

LICENSING BOARD

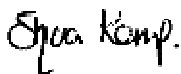
Venue: Town Hall, Moorgate
Street, Rotherham. S60
2TH

Date: Monday, 30 October 2017

Time: 9.30 a.m.

A G E N D A

1. To determine if the following matters are to be considered under the categories suggested in accordance with the Local Government Act 1972.
2. To determine any item(s) which the Chairman is of the opinion should be considered later in the agenda as a matter of urgency.
3. Apologies for absence
4. Declarations of Interest
5. Minutes of the previous meeting held on 20th February, 2017 (Pages 1 - 6)
6. Taxi and Private Hire Licensing - Update (Pages 7 - 39)
7. Administrative Amendments to the Hackney Carriage and Private Hire Licensing Policy (Pages 40 - 46)
8. Amendments to conditions attached to RMBC Hackney Carriage and Private Hire Licences (Pages 47 - 74)
9. Hackney Carriage and Private Hire Licensing - Miscellaneous Amendments to Working Practices (Pages 75 - 80)
10. Equality Act 2010 - Licensed Driver Medical Exemption Policy (Pages 81 - 90)
11. Date and time of next meeting



Chief Executive

Membership 2017/18

Councillors Beaumont (Vice-Chairman), Buckley, Clark, Elliot, M. S. Elliott, Ellis (Chairman), Fenwick-Green, Hague, Jones, McNeely, Napper, Reeder, Senior, Sheppard, Steele, Taylor, Vjestica, Williams, Wilson and Wyatt.

LICENSING BOARD
Monday, 20th February, 2017

Present:- Councillor Ellis (in the Chair); Councillors Beaumont, Buckley, Clark, Elliot, Jones, Napper, Reeder, Rushforth, Senior, Taylor, Williams and Wyatt.

Also in attendance : Commissioner M. Ney.

Apologies for absence were received from Councillors Allcock, Beck, Hague, McNeely and Sheppard.

1. WELCOME AND INTRODUCTIONS

The Chair, Councillor S. Ellis, welcomed everyone to the first meeting of the Licensing Board since the return of the Licensing functions to the control of this Council with effect from 13th December, 2016.

Members placed on record their appreciation of the work of Commissioner Mary Ney in making improvements to the Council's Licensing functions and providing guidance to Members and officers, relating to Licensing, since the appointment of the Commissioners by the Government in February 2015.

2. TAXI AND PRIVATE HIRE LICENSING - QUARTER 3 PERFORMANCE AND GENERAL UPDATE REPORT

Further to Minute No. C1 of the meeting between Commissioner M. Ney and Members of the Advisory Licensing Board held on 26th September, 2016, consideration was given to a report, presented by the Business Regulation Manager, providing an update on the implementation of the Council's Hackney Carriage and Private Hire Licensing Policy, including details of the Performance Management Framework relating to the Policy. The report highlighted:-

- the Licensing Performance Framework – Third Quarter Results;
- update on the audit of licensed drivers against the requirements of the Council's Licensing Policy;
- the proposed priorities for the Licensing Service in the 2017/2018 financial year;
- enforcement actions being undertaken by the Licensing Service;
- the current position in relation to appeals (in both the Sheffield Magistrates' Court and in the Crown Court) against the Council's decision to refuse or to revoke drivers' licences;
- Licensing Service – restructuring and staffing update;

LICENSING BOARD- 20/02/17

- policies and protocols in respect of the sharing of sensitive information (eg: between the Council, the South Yorkshire Police and the National Crime Agency);
- during December 2016, the Council had successfully defended a legal challenge against the requirement for taxi cameras to be installed in licensed vehicles.

The Licensing Board Members discussed a number of salient issues:-

- licensed drivers – complaints about use of mobile telephones whilst driving;
- ensuring that taxi company signs are correctly affixed to the front doors of licensed vehicles; (nb: for personal security reasons, of the licensed driver, there is not yet a requirement for such signs to be permanently affixed to licensed vehicles);
- taxi cameras in licensed vehicles – ensuring that passengers are informed of how to switch-on the audio system and that there is adequate filming of the interior of the vehicle (ie: all seats are visible and persons in the vehicle are visible from the chest upwards);
- the Council has not granted any exemptions from the Policy requirement for taxi cameras to be fitted within licensed vehicles;
- licensed drivers who may work for two or more taxi companies – ensuring that the correct company sign and/or logo is affixed to the licensed vehicle when the driver is at work as a taxi driver;
- information available from the Disclosure and Barring Service (DBS) about licensed drivers and operators and applicants for such licences; nb: there is not yet a national database in respect of licensed drivers and operators;
- issues concerning food delivery drivers and hot food take-away premises (eg: the London initiative);
- ensuring that all licensed drivers complete the BTEC training course successfully;
- safeguarding training for licensed drivers;
- Hot Food Take-aways and Late Night Restaurants – review in the context of the Licensing Act 2003 objective of protecting children from harm;
- the Swinton Lock awareness-raising project with staff of hot food take-

aways and late night restaurants.

Resolved:- (1) That the report be received and its contents noted.

(2) That the progress being made with the implementation of the Council's Hackney Carriage and Private Hire Licensing Policy, as now reported, be noted.

(3) That the following priorities for the Council's Licensing Service for the 2017/2018 financial year be endorsed:-

(a) Private Hire Operators – review;

(b) Hot Food Take-aways and Late Night Restaurants – review in the context of the Licensing Act 2003 objective of protecting children from harm;

(c) BTEC qualification course for licensed drivers – review to ensure quality of provision and completion success rate of licensed drivers and licence applicants;

(d) safeguarding training for licensed drivers – review of progress and whether the training ought to be refreshed (eg: possible sessions of smaller numbers of people).

(4) That a report detailing the outcome of the appeals (ie: heard in both the Sheffield Magistrates' Court and in the Crown Court) against the Council's decisions to refuse or to revoke drivers' and other relevant licences be submitted annually to a meeting of the Licensing Board.

3. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING DECISION MAKING - DELEGATION AND OVERSIGHT

Consideration was given to a report, presented by the Business Regulation Manager, describing the decision-making processes in relation to the Council's hackney carriage and private hire licensing functions, in the context of the return of those powers and functions to the control of this Council with effect from 13th December, 2016.

Accordingly, the Licensing Board considered the proposed scheme outlining the decision making and oversight processes relating to Hackney Carriage and Private Hire Licensing. Members noted specifically:-

- the role of the Licensing Board and the role of the Sub-Committee (comprising five Elected Members) of the Licensing Board;
- the role of the Cabinet Member for Waste, Roads and Community Safety (whose portfolio of responsibility includes the Licensing Enforcement Policy);

LICENSING BOARD- 20/02/17

- the extent of decision-making being delegated to officers;
- the scrutiny role of the Council's Overview and Scrutiny Management Board; and
- the continuing oversight of the Council's Licensing function by the Government-appointed Commissioners.

Resolved:- (1) That the report be received and its contents noted.

(2) That the proposed scheme for the decision making and oversight processes relating to Hackney Carriage and Private Hire Licensing, as now submitted, be approved insofar as the Licensing Board is concerned, prior to further consideration of the scheme at the Annual Meeting of the Council to be held on 19th May, 2017.

4. HACKNEY CARRIAGE TARIFF - REVIEW

Further to Minute No. 42 of the meeting of the Licensing Board held on 28th November, 2007, consideration was given to a report, presented by the Business Regulation Manager, concerning a request made to the Council by the Rotherham Hackney Carriage Association for an increase in the metered fares currently being charged in the licensed hackney carriages.

Members of the Licensing Board were provided with a schedule of the proposed hackney carriage tariffs. The following issues were highlighted:-

- obtaining details of the comparative hackney carriage tariffs applicable in neighbouring local authority areas (eg: Barnsley; Doncaster);
- whether there was the need for the increased tariffs for Sundays (ie: the view of the Board is that the lower Tariff 1, instead of Tariff 2, should apply on Sundays);
- ensuring that passengers in hackney carriages are properly informed of all tariffs for journeys (nb: drivers must ensure that the Tariff card is on display and available for passengers at all times within the hackney carriage);
- whether there is specific justification for the large group surcharge, especially when the additional passenger(s) are children.

The Licensing Board noted that the decision on this matter is to be made by the Cabinet of the Council, after which the tariffs would be advertised in accordance with Section 65 of the Local Government (Miscellaneous Provisions) Act 1976.

Resolved:- (1) That the report be received and its contents noted.

(2) That, subject to the comments listed above, the Licensing Board notes the proposed increases in hackney carriage tariffs, as detailed in the report now submitted, which are to be considered further by the Cabinet.

(3) That the Rotherham Hackney Carriage Association be asked to explain the justification for the suggested large group surcharge, especially when the additional passenger(s) are children.

5. PRIVATE HIRE VEHICLES AND HACKNEY CARRIAGES - VEHICLE LICENCE FEES

Further to Minute No. 63 of the meeting of the Licensing Board held on 17th April, 2013, consideration was given to a report, presented by the Business Regulation Manager, explaining that compliance tests in relation to licensed vehicles are currently undertaken on behalf of this Council by Essential Fleet Services (EFS). The report stated that:-

- : vehicle testing is delivered as part of the Corporate Fleet Management Contract and the prices charged for the testing of vehicles are specified in that contract;
- : the Corporate Fleet Management Contract has recently been renewed with Essential Fleet Services (EFS), with a consequent revision in the fees charged by EFS.

The schedule of proposed vehicle test fees was:-

Service / item description	Current charge	Proposed charge
Application fee for 12 months' licence	£112	£112
Licensed vehicle compliance test	£66	£45
Exceptional condition assessment (including compliance test)	£66	£45
First retest	No charge	£25
Second retest	£37	£25
Missed appointment fee (full test)	£50	£50
Missed appointment fee (retest)	£37	£25
Issue of MOT test certificate (if required) – payable directly to Essential Fleet Services	n/a	£10
Issue of licensed vehicle plate	£32	£19
Issue of plate bracket	£16	£16
Hackney Carriage Doors Signs (per sign)	£7	£7

LICENSING BOARD- 20/02/17

Copy of paper licence	£18.50	£18.50
Approval of vehicle advertisement	£38	£38
Approval of trailer for attachment to vehicle	£37	£37

Members noted that there was a statutory process of public consultation, prior to final approval of the vehicle test fees.

Resolved:- (1) That the report be received and its contents noted.

(2) That the proposed licensed vehicle testing fees, as now submitted and revised, be approved.

(3) That the appropriate officers shall undertake the necessary consultation with the hackney carriage and private hire trade associations and place a notice in the local press outlining the proposed fee increases in relation to vehicle test fees.

(4) That a further report be presented for consideration and determination of the private hire / hackney carriage vehicle and private hire operator fees at the next meeting of the Licensing Board (or Licensing Board Sub-Committee) after the end of the consultation period.

(5) That, further to resolutions (1) to (4) above, the Licensing Board delegates the authority to approve the final vehicle test fees to a Sub-Committee of the Licensing Board.

6. DATE AND TIME OF NEXT MEETING

Resolved:- That the next meeting of the Licensing Board take place on a date to be arranged during April, 2017.

Summary Sheet

Council Report

Licensing Board 30th October 2017

Title

Taxi and Private Hire Licensing Performance and General Update Report

Is this a Key Decision and has it been included on the Forward Plan?

This is not a key decision.

Director Approving Submission of the Report

Karen Hanson – Assistant Director of Community Safety and Street Scene

Report author(s):

Alan Pogorzelec – Licensing Manager
Regeneration and Environment
01709 254955, alan.pogorzelec@rotherham.gov.uk

Ward(s) Affected

All wards

Executive Summary

This report provides an update in relation to the Licensing team's performance against the Taxi and Private Hire Licensing Performance Framework.

In addition, the report provides an update to the Licensing Board on key activities and actions undertaken by the Licensing team in the first six months of 2017/18.

Recommendations

- That the Licensing Board note the content of the update report and the progress that has been made regarding the implementation of the Council's Hackney Carriage and Private Hire Licensing Policy.

List of Appendices Included

- Appendix 1 - Second Quarter Performance against the Licensing Performance Management Framework.
- Appendix 2 - Second Quarter Enforcement Data.
- Appendix 3 - Second Quarter Licensing Admin Team Data.
- Appendix 4 - Licensing Board Sub-Committee – summary of meetings

Background Papers

- Rotherham MBC Hackney Carriage and Private Hire Licensing Policy

Consideration by any other Council Committee, Scrutiny or Advisory Panel

Not applicable.

Council Approval Required

No.

Exempt from the Press and Public

Not exempt.

Taxi and Private Hire Licensing Performance and General Update Report

1. Recommendations

- 1.1 That the Licensing Board note the content of the update report and the progress that has been made regarding the implementation of the Council's Hackney Carriage and Private Hire Licensing Policy.

2. Background

- 2.1 The Licensing Service has implemented a Performance Management Framework – this framework includes the following:

- 2.1.1 Elements that are related to the implementation of the Council's Hackney Carriage and Private Hire Licensing Policy.

- 2.1.2 The performance of the Council's licensing team in relation to quality assurance and administrative aspects of the service.

- 2.2 In addition to the update on performance, this report also provides details of developments in relation to:

- 2.2.1 Enforcement actions and other activity undertaken by the licensing service.

This report provides a summary of enforcement action that took place between April 2017 and September 2017 (inclusive). It includes details of actions taken by enforcement officers (what could be considered to be traditional enforcement actions) along with enforcement actions taken by other officers within the licensing service, and the outcomes of case hearing meetings.

- 2.2.2 Service restructure / staffing update.

There have been a number of staffing related developments in within the Licensing Service – this report provides further detail on these.

3. Key Issues

3.1 Licensing Performance Framework – Second Quarter Results.

- 3.1.1 The overall judgement outlined in the Louise Casey's inspection report (February 2015) stated that:

“Inspectors have found that Rotherham has not taken, and does not take, sufficient steps to ensure only fit and proper persons are permitted to hold a taxi licence. As a result, it cannot provide assurances that the public, including vulnerable people, are safe.”

3.1.2 In order to ensure the Council's Licensing Service is effective, fit for purpose, and has addressed the concerns raised in Louise Casey's report; it is considered that the following outcomes must be demonstrated:

Outcome 1 All licence holders are "fit and proper" to hold licences.

Outcome 2 Trained decision makers must make high quality, appropriate and timely decisions that protect the public from risk of harm.

Outcome 3 The Licensing Service uses all available statutory powers appropriately, proactively and reactively, to disrupt criminal activity (including CSE and related activity).

Outcome 4 The licensing team must consistently provide high quality, timely processing of licensing applications.

Outcome 5 The Council's Private Hire and Hackney Carriage Licensing Policy will be effectively implemented.

3.1.3 In order to address each of these outcomes, the Licensing Service has implemented a Performance Management Framework. The framework gives detail on a number of measures that will indicate whether the desired outcomes are being met.

3.1.4 Full detail on the performance against each of the measures is given in Appendix 1 to this report. Explanatory narrative is provided where there is an element of underperformance against the stated targets.

3.1.5 Targets have been set against a total of 16 performance measures, there are an additional four measures that are being monitored but a target has not been set in relation to them. The measures without a target are detailed below, along with explanatory narrative.

3.1.6 Of the 16 measures with targets, 7 were off target at the time of measurement – further detail on the reason for underperformance is given in Appendix 1, along with any management action that will / has been taken to address the underperformance.

3.1.7 The measures without targets are as follows:

Delivery against individual training and development plan for each individual member of staff (contributing to Outcome 1).

The training and development of staff is routinely monitored by the Principal Officer and Team Manager via monthly 1:1s and the Corporate PDR process. At the time of writing this report, all members of the Licensing Team had been through the PDR process (except where this had not been possible due to long term absence from work).

Data sharing concerns (when apparent) to be escalated by Assistant Director in a timely manner (contributing to Outcome 3).

There have been no data sharing concerns during the period covered by this report.

Documented processes provided to and understood by all staff (contributing to Outcome 4).

Documented procedures have been developed in relation to key processes within the team, all of these have been communicated to staff.

Processes are reviewed and (if appropriate) refreshed as required (contributing to Outcome 4).

Processes are continually reviewed and where appropriate amended and reissued. During the first six months of 2017/18, the Licensing Manager has identified two issues that require amendments to current working practices:

- Applications that have been pending for a significant period of time.
- The referral of cases to Board prior to the completion of all elements of the application process.

Both of these matters have been referred to the Licensing Board for consideration.

3.1.8 The implementation of the Council's Hackney Carriage and Private Hire Policy is now complete. As a result, licences are no longer issued to individuals / vehicles unless all of the policy requirements have been met. The Council can therefore be confident that the standards that are set for those that are licenced are amongst the highest in the country.

3.1.9 Adherence to the policy is demonstrated by adherence to four key requirements:

- Number of drivers that have subscribed to the Disclosure and Barring Service Online Update Service.
- The number of drivers that have completed the Council's safeguarding training.
- The number of vehicles that have had a taxi camera fitted (where one is required).
- The number of drivers that have obtained a BTEC Level 2 Qualification in the "Introduction to the Role of the Professional Taxi and Private Hire Driver" or hold an equivalent qualification.

3.1.10 Three out of the four requirements have seen very good compliance rates of 100%.

Other significant developments of note in the second quarter of the year include the following:

3.1.11 Performance in relation to the remaining element (number of drivers that hold the BTEC or equivalent qualification) has improved over the second quarter of the year, with performance now standing at 87%.

3.1.12 This increase is due to enforcement action that has been taken by the licensing service, which involved all drivers that had not provided evidence of them having a satisfactory qualification being contacted by post and asked to provide a copy of their certificate within a set timescale. Drivers were told that a failure to provide their certificate may lead to the suspension of their licence without further notice.

3.1.13 Drivers that had not obtained the qualification were asked to provide details of the steps they had taken to achieve compliance (such as being booked onto a training course in the near future). If a driver stated that they had booked onto a course then the Council requested written confirmation from the course provider that this was indeed the case, such confirmation was received in relation to 9% of drivers.

3.1.14 This means that 96% of drivers have either provided documentary evidence that they have undertaken the training, or have booked onto a training course within the next 3 months.

3.1.15 The remaining 4% of drivers will be contacted by enforcement officers before the end of October and given a final chance to provide evidence of their qualification (or confirmation that they

have booked onto a course), and drivers that do not respond positively to this second request will see their licences suspended without further notice.

3.1.16 Other significant activities / actions of note in the first six months of the year include:

- Council officers have been working with the Institute of Licensing and Local Government Association in the development of a National database of revoked / suspended / refused drivers and applicants. This work will continue throughout the rest of the year, with the launch expected to take place in the final quarter of the year.
- Licensing officers have been involved in joint operations with RMBC Parking Services to target illegal / unlawful parking of licensed vehicles in the town centre. This resulted in six written warnings being issued to licensed drivers.
- The Council's website has been reconfigured to allow the publication of public registers in relation to licensed drivers, vehicles and drivers. This will also allow licensing officers to access the details of licence holders when working away from the office.
- Following a round of recruitment, three appointments have been made to key roles within the service – these are the Principal Licensing Officer, Senior Licensing Officer and Licensing Support Officer. Recruitment to the vacant post of Licensing Enforcement Officer is underway.
- Work has started on the redevelopment of the Council's Driver Knowledge Test. This revised test will allow a more effective and comprehensive assessment of driver / applicant suitability to hold a hackney carriage / private hire driver licence.
- Licensing enforcement officers have uncovered and effectively terminated an operation that could have resulted in the issuing of potentially fraudulent BTEC certificates. No evidence of fraudulent activity was uncovered, however the Council has temporarily suspended acceptance of certain BTEC certificates pending the outcome of an external investigation.

3.2 Enforcement actions undertaken by the licensing service (including current position in relation to Court appeals).

- 3.2.1 In June 2015, the council introduced a revised General Enforcement Policy. This policy sets out the council's approach

to enforcement and demonstrates how individual enforcement services are adhering the Principles of Good Regulation.

- 3.2.2 This report outlines the enforcement work undertaken in relation to the licensing function, and provides detail on how the services ensure that such activity complies with the requirements of the council's General Enforcement Policy.
- 3.2.3 Enforcement relating to the council's licensing function takes two forms:
 - 3.2.3.1 Enforcement related to the issuing of driver, vehicle and operator licences. This includes the appropriate application of the 'fit and proper' test (further details are contained within the Hackney Carriage and Private Hire Licensing Policy). The correct application of the policy will result in the grant, refusal, suspension or revocation of a licence. This process is administered by the licensing admin team in conjunction with the Licensing Board. Action may be taken as a result of information provided by the licensing enforcement team, police, National Crime Agency or other statutory / non-statutory agency.
 - 3.2.3.2 Reactive investigations and proactive operations to establish / evaluate compliance with regulatory provisions and licence conditions. This takes the form of complaint investigations, pre-arranged enforcement operations (such as vehicle safety checks) and observations to identify non-compliance with licensing requirements. Action may ultimately lead to the referral of licence holders to a case hearing meeting and / or the instigation of legal proceedings in the criminal courts. The licensing enforcement team is was formerly located within the Community Protection Unit, however following the service restructure the team became part of the Business Regulation Service in February 2016.
- 3.2.4 Part 2 of the Legislative and Regulatory Reform Act 2006 requires the Council to have regard to the Principles of Good Regulation when exercising a specified regulatory function. For local authorities, the specified functions include those carried out in relation to the council's licensing service.
- 3.2.5 The council is required to undertake enforcement in relation to its licensing function, however the way in which enforcement activity is undertaken is at the discretion of the council. The vast majority of complaints are dealt with on an informal basis which means that they do not result in criminal proceedings.

- 3.2.6 The licensing service exercises its regulatory activities in a way which is:
- 3.2.6.1 Proportionate – our activities will reflect the level of risk to the public and enforcement action taken will relate to the seriousness of the offence.
 - 3.2.6.2 Accountable – our activities will be open to public scrutiny, with clear and accessible policies, and fair and efficient complaints procedures.
 - 3.2.6.3 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.
 - 3.2.6.4 Transparent – we will ensure that those we regulate are able to understand what is expected of them and what they can anticipate in return.
 - 3.2.6.5 Targeted – we will focus our resources on higher risk enterprises and activities, reflecting local need and national priorities.
- 3.2.7 In undertaking its enforcement activities, the council's licensing service needs to demonstrate compliance with these elements.
- 3.2.8 Information in relation to the activities of the licensing enforcement team is attached to this report as Appendix 2.
- 3.2.9 Information in relation to the activities of the licensing admin team is attached to this report as Appendix 3 (please note that this also includes enforcement actions undertaken as a result of decisions made following consideration of a matter at a Case Hearing Meeting, or more recently the Licensing Board).
- 3.2.10 Any person aggrieved by such a determination has the right of appeal to the Magistrates' Court, which must be exercised within 21 days of receipt of written notification of the decision.
- 3.2.11 Between April 2017 and September 2017 (inclusive) there have been 9 appeals and we have successfully defended 8 of them (success rate of 88%). There are a further 3 appeals still pending (as at the time of writing this report). All of these relate to driver matters only.
- 3.2.12 One appeal was withdrawn from the Magistrates Court by the appellant – this was due to them being charged with series of sexual offences against children. The council will pursue an order for costs against this individual.

3.2.13 Further detail in relation to individual appeals is available on request. If members wish to discuss any of these cases in further detail then this may be dealt with in the confidential part of the agenda.

3.2.14 Initial enforcement in relation to costs that are awarded is via the sundry debtors' process. Thereafter any costs remaining unpaid are pursued by Legal Services through the civil enforcement processes available through the County Court.

3.3 Service restructure / staffing update.

3.3.1 There have been a number of changes to the staffing arrangements within the Licensing Service:

3.3.1.1 Alan Pogorzelec has been appointed to the recently established post of Licensing Manager.

3.3.1.2 Chris Burnett has been appointed to the role of Principal Licensing Officer.

3.3.1.3 Keeley Ladlow has been appointed to the role of Senior Licensing Enforcement Officer.

3.3.1.4 Alix Watson has been appointed to the role of Licensing Support Officer.

3.3.2 There is currently one vacant Licensing Enforcement Officer post at the current time. This post is currently being recruited to.

4. Options considered and recommended proposal

4.1 The report is for information only, and therefore no options / proposals are recommended.

4.2 However, in relation to enforcement work, the service has a number of options available to it:

4.2.1 Compliance Advice, Guidance and Support

4.2.1.1 The Council uses compliance advice, guidance and support as a first response in the case of many breaches of legislation / licence condition that are identified. Advice is provided, sometimes in the form of a warning letter, to assist licence holders in rectifying breaches as quickly and efficiently as possible, avoiding the need for further enforcement action. A warning letter will set out what should be done to rectify the breach and to prevent re-occurrence. If a

similar breach is identified in the future, this letter will be persuasive in considering the most appropriate enforcement action to take on that occasion. Such a letter cannot be cited in court as a previous conviction but it may be presented in evidence and will illustrate a graduated, proportionate response in relation to enforcement.

4.2.2 Refusal / Suspension / Revocation of Licences

- 4.2.2.1 Licence applications will be refused where applicants are not considered to meet the standards / requirements that are required by the council.
- 4.2.2.2 Where a licence holder fails to adhere to certain standards, acts inappropriately or breached a licence condition, the council will review the licence by referring the matter to a hearing before Commissioner Ney and members of the Advisory Licensing Board. If it shown, on the balance of probabilities, that the licence holder is no longer considered to be a 'fit and proper' person to hold a licence then the review may lead to a revocation or suspension of the licence.
- 4.2.2.3 When considering future licence applications, the Council may take previous breaches and enforcement action into account.

4.2.3 Prosecution / simple caution

- 4.2.3.1 Licence holders that are shown to have committed significant breaches of licence condition (or unlicensed individuals that have undertaken licensable activity) may be the subject of legal proceedings by the council. This may take one of two forms, a simple caution or a prosecution. Either of these options may be considered in conjunction with a revocation or suspension of a licence.
- 4.2.3.2 Simple cautions (previously known as 'formal cautions') are issued as an alternative to prosecution for some less serious criminal offences, where a person admits an offence and consents to the simple caution. Where a simple caution is offered and declined, the Council will proceed to a prosecution of the individual.
- 4.2.3.3 A simple caution for a criminal offence will appear on the offender's criminal record. It is likely to influence how the Council and others deal with any similar breaches in the future, and may be cited in court if the offender is subsequently prosecuted for a similar

offence. If a simple caution is issued to an individual (rather than a corporation) it may have consequences if that individual seeks certain types of employment.

- 4.2.3.4 Simple cautions will be used in accordance with Home Office Circular 016/2008 and other relevant guidance.
- 4.2.3.5 The Council may prosecute in respect of more serious or recurrent breaches, or where other enforcement actions, such as voluntary undertakings or statutory notices have failed to secure compliance. When deciding whether to prosecute, the Council has regard to the provisions of The Code for Crown Prosecutors as issued by the Director of Public Prosecutions.
- 4.2.3.6 Prosecution will only be considered where the Council is satisfied that it has sufficient evidence to provide a realistic prospect of conviction against the defendant(s).
- 4.2.3.7 Before deciding that prosecution is appropriate, the Council will consider all relevant circumstances carefully and will have regard to the following public interest criteria:
 - Seriousness of the offence committed
 - The level of culpability of the suspect
 - The circumstances of, and the harm caused to the victim?
 - Was the suspect under the age of 18 at the time of the offence?
 - What is the impact on the community?
 - Is prosecution a proportionate response?
 - Do sources of information require protecting?
- 4.2.3.8 A successful prosecution will result in a criminal record. The court may impose a fine and in respect of particularly serious breaches a prison sentence.
- 4.2.3.9 The conviction of an individual for an offence will require proof beyond reasonable doubt.
- 4.2.4 The selection of the most appropriate enforcement option in relation to a particular situation is determined by the investigating officer. That said, all enforcement cases are signed off by the Principal Licensing Officer prior to the investigation being closed. In addition, a sample of completed investigations is evaluated by service management as part of the Performance Management Framework in order to confirm that the correct action has been taken in all cases.

5. Consultation

- 5.1 Extensive consultation took place in relation to the development of the policy requirements.
- 5.2 Consultation with representatives of the licensed trade was undertaken during the development of the implementation scheme, with the proposed scheme was agreed by Commissioner Ney in August 2015 following consultation with members of the Advisory Licensing Board.

6. Timetable and Accountability for Implementing this Decision

- 6.1 This report is for information and comments only

7. Financial and Procurement Implications

- 7.1 There are no financial or procurement implications directly associated with this report.
- 7.2 There is, however, the risk of financial penalties (as outlined below) resulting from potential legal challenges if the Council does not provide an effective licensing service.

8. Legal Implications

- 8.1 Failure of the licensing service to effectively implement and administer the requirements of the council's policy may result in a legal challenge being made against the council.
- 8.2 A successful legal challenge will have a financial and reputational impact on the council – it is therefore essential that the policy is implemented effectively and administered appropriately.
- 8.3 The Council must be able to demonstrate effectiveness of the policy and provide confidence and reassurance regarding its implementation.

9. Human Resources Implication

- 9.1 In order to ensure the effective implementation and application of the policy and the ability to meet the performance measures, it is essential that all staff involved have the necessary knowledge and capability to undertake their role.
- 9.2 Staff understanding and awareness of the policy and its effective application will be monitored by team / service management at team meetings and periodic 1:1 meetings. Any development needs will be identified at these meetings and action taken as appropriate.
- 9.3 Effective communication within the team, particularly in relation to policy and performance matters, will ensure that the Council delivers a consistent approach to the implementation of the policy. This will also

provide a common understanding and appreciation of any issues that arise as a result of the policy (and its implementation) – allowing the council to clarify or amend requirements as required.

9.4 In order to ensure the effective delivery of the council's licensing enforcement function it is essential that all staff involved have the necessary skills, knowledge and capability to undertake their role in accordance with legislative requirements, published guidance and the council's General Enforcement Policy.

9.5 Competency is maintained via the undertaking of appropriate training and continued professional development, and assessment of competency as 1:1 / supervision meetings which complement the annual Performance and Development Review cycle.

9.6 Any issues identified in relation to the enforcement work that is carried out are discussed with individual officers and corrective actions undertaken where necessary.

10. Implications for Children and Young People and Vulnerable Adults

10.1 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 an effective taxi licensing service.

10.2 In order to ensure the Council's Licensing Service is effective, fit for purpose, and has addressed the concerns raised in Louise Casey's report; the following outcomes must be demonstrated:

- All licence holders are "fit and proper" to hold licences.
- Trained decision makers must make high quality, appropriate and timely decisions that protect the public from risk of harm.
- The Licensing Service uses all available statutory powers appropriately, proactively and reactively, to disrupt criminal activity (including CSE and related activity).
- The licensing team must consistently provide high quality, timely processing of licensing applications.
- The Council's Private Hire and Hackney Carriage Licensing Policy will be effectively implemented.

10.3 In order to address this, the service has developed a performance management framework and improvement plan to provide assurance that the outcomes identified above are achieved.

10.4 At the heart of the new policy, service improvement plan and the performance framework lies a commitment to the protection of the public,

safeguarding children and the vulnerable and the prevention of crime and disorder. The effective implementation of the licensing policy and the standards that it contains plays an important part in the protection of children and vulnerable people in Rotherham.

- 10.5 Since the publication of the report, the licensing team have been working with colleagues in Children's Services to ensure that those involved in the care and support of looked after children are aware of the key contacts within licensing, the nature of information that can be passed on to the licensing team and the action that the team can take as a result. This has been achieved by identifying single points of contact within the Business Regulation Service and Children's Services, and an agreed protocol for the sharing of information between services (making use of the formal, documented Local Authority Designated Officer procedures within Children's Services)
- 10.6 In addition, action has been taken to repair and formalise the information sharing processes within the council and between its partners. This includes the regular attendance of a senior manager from the council's regulatory service at the weekly CSE Intelligence Sharing Meetings that are chaired by South Yorkshire Police. Information that is discussed at the weekly meetings includes detail on offenders, victims and locations of concern. These meetings also provide a forum where a multiagency approach to a problem can be discussed – if need be with formation of a separate task and finish group consisting of the various council services and partner agencies.
- 10.7 The service has also developed an excellent working relationship with the National Crime Agency, this sees the regular exchange of information in relation to potential concerns around licensed individuals / premises – and on more than one occasion has resulted in the revocation of driver licenses with immediate effect.
- 10.8 The council's Hackney Carriage and Private Hire Licensing Policy makes it clear that non-conviction information can be taken into consideration when making decisions regarding licensing matters (there had previously been a criticism that officers acted only when a licence holder had actually been convicted of an offence). The policy confirms that the safety of the travelling public must be the paramount concern.

11. Equalities and Human Rights Implications

- 11.1 In undertaking its licensing function, the Council comply with relevant legislative requirements including the Human Rights Act 1998.
- 11.2 The policy (along with the council's General Enforcement Policy) will ensure the consistent and fair determination of licences – recognising that every individual is entitled to dignity and respect.
- 11.3 When making licensing decisions the Council and its officers aim to ensure there is no discrimination on the grounds 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.

11.4 Adherence to these requirements are assured by means of officer awareness, observation, case reviews and both customer satisfaction and complaints received into the service. In addition, those affected by licensing decisions have the legal right to challenge that decision in the Magistrates Court.

12. Implications for Partners and Other Directorates

12.1 It is recognised that enforcement and compliance activity often cannot be carried out in isolation by the Council. Its key partnerships with other agencies e.g. South Yorkshire Police, HM Revenue and Customs and the Driver and Vehicle Standards Agency are critical to ensure a comprehensive approach to regulation.

13. Risks and Mitigation

13.1 Failure of the Council to effectively discharge its licensing function may compromise public safety.

13.2 The Hackney Carriage and Private Hire Licensing Policy and draft performance framework must give confidence to licence holders and the public of the effective performance management of Council processes and the transparency and fairness of the Council's approach to enforcement.

13.3 Responsibility for ensuring compliance with the policy rests with team and service management, with appropriate overview and scrutiny by Commissioner Ney and members of the Licensing Board.

13.4 Failure of the Council to effectively discharge its licensing enforcement functions may compromise public safety.

13.5 Compliance with the General Enforcement Policy gives confidence to business and individuals of the transparency and fairness of the Council's approach to enforcement, without which the Council's reputation might be at risk.

14. Accountable Officer(s)

14.1 Alan Pogorzelec – Licensing Manager
Regeneration and Environment
01709 254955, alan.pogorzelec@rotherham.gov.uk

This report is published on the Council's website or can be found at:-

<http://moderngov.rotherham.gov.uk/ieDocHome.aspx?Categories=>

Second Quarter Performance against the Licensing Performance Management Framework.

Performance Measures	Target	Q2	Q3	Q4	Comments
Outcome 1. All licence holders are “fit and proper” to hold licences.					
% of applications that are determined only after all required checks have been undertaken.	100%	100%			Target has been met in full.
% of complaints / information referrals where the initial response meets service standards (response within 3 working days).	100%	80%			<p>During a management review of complaints received, it became apparent that only 1 of the 10 complaints that were reviewed during the first 6 months of the year were found not to comply with the service target of an initial response within 3 working days.</p> <p>This incident was due to the temporary absence of a Licensing Enforcement Officer due to annual leave.</p>
% of complaints / service requests where no formal action has been taken that have been appropriately investigated.	100%	100%			Target has been met in full.

Second Quarter Performance against the Licensing Performance Management Framework.

Performance Measures	Target	Q2	Q3	Q4	Comments
Outcome 2. Decision makers make high quality judgements that protect the public from risk of harm.					
% of case hearing information provided to Committee Services by to the agreed deadline.	100%	83%			There were six case hearings during the first half of 2017/18. Reports for five of these hearings were provided within the required timescale. The reports for one hearing were provided one day after the deadline.
% of Licensing Board members that have received training in the role.	100%	86%			<p>The Licensing Board consists of 21 Councillors; all but three of these have attended a training course outlining the role and function of the Licensing Board. The three Councillors that did not attend were Cllrs Hague, Napper and Wilson – they were unable to attend as a result of prior commitments / engagements.</p> <p>Any Councillor that has not attended the training will not be involved in the decision making process until they have attended a training session. A training session has been arranged for 1st November 2017, and all Board members have been encouraged to attend.</p>

Second Quarter Performance against the Licensing Performance Management Framework.

Performance Measures	Target	Q2	Q3	Q4	Comments
% of Licensing Board decisions that are made in accordance with the Council's policy.	100%	100%			Target has been met in full.
% of licensing decisions that are made in accordance with the scheme of delegation to officers and members / commissioners.	100%	100%			Target has been met in full.

Second Quarter Performance against the Licensing Performance Management Framework.

Performance Measures	Target	Q2	Q3	Q4	Comments
Outcome 3. The licensing service make maximum use their statutory powers (where appropriate) to disrupt criminal activity (including CSE and related activity).					
Attendance of licensing team at weekly CSE intelligence meetings (chaired by South Yorkshire Police).	80%	76%			<p>There were 26 meetings held within the first half of 2017/18, the Licensing Manager attended 20 of these. Apologies were given due to annual leave (one occasion), attendance for a medical appointment (one occasion), attendance at an LGA seminar where the Licensing Manager was presenting on the issue of Taxi Cameras (one occasion) and attendance on training courses (two occasions).</p> <p>The Chair of the group has previously confirmed that it would not be appropriate to send a delegate to the meeting in normal circumstances, and that any actions / relevant information will be provided directly to the Licensing Manager as appropriate. In addition, the meeting is attended by other RMBC officers, and information would be fed back to the Licensing Manager by them as an additional safeguard.</p>

Second Quarter Performance against the Licensing Performance Management Framework.

Performance Measures	Target	Q2	Q3	Q4	Comments
Circulation of key contacts to partners for use in cases of referrals and for data sharing.	Once every six months	Completed			Target has been met.
Number of multiagency operations undertaken	4 (annually)	2			<p>The target of 4 is an annual target based on one multiagency operation per Quarter. The operations may be proactive or reactive in nature and will include partners such as South Yorkshire Police, Her Majesty's Revenue and Customs and the Vehicle and Operator Standards Agency.</p> <p>Two operations were undertaken in the first six month of the year – both of these related to unlawful parking of licensed vehicles and involved Licensing Officers, South Yorkshire Police and RMBC Parking Services.</p>

Second Quarter Performance against the Licensing Performance Management Framework.

Performance Measures	Target	Q2	Q3	Q4	Comments
Number of proactive operations undertaken	6 (annually)	3			<p>The target of 6 is an annual target based on one RMBC lead proactive operation every two months. Operations may involve RMBC in isolation or may be multiagency operations involving RMBC and partners.</p> <p>Three operations were undertaken in the first six months of the year – two were in relation to Operator compliance with licence conditions, and one was in relation to the taxi camera compliance requirement.</p>

Second Quarter Performance against the Licensing Performance Management Framework.

Performance Measures	Target	Q2	Q3	Q4	Comments
Outcome 4. The licensing team consistently provides high quality processing of licensing applications.					
<p>% of applications that are processed in accordance with the licensing policy.</p>	<p>100%</p>	<p>96%</p>			<p>Service standards require a licence to be determined within 3 working days of all required checks being completed (the determination will either be for the licence to be issued, or the application referred to a case hearing meeting at a future date).</p> <p>In the first six months of 2017/18:</p> <p>226 driver licenses were determined, all but 9 were determined within 3 working days of all necessary checks being completed.</p> <p>631 vehicle licences / intermediate plates were determined, all of which were determined within 3 working days.</p> <p>31 Private Hire Operator Licences were determined, all of which were determined within 3 working days.</p>

Second Quarter Performance against the Licensing Performance Management Framework.

Performance Measures	Target	Q2	Q3	Q4	Comments
<p>% of licensing records that contain all required information in a secure but accessible format.</p>	<p>100%</p>	<p>60%</p>			<p>Management have reviewed 20 driver and vehicle records within the first six months of 2017/18. Eight instances were identified of officers failing to record information on Lalpac (all during the first quarter of the year). These matters were addressed with the individual officers concerned (who were recently appointed to the Council) and amendments made to the recording process. Recording of enforcement actions is now much improved and will be monitored by team and service management to ensure that the standard is maintained.</p>

Second Quarter Performance against the Licensing Performance Management Framework.

Performance Measures	Target	Q2	Q3	Q4	Comments
Outcome 5. The Council’s private hire and hackney carriage licensing policy will be effectively implemented.					
<p>% of licensed vehicles that have a taxi camera fitted in accordance with the Council’s policy.</p>	<p>100%</p>	<p>100%</p>			<p>This figure represents the number of licensed vehicles that require a camera and have had one installed.</p> <p>Licences (and intermediate plates) are not issued unless a camera system has been fitted into the vehicle.</p> <p>For the purposes of this indicator, those vehicles that have made a commercial commitment to have a camera fitted are counted as though they have had a system fitted.</p>

Second Quarter Performance against the Licensing Performance Management Framework.

Performance Measures	Target	Q2	Q3	Q4	Comments
% of driver licence holders that are required to have maintained a subscription to the DBS online update service and have done so.	100%	100%			This figure indicates the number of eligible licence holders that have subscribed to the DBS online update service. The subscription is an annual subscription; however there are a number of licence holders that have been required to renew their subscription within the first six months of the year. Any licence holders that fail to maintain their subscription will be required to undertake another DBS check and subscribe to the update service.

Second Quarter Performance against the Licensing Performance Management Framework.

Performance Measures	Target	Q2	Q3	Q4	Comments
<p>% of licence holders that demonstrate adherence to the requirements of the Council's policy.</p>	<p>Figures for each sub-indicator:</p> <p>1) 100%</p> <p>2) 100%</p>	<p>Figures for each sub-indicator:</p> <p>1) 100%</p> <p>2) 87%</p>			<p>Adherence to the policy is demonstrated by compliance levels in relation to four sub-indicators. Two of these sub-indicators are dealt with above, with the remaining two being as follows:</p> <p>1) % of drivers that have completed the Council's safeguarding awareness course.</p> <p>100% of drivers have completed the Council's safeguarding training.</p> <p>2) % of drivers that have obtained the BTEC / NVQ qualification.</p> <p>87% of drivers (875) have obtained the BTEC / NVQ qualification. An additional 9% have confirmed that they have paid for and booked onto a suitable training course. This means that 96% of drivers have either provided evidence of compliance with the BTEC requirement, or have taken satisfactory steps to obtain the qualification.</p>

APPENDIX 2 – 2017 / 18 Quarter 2 Enforcement Data

Detail	Number	Prosecution	Revoked / refused	Suspended	Notice Issued	Warning	Advice Given	No further action	Insufficient evidence to proceed	Investigation ongoing
Operator complaint	0									
Dangerous Driving	1		1							
Indecency - child	0									
Indecency - adult	1							1		
Conduct of driver	17		4			6	7			
Charging issue	0									
Plying for hire	0									
Parking issue	6					6				
Disability issue	0									
Smoking in vehicle	3						3			
Using phone whilst driving	2					1			1	
In-car camera issue	3				3					
Breach of conditions	3							2	1	
Condition of vehicle	3				3					
Total	39		5		6	13	10	3	2	0

Note – the incident involving indecency (adult) related to a driver that was licensed by an authority other than Rotherham MBC, therefore the Council were unable to take enforcement action against this driver. However, the matter was referred to the authority that licensed the driver (in this case it was Rossendale).

Proactive / multiagency enforcement operations:

Three operations were undertaken in the first 6 months of 2017/18 – two in relation to Private Hire Operators and one in relation to the taxi camera compliance requirement.

There were two multiagency operations undertaken during the first 6 months of 2017/18 – both in relation to unlawful parking of licensed vehicles.

2017 / 18 Quarter 2 Enforcement Data – Licensing Admin Team

	Licensing Board	Officer	Total
Driver licences granted	4	226	230
Driver Licences Granted with additional conditions	0	0 ^a	0
Driver licences suspended	3	0 ^a	3
Driver licences revoked	0	0 ^a	0
Driver licences immediately ^b revoked for:			
- Medical reasons	0	0	0
- Driver conduct	0	2	2
- DVLA licence issues	0	0	0
Driver licence – formal warning issued	0	0 ^a	0
Driver licence – licence reviewed, no further formal action taken	2	0 ^a	2
Driver Licence – application refused	10	0 ^a	10
PH Operator licences issued	0 ^c	31	31
PH Operator licences refused	0	0	0
Vehicle licences issued:			
- Hackney Carriage	0 ^d	32	32
- Private Hire	0 ^d	599	599
Current licence numbers (at time of report drafting):			
Hackney Carriage / Private Hire Driver Licences ^e		1042	
Private Hire Vehicle Licences ^f		788	
Hackney Carriage Licences ^f		52	
Private Hire Operator Licences ^g		72	

2017 / 18 Quarter 2 Enforcement Data – Licensing Admin Team**Footnotes:**

- a Officers do not have the delegated authority to attach conditions, suspend or revoke a licence (except if the circumstances require a revocation or suspension to take effect immediately).
- b Suspensions or revocations of a licence may take effect immediately if it is considered necessary in the interests of public safety. In any other circumstance a revocation or suspension will take effect at the end of 21 days beginning on the day on which the suspension or revocation notice is issued.
- c Only referred to a hearing if the removal / amendment of a condition is required – officers do not have the delegated authority to amend licence conditions.
- d The determination of vehicle licences is largely an administrative process as there is no subjective assessment of fitness. As such, vehicle licence applications are almost always determined by officers using delegated authority.
- e Licences typically valid for a three year period.
- f Since 6th January 2016, all vehicle licences issued are valid for a period of 12 months.
- g Licences are valid for a one year period.

PRIVATE HIRE AND HACKNEY CARRIAGE

Meeting Date	Taxi Cases Listed	Did not attend	Defer	Licence Granted	Licence Refused	No action	Suspend Temporarily	Revoke Licence	Warnings Issued	House to House Grant	House to House Refuse
2016											
13 December	7	-	-	3	3	-	-	1	2	-	-
2017											
30 January	5	2	2	-	1	-	-	1	1**	-	-
13 February	2	-	-	1	-	-	-	1	-	-	-
28 February	2	-	-	-	2	-	-	-	-	2	-
27 March	4	1	-	3	-	-	-	1	-	-	-
08 May	3	-	-	1	2	-	-	-	-	-	-
12 June	4	-	-	2	2	-	-	-	-	-	-
06 July	3	1	1	-	2	-	-	-	-	-	-
25 July	3	-	-	1	-	1	1	-	-	-	-
04 September	4	-	-	-	2	1	1	-	-	-	-
25 September	4	1	1	-	2	-	1	-	-	-	-
16 October	4	3	2	1	-	-	-	1	-	-	-
06 November											
27 November											
18 December											
2018											
TOTAL	45		6	12	16	2	3	5	3	2	-

Notes

- (1) – 13 December meeting – this meeting had originally been called as a Commissioner Case Hearing meeting; however, some hours earlier (midnight 12/13 December) the Licensing powers had been returned to the Council
- (2) – 13 December meeting – the Sub-Committee approved one private hire vehicle licence.
- (3) – 13 December meeting – the Sub-Committee issued warnings to two drivers whose licences were renewed.
- (4) – 30 January 2017 meeting – the Sub-Committee refused an application for the renewal of a private hire operator licence.

- (5) – **30 January 2017 meeting – the Sub-Committee, upon review of a driver’s licence, decided to remind the driver of the Licensing Policy requirements in respect of the use of CCTV cameras within licensed vehicles.
- (6) – 30 January 2017 meeting – the Sub-Committee exceptionally allowed an applicant to licence a vehicle up to the age of seven years.
- (7) – 13 February 2017 – the Sub-Committee approved one request for an “Executive” car not to have to display the licensed vehicle plate.
- (8) – 13 February 2017 – the Sub-Committee refused two applications for exemption from the Licensing Policy requirements in respect of the installation of CCTV cameras within licensed vehicles.
- (9) – 28 February 2017 – the Sub-Committee approved one application for a permit to undertake a performance of hypnotism.
- (10) – 28 February 2017 – the Sub-Committee approved one request for an “Executive” car not to have to display the licensed vehicle plate.
- (11) – 27 March 2017 – the Sub-Committee refused an application for exemption from the Licensing Policy requirements in respect of the age of a licensed vehicle.
- (12) – 27 March 2017 – the Sub-Committee deferred all three applications for House-to-House collection permits and requested further information.
- (13) – 27 March 2017 – the Sub-Committee decided, exceptionally, to extend a driver’s licence for a period of three months and required the driver to complete all aspects of the driver’s licence application process in that time.
- (14) – 12 June 2017 – the Sub-Committee approved one request for an “Executive” car not to have to display the licensed vehicle plate.
- (15) – 25 July 2017 – the Sub-Committee suspended a driver’s licence until such time as the driver had completed a speed awareness course.
- (16) – 04 September 2017 – the Sub-Committee suspended a driver’s licence until such time as the driver had completed a practical driving test to DVLA standards.
- (17) – 25 September 2017 – the Sub-Committee suspended a driver’s licence until such time as the driver had completed a practical driving test to DVLA standards.

(18) – 25 September 2017 – the Sub-Committee approved one request for an “Executive” car not to have to display the licensed vehicle plate.

(19) – 16 October 2017 – the Sub-Committee approved one application for the renewal of a private hire operator licence, with additional conditions imposed on the licence.

LICENSING ACT 2003 (SUB-COMMITTEE) DECISIONS

26 April 2017 – after an application from the South Yorkshire Police, the expedited premises’ licence review undertaken by the Licensing Sub-Committee resulted in the suspension of the premises licence (nb: this licence was subsequently surrendered).

02 May 2017 – the application for the grant of a premises’ licence was refused.

04 May 2017 – the application for the grant of a premises’ licence was approved and the licence was granted with various additional conditions imposed.

07 July 2017 – the application for the grant of a premises’ licence was approved and the licence was granted with various additional conditions imposed.

16 August 2017 – the application for the grant of a premises’ licence was approved and the licence was granted, subject to the standard conditions.

Summary Sheet

Council Report

Licensing Board 30th October 2017

Title

Administrative amendments to the Hackney Carriage and Private Hire Licensing Policy.

Is this a Key Decision and has it been included on the Forward Plan?

This is not a key decision.

Director Approving Submission of the Report

Karen Hanson – Assistant Director of Community Safety and Street Scene

Report author(s):

Alan Pogorzelec – Licensing Manager
Regeneration and Environment
01709 254955, alan.pogorzelec@rotherham.gov.uk

Ward(s) Affected

All wards

Executive Summary

It has become evident that in order to facilitate the effective application of the Council's Hackney Carriage and Private Hire Licensing Policy, a number of minor administrative amendments are required to be made to the policy. The amendments are in relation to the acceptance of DBS Certificates from other authorities and the period after which a medical examination is required.

These amendments will not have a significantly detrimental on the licensed trade; indeed the proposal in relation to medicals will have a positive effect (although public safety will be maintained).

Recommendations

- That the Licensing Board approve amendments to the Council's Hackney Carriage and Private Hire Licensing Policy in relation to the acceptance of Enhanced DBS Certificates from other local authorities (as detailed in section 3.1.8 below).
- That the Licensing Board approve amendments to the Council's Hackney Carriage and Private Hire Licensing Policy in relation to the frequency that drivers are required to undergo medical examination by their GP (as detailed in section 3.2.6 below).

List of Appendices Included

- None

Background Papers

- Rotherham MBC Hackney Carriage and Private Hire Licensing Policy

Consideration by any other Council Committee, Scrutiny or Advisory Panel

Not applicable.

Council Approval Required

No.

Exempt from the Press and Public

Not exempt.

Administrative amendments to the Hackney Carriage and Private Hire Licensing Policy.

1. Recommendations

- 1.1 That the Licensing Board approve amendments to the Council's Hackney Carriage and Private Hire Licensing Policy in relation to the acceptance of Enhanced DBS Certificates from other local authorities (as detailed in section 3.1.8 below).
- 1.2 That the Licensing Board approve amendments to the Council's Hackney Carriage and Private Hire Licensing Policy in relation to the frequency that drivers are required to undergo medical examination by their GP (as detailed in section 3.2.6 below).

2. Background

- 2.1 The Council's Hackney Carriage and Private Hire Licensing Policy was introduced in July 2015.
- 2.2 A review of the workings of the policy was undertaken in July 2016, with a report being presented to the Licensing Board in September 2016. However, since this report was submitted, it has become clear that two areas within the policy require review and amendment.
- 2.3 The two areas concerned relate to:
 - 2.3.1 The acceptance of Enhanced DBS Certificates issued by other local authorities.
 - 2.3.2 The frequency that licensed drivers are required to undergo medical examination by their GP.
- 2.4 This report seeks amendment to the Council's policy (and associated appendices) in order to address these concerns.
- 2.5 Further detail on these matters is provided below.

3. Key Issues

- 3.1 The acceptance of Enhanced DBS Certificates that have been issued by other local authorities.
 - 3.1.1 Section 5.3 of the Council's Hackney Carriage and Private Hire Licensing Policy states:

"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).”

- 3.1.2 This statement was added to the Council’s policy as information from the Disclosure and Barring Service suggested that certificates were “portable” and could be transferred between employers by a particular individual.
- 3.1.3 This would mean that drivers licensed by one authority could obtain an Enhanced DBS from Council A and use that to apply for a licence in Council B.
- 3.1.4 However, information has been received from South Yorkshire Police’s Disclosure Unit (that provides input to the compilation of the DBS certificate) has highlighted a potential risk in the Council adopting this process.
- 3.1.5 The Disclosure Unit has confirmed that there may be a need for them to make a “Sensitive disclosure” to a potential employer that they do not want the applicant to have sight of. Although such disclosures are few and far between they may still happen and would be sent to the authority identified as the employer as part of the DBS Certificate application process.
- 3.1.6 In the example given above, the disclosure would be made to Council A – meaning that Council B may not be aware of the fact that a disclosure has been made.
- 3.1.7 This means that if Rotherham MBC were “Council B” then we may not be aware of information that calls an applicant’s fitness and propriety into question – this in turn could have significant implications for public safety.
- 3.1.8 It is therefore proposed that section 5.3 of the Council’s Hackney Carriage and Private Hire Licensing Policy is amended to read:

“The Council will only accept DBS certificates which are applied for through Rotherham Council’s Licensing Unit.”

3.2 The frequency that licensed drivers are required to undergo medical examination by their GP.

- 3.2.1 The Council’s requirements in relation to medicals are detailed in Section 5.6 of the Council’s Hackney Carriage and Private Hire Licensing Policy and Paragraph 8 of Appendix A to the policy.
- 3.2.2 There is currently a disparity between these two parts of the policy.
- 3.2.3 The second paragraph of Section 5.6 of the policy states:

*“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.”*

3.2.4 The third paragraph of Paragraph 8 of Appendix A states:

“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.”

3.2.5 The requirements of Paragraph are those that are currently applied to drivers (as these reflect the current guidance from the DVLA). It is therefore proposed to amend the second paragraph of section 5.6 to bring this in line with DVLA guidance.

3.2.6 However, as RMBC driver licenses are typically issued for a 3 year period, it would facilitate the administration of the process if the requirements were brought into line with the licence renewal process. It is therefore proposed that the requirements outlined in Paragraph 8 and Section 5.6 are amended as follows:

“A medical to Group 2 standards will be required on first application. A new medical will then be required at the next renewal after a driver reaches the age of 45. Thereafter, a medical will be required every six years until the driver reaches the age of 65 when a medical will be required annually.”

3.2.7 It is considered that the above requirement maintains public safety, whilst ensuring that the process can be administered as efficiently and effectively as possible.

4. Options considered and recommended proposal

4.1 The recommendations detailed above are the only options that have been considered and are the recommended proposal.

5. Consultation

5.1 There is no requirement for statutory consultation in relation to these proposals, however they will be brought to the attention of the licensed trade representatives for their information and comment.

5.2 Any comments received will be assessed and if necessary brought back to the Licensing Board for consideration (this will be undertaken in agreement with the Chair and Vice Chair of the Licensing Board).

6. Timetable and Accountability for Implementing this Decision

6.1 If agreed, these proposals will be introduced with immediate effect.

7. Financial and Procurement Implications

7.1 There are no financial or procurement implications directly associated with this report.

8. Legal Implications

8.1 Failure of the licensing service to effectively implement and administer the requirements of the council's policy may result in a legal challenge being made against the council.

8.2 A successful legal challenge will have a financial and reputational impact on the council – it is therefore essential that the policy is implemented effectively and administered appropriately.

8.3 The Council must be able to demonstrate effectiveness of the policy and provide confidence and reassurance regarding its implementation.

9. Human Resources Implication

9.1 There are no Human Resources implications introduced by the report.

10. Implications for Children and Young People and Vulnerable Adults

10.1 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 an effective taxi licensing service.

10.2 In order to ensure the Council's Licensing Service is effective, fit for purpose, and has addressed the concerns raised in Louise Casey's report; a number of outcomes must be demonstrated. The outcomes include:

- All licence holders are "fit and proper" to hold licences.
- The licensing team must consistently provide high quality, timely processing of licensing applications.
- The Council's Private Hire and Hackney Carriage Licensing Policy will be effectively implemented.

10.3 It is considered that the proposals detailed within this report support the above outcomes.

11. Equalities and Human Rights Implications

11.1 In undertaking its licensing function, the Council comply with relevant legislative requirements including the Human Rights Act 1998.

11.2 The policy (along with the council's General Enforcement Policy) will ensure the consistent and fair determination of licences – recognising that every individual is entitled to dignity and respect.

11.3 When making licensing decisions the Council and its officers aim to ensure there is no discrimination on the grounds 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.

11.4 Adherence to these requirements are assured by means of officer awareness, observation, case reviews and both customer satisfaction and complaints received into the service. In addition, those affected by licensing decisions have the legal right to challenge that decision in the Magistrates Court.

12. Implications for Partners and Other Directorates

12.1 There are no specific implications for partners and other directorates introduced by this report.

13. Risks and Mitigation

13.1 Failure of the Council to effectively discharge its licensing function may compromise public safety.

13.2 It is considered that the proposals referred to in this report will facilitate the effective discharge of the Council's licensing function and support the effective application of the Hackney Carriage and Private Hire Licensing Policy.

14. Accountable Officer(s)

14.1 Alan Pogorzelec – Licensing Manager
Regeneration and Environment
01709 254955, alan.pogorzelec@rotherham.gov.uk

This report is published on the Council's website or can be found at:-

<http://moderngov.rotherham.gov.uk/ieDocHome.aspx?Categories=>

Summary Sheet

Council Report

Licensing Board 30th October 2017

Title

Amendments to Conditions that are attached to Hackney Carriage and Private Hire Licences.

Is this a Key Decision and has it been included on the Forward Plan?

This is not a key decision.

Director Approving Submission of the Report

Karen Hanson – Assistant Director of Community Safety and Street Scene

Report author(s):

Alan Pogorzelec – Licensing Manager
Regeneration and Environment
01709 254955, alan.pogorzelec@rotherham.gov.uk

Ward(s) Affected

All wards

Executive Summary

As a result of the recent Transport for London Decision in relation to Uber London Ltd's Private Hire Operators Licence, the Council has reviewed the standard conditions that are attached to Private Hire Operator licences in Rotherham. This review was undertaken during the consideration of Uber's Rotherham Private Hire application on 16th October 2017, and saw the introduction of conditions relating to the notification of complaints and use of software or other devices to impede regulatory activity. It is proposed that these additional conditions are attached to all Private Hire Operator licences issued by the Council at the point of grant / renewal.

In addition, the service is currently developing an "enforcement penalty points" scheme that can be used to deal with less serious matters involving licence holder breaches of condition. The development of this scheme has identified a disparity between the Council's policy and the standard conditions attached to driver licences,

and this report seeks an amendment to the driver licence conditions to bring them into line with the Council's policy requirements.

Recommendations

- That the Licensing Board approves amendments to the standard Private Hire Operator Licence Conditions as detailed in Appendix 1 to this report.
- That the Licensing Board approves amendments to the standard Hackney Carriage / Private Hire Driver Licence Conditions as detailed in Appendix 2 to this report.

List of Appendices Included

- None

Background Papers

- Rotherham MBC Hackney Carriage and Private Hire Licensing Policy

Consideration by any other Council Committee, Scrutiny or Advisory Panel

Not applicable.

Council Approval Required

No.

Exempt from the Press and Public

Not exempt.

Amendments to Conditions that are attached to Hackney Carriage and Private Hire Licences.

1. Recommendations

- 1.1 That the Licensing Board approves amendments to the standard Private Hire Operator Licence Conditions as detailed in Appendix 1 to this report.
- 1.2 That the Licensing Board approves amendments to the standard Hackney Carriage / Private Hire Driver Licence Conditions as detailed in Appendix 2 to this report.

2. Background

- 2.1 The Council's Hackney Carriage and Private Hire Licensing Policy came into effect in July 2015.
- 2.2 This policy included the introduction of a series of standard conditions that are routinely attached to Hackney Carriage and Private Hire licences issued by the Council.
- 2.3 As a result of two recent pieces of work, it has been identified that it would be appropriate to amend the standard conditions in relation to operators and drivers, the amendments relate to the following matters:
 - 2.3.1 The requirement for operators to notify the Council in relation to complaints and potential offences committed by drivers working under the terms of their operator licence.
 - 2.3.2 The requirement for drivers to notify the council in relation to the receipt of fixed penalty notices.
- 2.4 Further detail on these matters is provided below.

3. Key Issues

- 3.1 Private Hire Operator Conditions.
 - 3.1.1 During the recent consideration of Uber's Rotherham Private Hire Operator Licence renewal application, the Licensing Board Sub-Committee determined to attach additional conditions to the renewed licence.
 - 3.1.2 The additional conditions were intended to address the concerns raised by Transport for London in their decision to refuse Uber's Private Hire Operator Licence renewal application, and related to the reporting of complaints and the use of software / devices to impede regulatory activity.

3.1.3 The Licensing Board Sub-Committee considered that it would be appropriate for these conditions to be added to all Private Hire Operator Licences issued subsequent to the Uber decision.

3.1.4 The Private Hire Operator standard conditions are detailed in Appendix Q to the Council's Hackney Carriage and private Hire Licensing Policy, and it is proposed that the following conditions are added to these standard conditions.

3.1.5 In relation to the reporting of complaints / offences to the Council:

Additional Condition 1:

"The operator must notify the Council within five working days if any driver is subject to the operators internal disciplinary processes or any other action that results in the driver being permanently or temporarily removed from the operator's system of allocating work to the driver"

Additional Condition 2:

"Any passenger that makes a complaint to the operator regarding the conduct of a driver that they operate (or operated at the time of the conduct) must be informed that they should also make the Council, and if appropriate the police, aware of their complaint."

Additional Condition 3:

"The Operator must notify the council without delay if the operator receives a complaint about a driver operated by them if the complaint relates to any of the following – allegations of sexual impropriety (including the use of sexualised language), violence (including verbal aggression), theft and any other serious misconduct (including motoring related matters)."

3.1.6 In relation to the use of software or other devices to impede enforcement activity:

"Operators must not use, or facilitate the use of, any software, technology or other device that is capable of impeding the lawful activities of enforcement agencies or the regulatory activity of the Council. Such software would include Greyball and similar technologies."

3.1.7 In addition to the above, it is also proposed that the Licensing Board take the opportunity to reformat the order and wording of the standard Private Hire Operator conditions. This amendment will not detract from the requirements of the conditions.

3.1.8 The proposed standard Private Hire Operator Conditions are attached to this report as Appendix 1.

3.2 Hackney Carriage / Private Hire Driver Licence Conditions.

3.2.1 During the development of the Council's "Enforcement Penalty Points" Scheme, it has become evident that there is a disparity between the requirements of Appendix C and to the Council's Policy and the standard conditions that are attached to driver licenses in Rotherham.

3.2.2 Section 4.4 of Appendix C of the Council's policy states:

"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."

3.2.3 However, Condition 8 of the standard conditions that are attached to driver licences states (in relation to 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."

3.2.4 It is proposed to amend the conditions that are attached to Hackney Carriage / Private Hire Licences to bring them in line with the requirements outlined in Appendix C (i.e. a requirement to notify of the acceptance of a fixed penalty endorsement within five working days). The requirement to notify the Council in relation to attendance on a Speed Awareness Course will be removed (in reality this is element of the condition is unenforceable and is an unnecessary administrative process).

3.2.5 In addition to the above, it is also proposed that the Licensing Board take the opportunity to reformat the order and wording of the standard Private Hire Operator conditions. This amendment will not detract from the requirements of the conditions.

3.2.6 The proposed standard Hackney Carriage / Private Hire Driver Conditions are attached to this report as Appendix 2.

4. Options considered and recommended proposal

4.1 The recommendations detailed above are the only options that have been considered and are the recommended proposal.

5. Consultation

5.1 There is no requirement for statutory consultation in relation to these proposals, however they will be brought to the attention of the licensed trade representatives for their information and comment.

5.2 Any comments received will be assessed and if necessary brought back to the Licensing Board for consideration (this will be undertaken in agreement with the Chair and Vice Chair of the Licensing Board).

6. Timetable and Accountability for Implementing this Decision

6.1 If agreed, these proposals will be introduced with immediate effect.

7. Financial and Procurement Implications

7.1 There are no financial or procurement implications directly associated with this report.

8. Legal Implications

8.1 Failure of the licensing service to effectively implement and administer the requirements of the council's policy may result in a legal challenge being made against the council.

8.2 A successful legal challenge will have a financial and reputational impact on the council – it is therefore essential that the policy is implemented effectively and administered appropriately.

8.3 The Council must be able to demonstrate effectiveness of the policy and provide confidence and reassurance regarding its implementation.

9. Human Resources Implication

9.1 There are no Human Resources implications introduced by the report.

10. Implications for Children and Young People and Vulnerable Adults

10.1 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 an effective taxi licensing service.

10.2 In order to ensure the Council's Licensing Service is effective, fit for purpose, and has addressed the concerns raised in Louise Casey's report; a number of outcomes must be demonstrated. The outcomes include:

- All licence holders are "fit and proper" to hold licences.
- The licensing team must consistently provide high quality, timely processing of licensing applications.
- The Council's Private Hire and Hackney Carriage Licensing Policy will be effectively implemented.

10.3 It is considered that the proposals detailed within this report support the above outcomes.

11. Equalities and Human Rights Implications

11.1 In undertaking its licensing function, the Council comply with relevant legislative requirements including the Human Rights Act 1998.

11.2 The policy (along with the council's General Enforcement Policy) will ensure the consistent and fair determination of licences – recognising that every individual is entitled to dignity and respect.

11.3 When making licensing decisions the Council and its officers aim to ensure there is no discrimination on the grounds 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.

11.4 Adherence to these requirements are assured by means of officer awareness, observation, case reviews and both customer satisfaction and complaints received into the service. In addition, those affected by licensing decisions have the legal right to challenge that decision in the Magistrates Court.

12. Implications for Partners and Other Directorates

12.1 There are no specific implications for partners and other directorates introduced by this report.

13. Risks and Mitigation

13.1 Failure of the Council to effectively discharge its licensing function may compromise public safety.

13.2 It is considered that the proposals referred to in this report will facilitate the effective discharge of the Council's licensing function and support the effective application of the Hackney Carriage and Private Hire Licensing Policy.

14. Accountable Officer(s)

14.1 Alan Pogorzelec – Licensing Manager
Regeneration and Environment
01709 254955, alan.pogorzelec@rotherham.gov.uk

This report is published on the Council's website or can be found at:-

<http://moderngov.rotherham.gov.uk/ieDocHome.aspx?Categories=>

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 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).

- h) 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.

4 GENERAL CONDITIONS

- a) 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.
- b) 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'.
- c) 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.
- d) 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.

- e) 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.
- f) The Operator must bring to the attention of all drivers their legal obligation regarding no smoking in vehicles under the Health Act 2006.
- g) 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.
- h) 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.
- i) 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.
- j) 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.
- k) The use of scanner equipment is prohibited.
- l) 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.
- m) 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.
- n) The operator must supply a copy of advertising materials to the Council for recording on file.

- o) 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.
- p) 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.
- q) 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.

- r) 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.
- s) The Operator must notify the Council in writing within 7 days of any change of home address whether permanent or temporary.
- t) 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.
- u) 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.
- v) 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.

- w) 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.

- x) The operator must notify the Council within five working days if any driver is subject to the operators internal disciplinary processes or any other action that results in the driver being permanently or temporarily removed from the operator's system of allocating work to the driver.
- y) Any passenger that makes a complaint to the operator regarding the conduct of a driver that they operate (or operated at the time of the conduct) must be informed that they should also make the Council, and if appropriate the police, aware of their complaint.
- z) The Operator must notify the council without delay if the operator receives a complaint about a driver operated by them if the complaint relates to any of the following – allegations of sexual impropriety (including the use of sexualised language), violence (including verbal aggression), theft and any other serious misconduct (including motoring related matters).
- aa) Operators must not use, or facilitate the use of, any software, technology or other device that is capable of impeding the lawful activities of enforcement agencies or the regulatory activity of the Council. Such software would include Greyball and similar technologies.

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

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.
- 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.

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.
- q. The driver must ensure that the vehicle's taxi camera system is 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 whenever an unaccompanied child (i.e. under 18) or vulnerable adult is being carried in the vehicle.

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.

The driver must not tamper or otherwise interfere with the system or the footage that is contained within it (nor must the driver allow the system to be tampered or interfered with by any person that does not have the council's express authority to do so), except as would be expected in order to operate the system in accordance with the manufacturers directions.

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:-
 - i. more than one person unless the vehicle is manufactured to carry two front seat passengers and seat belts are fitted for both passengers, or
 - ii. subject to paragraph iv below, any child under the age of 10 years old,
 - iii. subject to paragraph iv below, 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.
 - iv. Paragraphs ii and iii above do not apply in cases where it is not reasonably practicable for the child to sit in the rear of the

vehicle due to them having impaired mobility or some other impairment that would mean that it is safer for them to sit in the front seat. The impairment must be confirmed by an appropriate adult (who is independent of the driver). The adult must be familiar with the child's specific needs and confirm that it is not reasonably practicable for the child to sit in the rear seat as a result of that impairment. In these cases a record must be made of the adult's name and contact details and this record must be retained by the driver for at least 28 days.

- 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 the acceptance of any fixed penalty endorsement within **5 working days**. The driver must subsequently produce his / her driving licence to the Council, immediately following its endorsement.

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.**

Summary Sheet

Council Report

Licensing Board 30th October 2017

Title

Taxi and Private Hire Licensing - Miscellaneous Amendments to Working Practices

Is this a Key Decision and has it been included on the Forward Plan?

This is not a key decision.

Director Approving Submission of the Report

Karen Hanson – Assistant Director of Community Safety and Street Scene

Report author(s):

Alan Pogorzelec – Licensing Manager
Regeneration and Environment
01709 254955, alan.pogorzelec@rotherham.gov.uk

Ward(s) Affected

All wards

Executive Summary

In order to facilitate the effective administration of licensing processes, the Licensing Manager has proposed a number of amendments to current working practices. This report details those proposals and seeks the Licensing Board agreement to introduce the proposals with immediate effect.

Recommendations

- That the Licensing Board approve the proposed amendments to current working practices.

List of Appendices Included

- None

Background Papers

- Rotherham MBC Hackney Carriage and Private Hire Licensing Policy

Consideration by any other Council Committee, Scrutiny or Advisory Panel

Not applicable.

Council Approval Required

No.

Exempt from the Press and Public

Not exempt.

Taxi and Private Hire Licensing - Miscellaneous Amendments to Working Practices

1. Recommendations

- 1.1 That the Licensing Board approve the proposal that officers should not refer applications for driver licences to the Licensing Board unless all elements of the application process have been satisfactorily completed.
- 1.2 That the Licensing Board approve the proposal that any application that has been pending for in excess of 12 months is declared void and the applicant issued with an appropriate refund and their application abandoned.

2. Background

- 2.1 The administration and enforcement of the Council's Hackney Carriage and Private Hire Licensing Policy is underpinned by a series of working processes within the Council's Licensing team.
- 2.2 This report seeks the agreement of the Licensing Board to amend two existing working processes in relation to:
 - 2.2.1 The consideration of applications prior to the completion of all elements of the application process.
 - 2.2.2 The processing of applications that have been pending for a prolonged period of time.

3. Key Issues

- 3.1 Consideration of applications prior to the completion of all elements of the application process.
 - 3.1.1 Current practice allows applications to be referred to the Licensing Board before all mandatory elements of the application process have been completed.
 - 3.1.2 This may occur if an applicant has criminal convictions (for example) and wishes to determine whether the convictions will prevent them from being issued with a licence, prior to them undertaking the higher cost elements of the application (typically the BTEC and Medical Examination).
 - 3.1.3 Whilst this approach may save new applicants the cost of undertaking higher cost elements (typically around £450 - £500) only to find that they are refused a licence, it is considered that this approach is not compatible with the national licensing framework.
 - 3.1.4 The national licensing framework allows applicants that are aggrieved by a Council decision to refuse their application to appeal to the Magistrates Court. The Magistrates Court may choose to uphold the appeal – effectively granting the application.

3.1.5 If the applicant has not completed all elements of the application process then there is a risk that the licence would be granted by the Magistrates without the need for the applicant to undergo these elements of the application process.

3.1.6 It is therefore proposed that, in order to protect the Council from the possibility of unsatisfactory applicants being issued with licences, applications are only referred to the Licensing Board if all elements of the application process have been satisfactorily completed. This approach will also allow the Licensing Board to make a complete assessment of an applicant's fitness and propriety during the determination of the application.

3.2 Applications that have been pending for a period in excess of 12 months.

3.2.1 There are a small number of applications currently showing as pending on the Licensing system that have not been progressed despite being made over 12 months ago.

3.2.2 The application process includes a number of checks in order to assess and applicant's fitness and propriety, however these checks will be outdated in relation to applications that have been outstanding for a significant period of time. This may mean, for example, that medical certification, driving licence history, driver knowledge and standard of driving no longer meet the requirements that would be expected of a licensed driver and could.

3.2.3 It is considered that the public could be at risk should a licence be issued to applicants who have not provided recent evidence that they meet the Council's requirements.

3.2.4 It is therefore proposed that applications that have remained "stale" for a period in excess of 12 months should be rejected and an appropriate refund issued to the applicant (this is required by law).

4. **Options considered and recommended proposal**

4.1 The recommendations detailed above are the only options that have been considered and are the recommended proposal.

5. **Consultation**

5.1 There is no requirement for statutory consultation in relation to these proposals, however they will be brought to the attention of the licensed trade representatives for their information and comment.

5.2 Any comments received will be assessed and if necessary brought back to the Licensing Board for consideration (this will be undertaken in agreement with the Chair and Vice Chair of the Licensing Board).

6. Timetable and Accountability for Implementing this Decision

6.1 If agreed, these proposals will be introduced with immediate effect.

7. Financial and Procurement Implications

7.1 There are no financial or procurement implications directly associated with this report.

8. Legal Implications

8.1 Failure of the licensing service to effectively implement and administer the requirements of the council's policy may result in a legal challenge being made against the council.

8.2 A successful legal challenge will have a financial and reputational impact on the council – it is therefore essential that the policy is implemented effectively and administered appropriately.

8.3 The Council must be able to demonstrate effectiveness of the policy and provide confidence and reassurance regarding its implementation.

9. Human Resources Implication

9.1 There are no Human Resources implications introduced by the report.

10. Implications for Children and Young People and Vulnerable Adults

10.1 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 an effective taxi licensing service.

In order to ensure the Council's Licensing Service is effective, fit for purpose, and has addressed the concerns raised in Louise Casey's report; a number of outcomes must be demonstrated. The outcomes include:

- All licence holders are "fit and proper" to hold licences.
- The licensing team must consistently provide high quality, timely processing of licensing applications.
- The Council's Private Hire and Hackney Carriage Licensing Policy will be effectively implemented.

10.2 It is considered that the proposals detailed within this report support the above outcomes.

11. Equalities and Human Rights Implications

11.1 In undertaking its licensing function, the Council comply with relevant legislative requirements including the Human Rights Act 1998.

11.2 The policy (along with the council's General Enforcement Policy) will ensure the consistent and fair determination of licences – recognising that every individual is entitled to dignity and respect.

11.3 When making licensing decisions the Council and its officers aim to ensure there is no discrimination on the grounds 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.

11.4 Adherence to these requirements are assured by means of officer awareness, observation, case reviews and both customer satisfaction and complaints received into the service. In addition, those affected by licensing decisions have the legal right to challenge that decision in the Magistrates Court.

12. Implications for Partners and Other Directorates

12.1 There are no specific implications for partners and other directorates introduced by this report.

13. Risks and Mitigation

13.1 Failure of the Council to effectively discharge its licensing function may compromise public safety.

13.2 It is considered that the proposals referred to in this report will facilitate the effective discharge of the Council's licensing function and support the effective application of the Hackney Carriage and Private Hire Licensing Policy.

14. Accountable Officer(s)

14.1 Alan Pogorzelec – Licensing Manager
Regeneration and Environment
01709 254955, alan.pogorzelec@rotherham.gov.uk

This report is published on the Council's website or can be found at:-

<http://moderngov.rotherham.gov.uk/ieDocHome.aspx?Categories=>

Summary Sheet

Council Report

Licensing Board – 30th October 2017

Title

Equality Act 2010 Licensed Driver Medical Exemption Policy

Is this a Key Decision and has it been included on the Forward Plan?

Yes

Strategic Director Approving Submission of the Report

Damien Wilson, Strategic Director of Regeneration and Environment

Report Author(s)

Alan Pogorzelec, Licensing Manager, Community Safety and Street Scene

Ward(s) Affected

All

Summary

The operative parts of Sections 165 and 167 of the Equality Act 2010 came into effect in April 2017. Section 167 of the Act gives Local Authorities the power to publish a list of wheelchair accessible vehicles (known as the Section 167 list). Section 165 places duties on the drivers of those vehicles in relation to the carriage of passengers in wheelchairs.

Drivers of vehicles that are on the Section 167 list are able to apply for a medical exemption from any of the duties listed under Section 165. In order to process an application for a medical exemption, the Council is required to set out a policy for exempting drivers on medical grounds.

Approval for the policy will be sought from the Cabinet and Commissioner's Decision Making Meeting on 13th November 2017. The policy is brought before the Licensing Board today for noting and comment prior to submission to the 13th November meeting.

Recommendations

1. To note the Licensed Driver Medical Exemption Policy attached at Appendix 1.
2. To provide any comments on the policy to the Licensing Manager for inclusion in the final report.

List of Appendices Included

- Equality Act 2010 Licensed Driver Medical Exemption Policy

Background Papers

The following documents have been considered when preparing this report:

- Equality Act 2010
- Rotherham Metropolitan Borough Council Licensing Policy

Consideration by any other Council Committee, Scrutiny or Advisory Panel

None

Council Approval Required

No

Exempt from the Press and Public

No

Equality Act 2010 Licensed Driver Medical Exemption Policy

1. Recommendations

- 1.1. To note the Licensed Driver Medical Exemption Policy attached at Appendix 1.
- 1.2. To provide any comments on the policy to the Licensing Manager for inclusion in the final report.

2. Background

2.1 The Equality Act 2010 replaced several anti-discrimination laws with a single Act. In broad terms, the Act provides protections to consumers, that is, those who access goods, facilities or services, in relation to direct discrimination on the basis of a 'protected characteristic'. The relevant characteristics are:

- Disability
- Gender reassignment
- Pregnancy and maternity
- Race – this includes ethnic or national origins, colour and nationality
- Religion or belief
- Sex
- Sexual orientation

2.2 Many of the requirements of the Act came into effect in October 2010, however, a phased approach was introduced in relation to certain discretionary aspects. Most notably, in relation to the way that the Act was applied to hackney carriage and private hire licensing, (particularly with reference to Sections 165 and 167 of the Act), these have been introduced from April 2017.

2.3 Section 165 of the Act makes it a criminal offence for drivers of designated taxi and private hire vehicles to refuse to carry passengers in wheelchairs, to fail to provide them with appropriate assistance or, to charge them an extra fee.

2.4 Section 167 of the Act gives Councils the discretionary power to produce a list of designated vehicles to which Section 165 will apply, known as a Section 167 list.

2.5 The introduction of such a list requires the Council to inform all drivers of vehicles that appear on the list of their obligations under the Act. Additionally, the Council would need to make drivers aware that they may apply for exemptions from these obligations on medical and physical

condition grounds. Subsequently, the Council is required to develop a policy that deals with whether or not a medical exemption should be granted.

- 2.6 Once the list has been produced, it should be published by the Council so that it is easily available to passengers.
- 2.7 Vehicle owners have the right to appeal against a Council decision to include their vehicle on a Section 167 list, or to refuse to issue a driver with a medical exemption. Such appeals must be made to the local Magistrates Court.
- 2.8 The Equality Act 2010 also imposes duties on the drivers of taxis hired by or for a disabled person who is accompanied by an assistance dog, or by another person who wishes to be accompanied by a disabled person with an assistance dog. The driver must carry the disabled person's dog and allow it to remain with them, and not make any additional charge for doing so. It is a criminal offence not to comply with these duties. Drivers may apply for a similar exemption certificate as they with regard to their obligations to wheelchair users.

3. Key Issues

- 3.1 Statutory guidance in relation to the Equality Act 2010 makes it clear that the production of a Section 167 list is strongly recommended. It is therefore appropriate that the Council develops and publishes a Section 167 list. This will ensure that passengers that use wheelchairs are better informed about the accessibility of designated vehicles in Rotherham, and consequently more confident of receiving the assistance they need to travel safely.
- 3.2 There are currently seven vehicles licensed by the Council that are considered suitable for inclusion in a Section 167 list. These vehicles are all capable of carrying a passenger whilst seated in their wheelchair.
- 3.3 The owners of the identified vehicles have been written to and informed of the proposal to develop a Section 167 list, making the details available to the public on the Council's website. In addition, information has been provided that informs of the appeals process against inclusion on the list.
- 3.4 Similarly, drivers of these vehicles have been informed of their duties under the Act, together with details of the exemptions that might apply.
- 3.5 A draft policy has been prepared (Appendix 1) that provides detail on the medical exemption process. This policy is to be presented to the Council's Licensing Board on 30th October 2017 for comment. These comments will be incorporated into the report prior to submission to the Cabinet and Commissioners' Decision Making Meeting on the 13th November.

- 3.6 The Section 167 list will be published on the Council's website, and paper / electronic copies will be available on request from the Council's Licensing team.
- 3.7 The Council recognises that some passengers in wheelchairs may prefer to transfer from their wheelchair into the vehicle and stow their wheelchair in the vehicle's boot. Although the legal requirement for drivers to provide assistance does not extend to the drivers of vehicles that cannot accommodate a passenger seated in their wheelchair, Department for Transport guidance recommends that Local Authorities also publish a list of vehicles that are accessible to passengers in wheelchairs who are able to transfer from their wheelchair into a seat within the vehicle.
- 3.8 The Council has taken the view that all vehicles are accessible to wheelchair users who are able to transfer from their wheelchair into a seat within the vehicle, although this will vary depending on the degree of disability and the type of vehicle. Therefore, rather than publish a list of 'transferable vehicles', the Council will add a statement to the Section 167 list that confirms the Council's position regarding these vehicles and advises passengers to make Private Hire Operators or Hackney Carriage Drivers aware of their needs when requesting a booking. The statement will also confirm that all drivers are trained in the provision of assistance to passengers in wheelchairs (as part of the BTEC / NVQ), and are required to provide reasonable assistance to passengers that wish to travel in their vehicle.

4. Options considered and recommended proposal

- 4.1 The Council is not obliged to produce and publish a Section 167 list, and consequently might consider it unnecessary to alter current arrangements.
- 4.2 The publication of information that will assist disabled passengers is clearly desirable and strongly recommended by statutory guidance issued by the Department for Transport. If such a list is published it is necessary for the Council to adopt a policy that outlines how medical exemptions will be handled.
- 4.3 In order to improve information available to disabled passengers, and to increase confidence in services available, it is proposed that the policy to enable the Section 167 list is agreed. A draft of this policy is attached at Appendix 1 of this report.

5. Consultation

- 5.1 Any comments made by the Council's Licensing Board will be incorporated into the proposed policy prior to submission the Cabinet and Commissioner's Decision Making Meeting on 13th November 2017.
- 5.2 In addition, this report has been passed to the Council's Equalities Forum for information and noting.

6. Timetable and Accountability for Implementing this Decision

- 6.1 If approved, the policy will come into effect on the first day of the following month from the decision.

7. Financial Implications

- 7.1 Any administration costs incurred by the Council in the issuing of the medical exemption will be recovered via licensing fees.
- 7.2 The cost of the medical examination will be met by the driver making the application for an exemption.
- 7.3 The cost of issuing medical exemption certificates is already incorporated within the existing charging structure for licences (the Council currently has the facility to issue exemption certificates and the cost of this has previously been considered during the fee setting process).

8. Legal Implications (including procurement)

- 8.1 The statutory authority to introduce the proposed policy, publish a list of wheelchair accessible vehicles and provide exemption certificates is provided to the Council by virtue of Part 12, Chapter 1 of The Equality Act 2010. The proposed policy conforms with this legislation.

9. Human Resources Implications

- 9.1 There are no human resource implications arising from these proposals.

10. Implications for Children and Young People and Vulnerable Adults

- 10.1 There are no direct implications for Children and Young People and Vulnerable Adults arising from this report.

11. Equalities and Human Rights Implications

- 11.1 Section 149 of the Equality Act 2010 imposes a public sector equality duty (PSED). This duty requires the authority (inter-alia) to eliminate

discrimination, advance equality of opportunity and foster good relations when exercising any of its functions.

11.2 The Human Rights Act 1998 requires UK legislation to be interpreted in a manner consistent with the European Convention on Human Rights. It is unlawful for the Council to act in a way that is incompatible (or fail to act in any way that is compatible) with the rights protected by the Act. Any action undertaken by the Council that could have an effect upon another person's Human Rights must be taken having regard to the principle of proportionality: the need to balance the rights of the individual with the rights of the community as a whole. Any action taken by the Council which affects another's rights must be no more onerous than is necessary in a democratic society. The matter set out in this report must be considered in light of the above obligations.

11.3 This report has been passed to the Council's Equalities Forum for information and noting.

12. Implications for Partners and Other Directorates

12.1 There are no specific implications for partners and other directorates introduced by this report.

13. Risks and Mitigation

13.1 Failure to maintain the Section 167 list on a regular basis may lead to inaccuracies in relation to the vehicles that are detailed on the list. This would give misleading information to passengers seeking the services of a wheelchair accessible vehicle.

13.2 In order to mitigate this risk, it is proposed that the responsibility for maintaining the list is given to the Council's Licensing Manager to ensure that the information is relevant and maintained in an effective manner.

14. Accountable Officer(s)

Karen Hanson Assistant Director, Community Safety and Street Scene
Damien Wilson Strategic Director, Regeneration and Environment

Approvals Obtained from:-

John Crutchley (HR Business Partner)

Joanne Kirk (Procurement Category Manager)

Neil Concannon (Legal Services)

Jon Baggaley (Finance)

Zaidah Ahmed (Equalities)

This report is published on the Council's website or can be found at:-

<http://moderngov.rotherham.gov.uk/ieDocHome.aspx?Categories=>

Appendix 1: Equality Act 2010 Licensed Driver Medical Exemption Policy

ROTHERHAM METROPOLITAN BOROUGH COUNCIL

EQUALITY ACT 2010 LICENSED DRIVER MEDICAL EXEMPTION POLICY

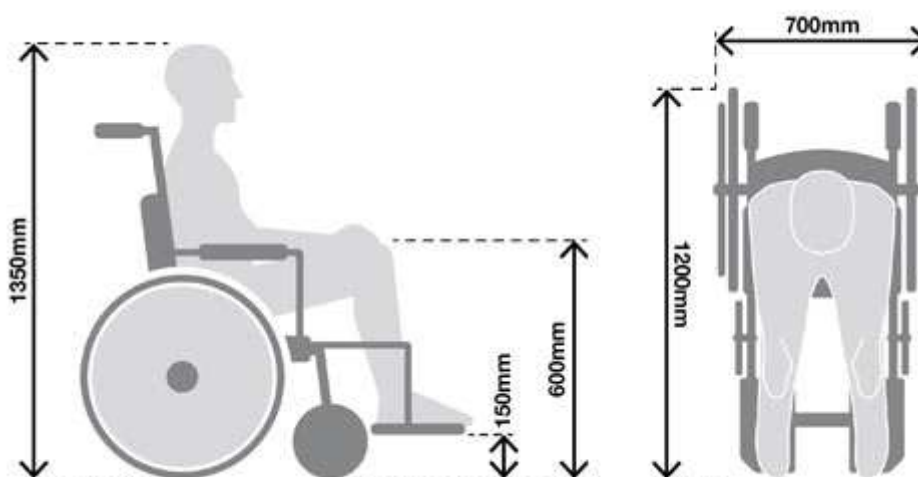
Introduction

The Equality Act 2010 requires employers and service providers to make ‘reasonable adjustments’ or changes to take account of the needs of disabled employees and customers.

Rotherham Metropolitan Borough Council is committed to an accessible public transport system in which disabled people have the same opportunities to travel as other members of society. Hackney Carriages and Private Hire Vehicles are a vital link in the accessible transport chain and it is important that people who use wheelchairs or assistance dogs can have confidence that drivers will accept them and their wheelchair or assistance dog and carry them at no extra charge.

Section 167 of the Equality Act 2010 permits the Licensing Authority to designate Hackney Carriages and Private Hire Vehicles as being wheelchair accessible. The Department for Transport’s Statutory Guidance on Access for wheelchair users recommends that vehicles should only be included in the list if it would be possible for the user of a “reference wheelchair” to enter, leave and travel in the passenger compartment in safety and reasonable comfort whilst seated in their wheelchair.

A reference wheelchair is illustrated below:



Vehicles identified as such shall be included on a list of designated vehicles.

Duties under the Act

The Equality Act 2010 (Section 165) places the following duties on drivers of 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 their wheelchair;
- To take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort;
- To give the passenger such mobility assistance as is reasonably required.

In addition, Sections 168 and 170 places the following duty on drivers of Hackney Carriages and Private Hire vehicles;

- To carry the passenger's assistance dog, allowing it to remain with the passenger and not make any additional charge for doing so.

Failure to comply with any of the above is an offence under the Act. A person that is found guilty of such an offence is liable, on conviction by the Magistrates Court, to a fine of up to £1000.

Exemptions and appeals

In some circumstances a driver of a designated Hackney Carriage or Private Hire vehicle may be unable to fulfil the requirements of the Equality Act 2010 for medical reasons, either short or longer term.

Section 166 of the Act allows Licensing Authorities to exempt drivers from the duties to assist passengers in wheelchairs if they are satisfied that it is appropriate to do so on medical grounds or because the driver's physical condition makes it impossible or unreasonably difficult for them to comply with the duties.

Sections 169 and 171 of the Act allow Licensing Authorities to exempt drivers from the duties to transport passengers assistance dogs if they are satisfied, that it is appropriate to do so on medical grounds.

To apply for a medical exemption certificate a driver must submit an application form to the Licensing Team along with a medical report from their General Practitioner or an Independent Medical Assessor appointed by the Council. The medical report must be dated no more than 28 days prior to submission of the application, detailing exactly what duties cannot be undertaken, why they cannot be undertaken and for how long they cannot be undertaken. This assessment will be at the applicant's expense as part of the application process.

Upon receipt the Licensing Manager will consider the evidence and may request further independent medical assessment to decide if the driver is:

- Fit for work
- Temporarily unfit to carry passengers in wheelchairs and / or assistance dogs

- Permanently unfit to carry passengers in wheelchairs and / or assistance dogs (see below regarding Independent Medical Assessor).

If the driver is declared fit for work no exemption certificate will be issued and a letter explaining the decision will be given to the driver.

All decisions on whether an exception should be granted or not are delegated to the Licensing Manager (or in their absence, a more senior officer of the Council). There is no provision under this policy for decisions to be referred to the Licensing Board (or Sub-Committee of the Licensing Board).

Exemption certificates will be issued for a period of up to 12 months on the basis of information provided by the driver's GP. Drivers will only be given a permanent exemption from duties under the Act if such an exemption is supported by medical evidence provided by an Independent Medical Assessor that has been appointed by the Council.

If the driver does not agree with the decision to refuse the application for a medical exemption, Section 172 of the Act gives the driver a right to appeal the decision to the Magistrates Court. The driver has 28 days from the date of refusal to appeal.

If the driver is declared temporarily unfit, a time limited exemption certificate of up to three months may be issued. Prior to the expiry of the temporary exemption certificate the driver must contact the Licensing Team to either:

- Confirm that they are fit to return to normal duties and return the temporary exemption certificate; or
- Arrange for a further medical assessment to be submitted for the Licensing Manager to consider extending the exemption certificate.

If the driver is declared permanently unfit to carry passengers in wheelchairs and / or assistance dogs an exemption certificate will be issued. The certificate will include a photograph of the driver who has been granted the exemption and must be displayed prominently in the vehicle for public viewing.

The exemption may be reviewed at any time with reference to expert medical evidence, and each case will be reviewed on its own merits. This may result in a further referral to independent medical assessors to determine if the driver remains medically unfit to carry passengers in wheelchairs and / or assistance dogs.

Complaints

Any person that wishes to make a complaint regarding any matter covered by this Policy should address their concerns to the Licensing Manager using the contact details below:

Address : Rotherham MBC Licensing, Riverside House, Main St, Rotherham.
Email : licensing@rotherham.gov.uk
Phone : 01709 382121

Complaints will be investigated in accordance with the Council's published enforcement policy and any other relevant guidelines.