they should report this to the police by telephoning 101 (or in appropriate cases by calling 999).
- If a driver/operator is concerned about someone else's conduct, they should report your concerns to the council's licensing department (01709 823153), police (101) or Crimestoppers (0800 555111).



## **Appendix H**

### **Vehicle Licence Application Process (including renewal of existing licences)**

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 new keeper's supplement section of the V5 document will be accepted in the case of vehicles that are not licensed at the time that the application is made, and the vehicle has recently been purchased by the applicant (documentary evidence will be required). Licences will not be renewed unless the full V5 document is made available to the council at the time of application);
- The original insurance certificate or insurance cover note for the vehicle (this document must be provided before the plate is issued to the applicant)
- 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 normally licence a vehicle if it has ever been written off by an insurance company. The council may consider the licensing of certain category D insurance write offs, however each application will be taken on a case by case basis and the applicant must supply documentary evidence to the council that satisfactorily confirms that the vehicle is structurally and mechanically safe.

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.

In cases where a licence renewal application has been submitted but has not been processed before the date that the licence expires

If a licence is not renewed prior to its expiry (or if a renewal application is received, but the application is not determined prior to the expiry of the licence) then that vehicle will no longer be able to lawfully operate as a licensed vehicle.

## **Appendix I**

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

From the date of implementation of this policy, licences will not normally be granted in respect of vehicles that were first registered (or, in the case of imported vehicles, manufactured) more than 5 years prior to the date that the application was made.

From the date that the policy is introduced, licences will not normally be renewed in respect of any licensed vehicle that was first registered (or, in the case of imported vehicles, manufactured) more than 10 years prior to the date of renewal (or 12 years in the case of purpose-built wheelchair accessible vehicles). This applies to the renewal of licences only.

In cases where vehicles are licensed at the time that this policy is introduced, the application of these requirements will be done in accordance with the Council's implementation scheme. This will only apply if there has not been a break in the licence period since the introduction of this policy.

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 complete 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 will 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 September 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

Where vehicles do not meet the relevant emissions criteria the proprietor 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, and will 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 2016.

## **Appendix J**

### **Policy in relation to the specification of Private Hire Vehicles**

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

1. The vehicle must comply with all relevant statutory requirements contained in the Road Vehicles (Construction and Use) Regulations 1986.
2. The vehicle must meet the criteria set out in the Council's Vehicle Age and Emissions Policy.
3. The vehicle must 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. If the vehicle was originally constructed to seat more than 8 passengers (excluding the driver) it must not have been converted, modified or altered in any way 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 must 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 must be right hand drive. However, in certain circumstances a left hand drive may be considered suitable for licensing – this will be at the discretion of the council (and will include some limousines for example).
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 will 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 in force / applicable at the time of inspection. 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 must 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.
15. The vehicle must not have any other feature which may suggest to a person seeking to hire a vehicle that the vehicle is a hackney carriage.
16. The vehicle must be in the colour it was originally manufactured, and no advertisement be displayed on the vehicle (without the written approval of the council in accordance with Appendix O).
17. The vehicle must have provided and maintained at all times safety equipment that will be, from time to time, specified by the Licensing Authority and detailed in the Private Hire Vehicle and Hackney Carriage examination and testing requirements (see Appendix N).
18. 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.
19. In addition to the foregoing the proprietor / licensee is required to comply with statutory requirements and attention is drawn in particular to the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976.
20. The vehicle must not have sustained accident damage resulting in structural distortion beyond the accepted limits of the vehicle manufacturer, or, have been disposed of under an insurance salvage agreement (categories A, B, C and D).

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

#### 21. Wheelchair Facilities

- (1) Suitable 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.

## 22. 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.

### 23. 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.



## **Appendix K**

### **Policy in relation to the specification of Hackney Carriages**

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

1. The vehicle must comply with all relevant statutory requirements contained in the Road Vehicles (Construction and Use) Regulations 1986.
2. The vehicle must meet the criteria set out in the Council's Vehicle Age and Emissions Policy.
3. The vehicle must 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. If the vehicle was originally constructed to seat more than 8 passengers (excluding the driver) it must not have been converted, modified or altered in any way 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 must 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 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 will 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 in force / applicable at the time of inspection. 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 must be white in colour. No advertisement is to be displayed on the vehicle without the written approval of the council in accordance with Appendix O.
14. The vehicle must have provided and maintained at all times safety equipment that will be, from time to time, specified by the Licensing Authority and detailed in the Private Hire Vehicle and Hackney Carriage examination and testing requirements (see Appendix N).
15. 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.
16. In addition to the foregoing the proprietor / licensee is required to comply with statutory requirements and attention is drawn in particular to the provisions of the Town Police Clauses Act 1847 and Part II of the Local Government (Miscellaneous Provisions) Act 1976.
17. The vehicle must not have sustained accident damage resulting in structural distortion beyond the accepted limits of the vehicle manufacturer, or, have been disposed of under an insurance salvage agreement (categories A, B, C and D).

**Additional Requirements for Wheelchair Accessible Vehicles:**

18. Wheelchair Facilities

- (1) Suitable 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.

#### 19. 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.

## 20. 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.

**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 must at all times comply with Road Vehicles (Construction and Use) Regulations 1986 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. The colour of the vehicle must not be altered during the period that the vehicle is licensed.

**2 LIQUEFIED PETROLEUM GAS (LPG)**

- a. Vehicles must not be fitted with Dual Fuel or 'after market' Liquid Petroleum Gas (LPG) systems unless they have been must be tested and certified by a recognised Liquid Petroleum Gas Association accredited installer. This certification must be produced at the time of application.
- b. The proprietor must notify the Licensing Office in writing if their vehicle has a LPG system fitted during the currency of a licence. The notification must be made within 5 working days, and include the provision of the certification referred to above.

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

- a. Every vehicle must 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 must still be fully 'sprung', free of stains, tears, cigarette burns or repair, and not threadbare. Floor coverings must not be

unduly worn and present no trip hazards. Household carpeting or similar is unacceptable and must not be used. Upholstery (headlining and side panel coverings) must 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 1 working day (by telephone or email). An accident report form (available from the licensing office) must then 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 after the five working day deadline – an example of an exceptional circumstance would be that the driver is incapacitated due to the accident and physically unable to make the notification).

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 following receipt of the accident notification 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.

- e. Bodywork must be maintained to a good condition, paintwork must be sound and well maintained and free of corrosion, inferior re-spray work and 'cover up' temporary repairs.
- f. The proprietor/driver employed to drive the vehicle must 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 must produce, to that officer, the recorded daily checks kept in the vehicle and the proprietor, on request by that officer, must 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 permanently affixed to each front door of the vehicle
- (d) A sign / notice permanently affixed to each rear passenger door of the vehicle
- (e) A notice permanently 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 permanently 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 permanently 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 permanently 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 will 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 or required or permitted by these conditions, provided however, that this condition will not apply to any indication on a taximeter fitted to the vehicle.

In certain circumstances (such as in cases of executive hire), 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.

A private hire vehicle must not display:-

- (a) 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
- (b) 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.

## **5 EQUIPMENT AND FITTINGS**

- a. The vehicle and all its fittings and equipment must, 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 must 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 and the certificate of inspection must be retained by the vehicle proprietor for at least 12 months.

- c. The registration number of the vehicle must be permanently and legibly marked on the extinguisher.
- d. There must 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 that meets the requirements of British Standard BS8599-2 (medium sized kit). Such kit must 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 must be permanently and legibly marked on the first aid kit.



- f. If a Driver Safety Shield is fitted (either before the licence has been granted or during the currency of the licence) the following applies:-
- i It will be of a make, type and design previously approved by Authorised Officers of the Council (for fittings during the licence);
  - ii it must not be changed in any way from its original design and must remain free of damage;
  - iii it must remain clear and translucent; free of scratches, clouding or stickers which would impede the drivers or passengers visibility;
  - iv it must not not impede entry and egress or present a trip hazard to passengers using the vehicle; and
  - v the Installation and continued subsequent maintenance must be in accordance with manufacturer's specifications and recommendations.
- g. CCTV equipment, capable of recording both audio and video, must be installed in all licensed vehicles. The CCTV system must meet or exceed the council's specification for CCTV systems and must be operational at all times that the vehicle is being used as a licensed vehicle (i.e. for the carriage of fare paying passengers). The system does not need to be operational during other times (for example when being used for domestic purposes).

Video recording must be active at all times. Audio recording must be active in any of the following circumstances:

- i. An unaccompanied child (i.e. under 18) or vulnerable adult is being carried in the vehicle, or
- ii. Between the hours of 2200hrs and 0600hrs,

In addition, audio recording must be activated by the driver at any time where the driver and customer are involved in a dispute or the driver feels threatened by the behaviour of a passenger.

In addition, the following provisions apply to the CCTV system:-

- i It must be of a make, type and design previously approved by the Council;
- ii it must not be changed in any way from its original design, be free of damage and maintained in working condition;
- iii The vehicle must carry appropriate signs, approved by the Council, informing the public that camera surveillance is active in the vehicle.

- iv The recording system and memory card (or other image memory recording system) must 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 can only be downloaded by an Authorised Officer of the Council or Police Officer.
- h. All audio equipment must be factory fitted as original standard equipment, or a factory fitted optional upgrade. No additional audio equipment e.g. Boom Boxes in boots / additional speakers are allowed to be fitted in and connected to the vehicle.

## **6 METERS, FARES AND FARECARDS**

- a. Any meter fitted to the vehicle must be installed in accordance with the manufacturer's instructions, tested and verified by the Council. The tariffs with which the meter has been calibrated must be displayed in the vehicle in such a position as to be visible to passengers. Such a 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.
- b. A notice must be displayed within the vehicle in such a position as to be visible to passengers stating that if the meter is not used, the fare should be agreed between the passenger(s) and driver before commencement of the journey. Any fare agreed in this way must be the fare that is charged at the end of the journey, unless the customer agrees to it being varied.
- c. If a fare has not been agreed between the driver (or operator) and the customer then the fare charged must be that which is shown on the meter (if fitted). A statement to this effect must be made on the notice referred to in b. above.

## **7 SEATS AND PASSENGERS**

- a. The proprietor must not allow a greater number of passengers to be carried in the vehicle than the number specified in the licence.
- b. Where the seating in the licensed vehicle can be rearranged, the proprietor must 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 must not be altered without further approval except for the temporary accommodation of a wheelchair in vehicles approved for such purpose.

- c. Seats can 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 can then 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 in accordance with the 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 of the vehicle are activated.

## **9 WHEELCHAIR PASSENGERS**

- a. Wheelchair bound passengers must face either forward or rearward to the direction of travel. Rearward facing wheelchairs must be appropriately secured against a bulkhead. Occupied wheelchairs must be restrained by a suitable 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 must 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 must 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 must be installed in the licensed vehicle. 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 must 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, even when the vehicle is not being used for booked journeys. Each proprietor must, 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 must 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 must 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 must ensure that any driver of a wheelchair accessible vehicle holds a Driving Standards Agency (DSA) Wheelchair Assessment Certificate (or equivalent).
- d. The proprietor must 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 must 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 must 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 must 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, must 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**

The proprietor of a private hire vehicle must notify the Council **in writing within 5 working days (or 3 working days in the case of arrest)** and provide full details of any conviction, binding over, caution, warning, reprimand or arrest for any matter (whether or not charged) 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 the 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 longer than 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 must 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 must 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 must 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 must 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 pursuant to Section 76 may 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.

v 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).

## **Appendix M**

### **Hackney Carriage Vehicle Conditions**

1. **Maintenance of Vehicle**

The vehicle and all its fittings and equipment must 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 Bye-law No. 3 and all relevant statutory requirements (including in particular those contained in Road Vehicles (Construction and Use) Regulations 1986 must be fully complied with.

2. **Alteration of Vehicle**

a. No material alteration or change in the specification, design, condition or appearance of the vehicle must 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 hackney carriage. (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).

3. **Glazing**

All glazing must at all times comply with Road Vehicles (Construction and Use) Regulations 1986 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.

4. **Liquefied Petroleum Gas (LPG)**

a. Vehicles must not be fitted with Dual Fuel or 'after market' Liquid Petroleum Gas (LPG) systems unless they have been must be tested and certified by a recognised Liquid Petroleum Gas Association accredited installer. This certification must be produced at the time of application.

b. The proprietor must notify the Licensing Office in writing if their vehicle has a LPG system fitted during the currency of a licence. The notification must be made within 5 working days, and include the provision of the certification referred to above.

5. **General condition, cleanliness and appearance of vehicle**

a. Every vehicle must 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 must still be fully 'sprung', free of stains, tears, cigarette burns or repair, and not threadbare. Floor coverings must not be unduly worn and present no trip hazards. Household carpeting or similar is unacceptable and must not be used. Upholstery (headlining and side panel coverings) must 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 passenger's luggage.
- d. The proprietor / driver employed to drive the vehicle must 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 must produce, to that officer, the recorded daily checks kept in the vehicle and the proprietor, on request by that officer, must produce those recorded checks in his possession and/or those kept in the vehicle.

6. 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 permanently affixed to each front door of the vehicle
- (d) A notice permanently 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 permanently 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 permanently 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 permanently 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 will 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 must 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 will not apply to any indication on a taximeter fitted to the vehicle.

#### 4. Equipment and fittings

- a. The vehicle and all its fittings and equipment must, 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 must 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 and the certificate of inspection must be retained by the vehicle proprietor for at least 12 months.

- c. The registration number of the vehicle must be permanently and legibly marked on the extinguisher.
- d. There must 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 that meets the requirements of British Standard BS8599-2 (medium sized kit). Such kit must 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 must be permanently and legibly marked on the first aid kit.

- f. If a Driver Safety Shield is fitted (either before the licence has been granted or during the currency of the licence) the following applies:-
  - i It will be of a make, type and design previously approved by Authorised Officers of the Council (for fittings during the licence);
  - ii it must not be changed in any way from its original design and must remain free of damage;
  - iii it must remain clear and translucent; free of scratches, clouding or stickers which would impede the drivers or passengers visibility;
  - iv it must not not impede entry and egress or present a trip hazard to passengers using the vehicle; and
  - v the Installation and continued subsequent maintenance must be in accordance with manufacturer's specifications and recommendations.
- g. All audio equipment must be factory fitted as original standard equipment, or a factory fitted optional upgrade. No additional audio equipment e.g. Boom Boxes in boots / additional speakers are allowed to be fitted in and connected to the vehicle.

## **5 METERS, FARES AND FARECARDS**

- a. A meter must be fitted to the vehicle and installed in accordance with the manufacturer's instructions. If a meter is fitted to the vehicle, it must have been installed in accordance with the manufacturer's instructions, tested and verified by the Council. The tariffs with which the meter has been calibrated must be displayed in the vehicle in such a position as to be visible to passengers. Such a 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.
- b. A notice must be displayed within the vehicle in such a position as to be visible to passengers stating that if the meter is not used, the fare should be agreed between the passenger(s) and driver before commencement of the journey. Any fare agreed in this way must be the fare that is charged at the end of the journey, unless the customer agrees to it being varied.
- c. If a fare has not been agreed between the driver (or operator) and the customer then the fare charged must be that which is shown on the meter. A statement to this effect must be made on the notice referred to in b. above.

## **6 SEATS AND PASSENGERS**

- a. The proprietor must not allow a greater number of passengers to be carried in the vehicle than the number specified in the licence.

- b. Where the seating in the licensed vehicle can be rearranged, the proprietor must 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 must not be altered without further approval except for the temporary accommodation of a wheelchair in vehicles approved for such purpose.
- c. Seats can 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 can then 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 in accordance with the manufacturer's specification and approved for use by the Council.

7 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 of the vehicle are activated.

8 Wheelchair passengers

- a. Wheelchair bound passengers must face either forward or rearward to the direction of travel. Rearward facing wheelchairs must be appropriately secured against a bulkhead. Occupied wheelchairs must be restrained by a suitable 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 must be fully adjustable for the safety and comfort of the wheelchair passenger and capable of quick release in an emergency situation.

9 Communication equipment

- a. Radio communication equipment licensed by the Department for Business, Innovation and Skills (BIS) may be fitted for use in connection with a Private Hire Operator's base station. Where fitted it must 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 must be installed in the licensed vehicle. 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 must not be left in a dangerous manner.

10 Drivers

- a. Any person who drives the vehicle for any purpose whatsoever, must hold a drivers licence issued by Rotherham MBC, even when the vehicle is not being used for booked journeys. Each proprietor must, before a driver commences to drive the vehicle, satisfy him/herself that the driver holds a valid driver's licence issued by Rotherham MBC. 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 must ensure that all driver(s) of the hackney carriage 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 must 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 must ensure that any driver of a wheelchair accessible vehicle holds a Driving Standards Agency (DSA) Wheelchair Assessment Certificate (or equivalent).
- d. The proprietor must keep a written record showing the following particulars in respect of every driver of the hackney carriage 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 must 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 must be made available upon request to any Police Officer and/or Authorised Officer of the Council.

11. 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 hackney carriage proprietor submitting any advertisement for approval must pay an appropriate fee to cover the cost of the administration involved.

12. Colour

- (a) The vehicle will be coloured white.
- (b) The colour of the vehicle must not be altered during the period that the vehicle is licensed.

13. Inspection of Vehicle

- (a) The proprietor must 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 must 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 authorised officer may suspend the vehicles licence. Such a suspension will not be lifted until such time as the council is satisfied that the vehicle is in a suitable condition.

14. 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 1 working day (by telephone or email). An accident report form (available from the licensing office) must then 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 after the five working day deadline – an example of an exceptional circumstance would be that the driver is incapacitated due to the accident and physically unable to make the notification).

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 following receipt of the accident notification 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.

15. Bodywork

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.

16. Insurance

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

- (a) keep in force in relation to the use 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.

17. 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 must 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.

18. CCTV

CCTV equipment, capable of recording both audio and video, must be installed in all licensed vehicles. The CCTV system must meet or exceed the council's specification for CCTV systems and must be operational at all times that the vehicle is being used as a licensed vehicle (i.e. for the carriage of fare paying passengers). The system does not need to be operational during other times (for example when being used for domestic purposes).

Video recording must be active at all times. Audio recording must be active in any of the following circumstances:

- i. An unaccompanied child (i.e. under 18) or vulnerable adult is being carried in the vehicle, or
- ii. Between the hours of 2200hrs and 0600hrs,

In addition, audio recording must be activated by the driver at any time where the driver and customer are involved in a dispute or the driver feels threatened by the behaviour of a passenger.

In addition, the following provisions apply to the CCTV system:-

- i. It must be of a make, type and design previously approved by the Council;
- ii. it must not be changed in any way from its original design, be free of damage and maintained in working condition;
- iii. The vehicle must carry appropriate signs, approved by the Council, informing the public that camera surveillance is active in the vehicle.
- iv. The recording system and memory card (or other image memory recording system) must 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 can only be downloaded by an Authorised Officer of the Council or Police Officer.



19. Convictions

The proprietor of a hackney carriage must notify the Council **in writing within 5 working days (or 3 working days in the case of arrest)** and provide full details of any conviction, binding over, caution, warning, reprimand or arrest for any matter (whether or not charged) 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 the licence.

20. Change of address

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

21. 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.

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><u>SECTION 1 - Vehicle Conformance to Standards Set By RMBC</u></b>		
<b><u>Testable Items</u></b>	<b><u>Additional Information</u></b>	<b><u>Reason for Failure</u></b>
<p><u>Ensure that:</u></p> <p>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></p> <p>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.</p> <p>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.</p> <p>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.</p> <p>5. Where the vehicle has been converted, including</p>	<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>	<p>1. The vehicle is fitted with fewer than 4 road wheels and 4 doors (excluding boot doors).</p> <p>2. The vehicle fails to comply with either, the Road Traffic Act, Construction and Use Regulations or Road Vehicles Lighting Regulations.</p> <p>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.</p> <p>4. The vehicle <u>fails</u> to satisfy the test standards for items required for licensing standards of fitness.</p> <p>5. A conversion is not supported by an</p>

<p>stretched limousines, ensure that the conversion is certified.</p> <p>6. 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>7. The vehicle complies with all the vehicle specifications laid out in the Specification of vehicle type's document.</p> <p>8. All tyres fitted to the vehicle must be fit for purpose, inflated to the correct pressure and have a tread depth of at least 2.0 mm throughout a continuous band in the centre 3/4 of the tread and around the entire circumference of the tyre.</p> <p>9. The vehicle must be fitted with a fully operational CCTV system approved by the council and appropriately installed in accordance with the manufacturer's instructions.</p>		<p>appropriate certificate and an exemption has not been granted by the Licensing Authority.</p> <p>6. 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>7. The vehicle fails to comply with the vehicle specifications set out by the council.</p> <p>8. The tyres fail to conform to the standard set by the council.</p> <p>9. The vehicle is not fitted with an appropriate CCTV system, or it is not installed / functioning as required by the manufacturer / council.</p>
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**SECTION 2 – Vehicle Identification Number (VIN)**

<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. 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. 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. In the case of private hire vehicles, 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>Additional Information</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>SECTION 7 – Luggage/Boot Compartment</b>		
<b>Testable Items</b>	<b>Additional Information</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>

<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>
<p>Ensure that:</p> <ol style="list-style-type: none"> <li>Any wheelchair restraints are in good condition and operate correctly (where applicable).</li> <li>Wheelchair restraints are BSI or CE approved (where applicable).</li> <li>A valid test certificate for the lifting or winching equipment is available for inspection.</li> <li>Any additional fuels cut off switches are correctly identified. (Where available).</li> <li>A valid fuel conversion installation certificate or safety report is presented for inspection.</li> <li>Any two way radio has been installed correctly and safely.</li> <li>Any satellite navigation equipment has been installed correctly or safely.</li> <li>Any data dispatch equipment has been installed correctly or safely.</li> <li>Any hands free mobile phone equipment has been installed correctly or safely.</li> <li>Any additional lighting has</li> </ol>	<p>Check all certificate dates of expiry if available.</p> <p>Check for evidence of tampering, forgery, and authenticity.</p> <p>Where additional lighting has been fitted as an after market product ensure that the installation complies with RTA, C&amp;U and/or Lighting Regulations.</p> <p><b>Note:</b> No additional lights are permitted on the exterior of the vehicle.</p> <p>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.</p> <p>Where the equipment has been installed as an after market product the criteria for a radio installation applies.</p> <p>Ensure that the mobile phone equipment has not been installed so that it is <u>directly</u> in front of the passenger seat.</p> <p>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.</p>	<ol style="list-style-type: none"> <li>Wheelchair restraints are in poor condition and/or operate incorrectly or are inoperative.</li> <li>Wheelchair restraints are not BSI or CE approved.</li> <li>A valid test certificate for the lifting or winching equipment is not presented.</li> <li>Any additional fuels cut off switches are not correctly or clearly identified.</li> <li>A valid fuel conversion installation certificate or safety report has not been or can not be presented for inspection.</li> <li>Any two way radio has not been installed correctly or safely.</li> <li>Any satellite navigation equipment has not been installed correctly or safely.</li> <li>Any data dispatch equipment has not been installed correctly or safely.</li> <li>Any hands free mobile phone equipment has not been installed correctly or safely.</li> <li>Any additional lighting has</li> </ol>

<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>13. A suitable fire extinguisher must be installed within the vehicle.</p> <p>14. A suitable first aid kit must be stored within the vehicle.</p>	<p>Fire extinguisher and first aid kit requirements are detailed in the RMBC conditions of licence.</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> <p>Fire extinguisher not present, of correct type or in serviceable condition.</p> <p>First aid kit not present, of correct type or in serviceable condition.</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 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 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 appropriate documentation.</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>

	<p>contact the Licensing Office to book a full test appointment (not a retest) and this test will take 45 minutes or more to conduct.</p>	
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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**

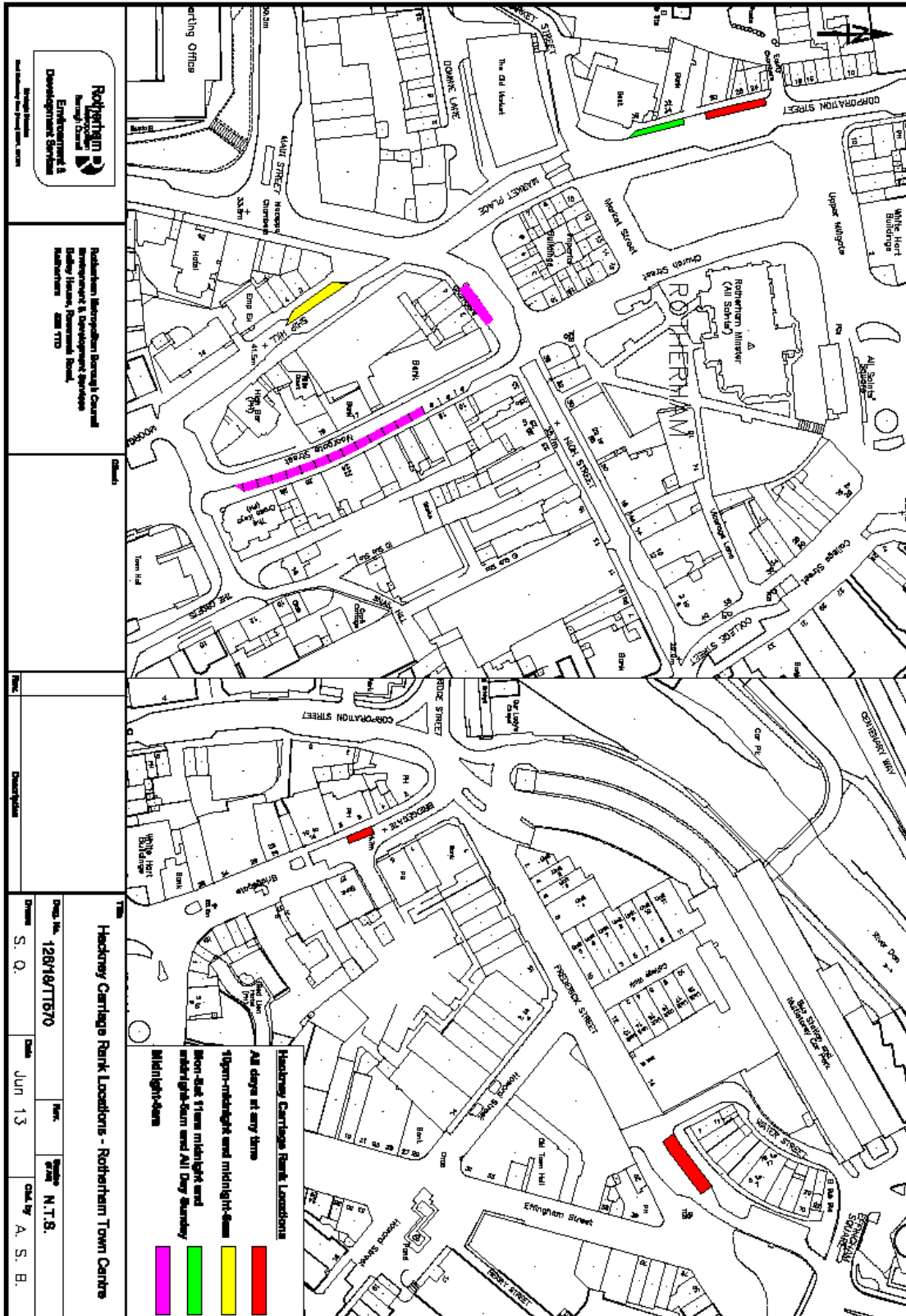
In order that advertisements on vehicles are of a standard type, the following conditions shall apply:-

- (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 Streetpride;
- (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.

**Signs, Notices, etc.**

Any advertisement fitted to a vehicle must not obscure any signs, plates or notices that are required under a condition of licence for a hackney carriage or private hire vehicle..

**Appendix P – Taxi Rank Locations**



**Appendix Q**

**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 is responsible for all persons that they employ, contract or use in the course of their business. To that end, the operator must undertake sufficient checks to satisfy themselves that only suitable drivers are used (and continue to be used) in the course of their business. The failure of an operator to ensure that appropriate checks are carried out may call into question the operator's fitness and propriety. In addition, a failure to take appropriate action in relation to drivers that persistently breach licence conditions may also be detrimental to the continued fitness and propriety of the operator.
- b) 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.
- c) A separate licence will be issued in respect of each approved secondary booking office, if any.
- d) Application must be made in writing in relation to any intended change of business premises and approval obtained before being so used.
- e) The Operator must notify the Council in writing of any change in partnership, directorship, ownership, management or control of the business within 5 working days.
- 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 must 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.
- h) A licensed operator must inform the council if they are going to be absent from the day to day running of the business for a period of 2 consecutive months. In doing this, the operator must give the name of the person that will be responsible for the running of the business on their behalf.

- i) Operators must conduct their business in accordance with all relevant statutory provisions. This includes health, safety and welfare legislation, environmental legislation and equalities legislation.

## **2. BUSINESS PREMISES**

- a) The Operator must 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 must 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. This condition will not apply if the business premises is the residential address of the licensed operator.
- c) The Operator must 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.
- d) The Operator must 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. This condition will not apply if the business premises is the residential address of the licensed operator.
- e) If the licensed operator employs any other person to work at the business premises, the premises must be kept clean, adequately lit, heated and ventilated and must conform to all 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 must keep an accurate record of every booking of a private hire vehicle or hackney carriage accepted by him/her. The loss of records by theft or otherwise must 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 premises from which the Operator conducts business. The records must be kept at all times at the business premises and not removed.

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

Records must be kept in one 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 an instantaneous print out by a computerised system. 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 must be produced to the Council before using any such system for the recording of bookings required by law to be maintained. Such certification must 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 must only be by way of prior written agreement from the Council.
  - iv. The removable CD/DVD must 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 must, 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, must cover a 24 hour period and must 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 must ensure that any booking clerk involved is competent in the recording of bookings and operating the system used.

- f) The records of bookings must be maintained and kept up to date at all times and must 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 must be permitted to photograph and / or remove such records howsoever kept from the premises is so required.
- g) The Operator must 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 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 only those persons who 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 must 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 must 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 must not operate a private hire vehicle / hackney carriage unless the vehicle and driver are licensed by Rotherham MBC. The Operator must personally examine vehicle licences and insurance certificates to satisfy himself / herself as to their validity.
- k) The Operator must not accept any booking for a particular private hire vehicle / hackney carriage which would require that vehicle to carry more passengers that is licensed to carry.
- l) The Operator must 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 must 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 must bring to the attention of all drivers their legal obligation regarding no smoking in vehicles under the Health Act 2006.
- o) The Operator must ensure that all drivers are aware of their obligations under any other legislation relevant to the work of a private hire vehicle.  
The Operator must 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.
- p) The operator must provide a prompt, efficient and reliable service to members of the public at all reasonable times and, for this purpose, must 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 must, unless delayed or prevented by sufficient cause, punctually attend at the appointed time and place.
  - b. Behave in orderly and civil manner and must take all reasonable precautions to ensure the safety of all persons conveyed in licensed vehicles operating from his/her office premises.
- q) Only equipment licensed by the Department for Business Innovation and Skills (BIS)) must 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 must 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.
- r) The use of scanner equipment is prohibited.
- s) Any advertising of the Operator's business, no matter in what form, must 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.
- t) The Operator must 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.
- u) The operator must supply a copy of advertising materials to the Council for recording on file.
- v) The operator must 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.

- w) The Operator must 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 must be produced on demand to the Licensing Office or any Authorised Officer.
- x) The Operator must 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 must 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.

- y) The operator must notify the Council **in writing within 5 working days (or 3 working days in the case of arrest)** providing full details of any conviction, binding over, caution, warning, reprimand or arrest for any matter (whether or not charged) 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.
- z) The Operator must notify the Council in writing within 7 days of any change of home address whether permanent or temporary.
- aa) 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 must endeavour to arrange to return such property to its rightful owner, failing which it must be dealt with in accordance with legal requirements and handed in as found property to the Police within 24 hours.
- bb) The operator must 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.
- cc) operator must 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 must also ensure that the licence plate and notices are always legible and displayed in accordance with the conditions of the private hire vehicle licence.

dd) All licence holders must subscribe to the Disclosure and Barring Service Online Update Service. Any costs associated with maintaining this subscription must be met by the licence holder.

The licence holder must give permission for the council to undertake checks of their DBS status should the council consider it necessary to do so. The council will use the update service to monitor the criminal record of licence holders.

**NOTES**

**In these Conditions** “Operator” means the person who is the current holder of an Operator’s Licence

“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 pursuant to Section 76 may 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 applicant not currently licensed by the Council as an Operator or driver must 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.
  - vi Where an operator licence is revoked by the council, the name (or a similar name) of the private hire company associated with that licence cannot be used by another operator until such time as six months has elapsed since the date of revocation or the date on which all appeal processes have been concluded (whichever is the longer).
- 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 AGGRIEVED BY ANY CONDITION SPECIFIED IN THE LICENCE MAY APPEAL TO A MAGISTRATES COURT WITHIN 21 DAYS OF ISSUE.**

Rotherham Metropolitan Borough Council

Statement of General Enforcement Policy

**THIS DOCUMENT IS CURRENTLY UNDER SEPARATE  
REVIEW AND WILL BE INSERTED INTO THIS POLICY  
ONCE THE REVIEW IS COMPLETE**

**THE GENERAL ENFORCEMENT POLICY IS THE SUBJECT OF SEPARATE CONSULTATION AHEAD OF COUNCIL ADOPTION. ONCE COMPLETED IT WILL BE INCLUDED AS “APPENDIX R” OF THE HACKNEY CARRIAGE & PRIVATE HIRE LICENSING POLICY**

This document is the General Enforcement Policy for Rotherham Metropolitan Borough Council (the “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 (Better Regulation Delivery Office [BRDO]) April 2014, and should be read in conjunction with any applicable service specific policies and procedures.

The Policy does not cover the regulatory and enforcement functions delivered by Planning and Building Control Services; this is because their regulatory statutory powers are not scheduled with Part 3 of the 2007 order. The extant list of regulations covered by the Regulators’ Code is found within the schedule to the Legislative and Regulatory Reform (Regulatory Functions) Order 2007.

### **1. 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.

### **2. Overall Statement**

We will ensure that we protect and, at least maintain, good standards and conditions that impact on the living, neighbourhood and work environments of all who live, work and visit Rotherham.

### **3. The Principles We Will Work To With Those We Regulate**

We will exercise our regulatory activities in a way which is:

- **Proportionate** – our activities will reflect the level of risk to the public and enforcement action taken will relate to the seriousness of the offence,
- **Accountable** – our activities will be open to public scrutiny, with clear and accessible policies, and fair and efficient complaints procedures,
- **Consistent** – our advice to those we regulate will be robust and reliable and we will respect advice provided by others. Where circumstances are similar, we will endeavour to act in similar ways to other local authorities,
- **Transparent** – we will ensure that those we regulate are able to understand what is expected of them and what they can anticipate in return, and
- **Targeted** – we will focus our resources on higher risk enterprises and activities, reflecting local need and national priorities.

### 3.1 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 they regulate
- Understand those they regulate
- Understand the statutory principles of good regulation and how activities are delivered in accordance with the Code.

### 3.2 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 the development of 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 complaints 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

### 3.3 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 when 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.

### 3.4 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.

### 3.5 Transparency

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

- How the Council communicates with those they regulate.
- 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 comment or complain about the service provided and the routes to appeal.

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 details of their performance against service standards, feedback from those regulated, customer satisfaction surveys, data relating to complaints, and appeals against their decisions.

#### **4. General Principles**

##### **4.1 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 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.

##### **4.2 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.

##### **4.3 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 in 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 cooperate 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.

## 5. **Accountability**

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

We will 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.

## 6. **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.

## **7. 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.

## **8. 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)***

## **Appendix S**

### **Hackney Carriage and Private Hire Driver Points Based Enforcement Scheme.**

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 legislation, licence conditions and behave in an acceptable manner at all times, thereby improving 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. Licensees who habitually disregard the less serious aspects of the licence regime will accumulate points. Points will be issued according to a scale developed by the council as part of the scheme. Points will accumulate on a licence until they reach the trigger level. 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 penalty points more than once in any three year period, the Licensing Board will consider whether a licence should be revoked or suspended 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 –the Licensing Board will have the discretion to reduce, remove or increase the number of points applied to the licence. 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.