

OVERVIEW AND SCRUTINY MANAGEMENT BOARD

Date and Time :- **Wednesday, 18 March 2020 at 11.00 a.m.**

Venue:- **Rotherham Town Hall, Moorgate Street, Rotherham.**

Membership:- **Councillors Cusworth, R. Elliott, Jarvis, Jepson, Keenan, Mallinder, Napper, Steele (Chair), Taylor, Tweed, Walsh and Wyatt.**

This meeting will be webcast live and will be available to view [via the Council's website](#). The items which will be discussed are described on the agenda below and there are reports attached which give more details.

Rotherham Council advocates openness and transparency as part of its democratic processes. Anyone wishing to record (film or audio) the public parts of the meeting should inform the Chair or Governance Advisor of their intentions prior to the meeting.

AGENDA

1. Apologies for Absence

To receive the apologies of any Member who is unable to attend the meeting.

2. Minutes of the previous meeting held on 12 February 2020 (Pages 1 - 6)

To consider the minutes of the meeting of the Overview and Scrutiny Management Board held on 12 February 2020 and to approve them as a true and correct record of the proceedings.

3. Declarations of Interest

To receive declarations of interest from Members in respect of items listed on the agenda.

4. Questions from Members of the Public and the Press

To receive questions relating to items of business on the agenda from members of the public or press who are present at the meeting.

5. Exclusion of the Press and Public

To consider whether the press and public should be excluded from the meeting during consideration of any part of the agenda.

Items for Pre-Decision Scrutiny

In accordance with the outcome of the Governance Review in 2016, the following items are submitted for pre-scrutiny ahead of the Cabinet meeting on 23 March 2020. Members of the Overview and Scrutiny Management Board are invited to comment and make recommendations on the proposals contained within the report.

- 6. Gambling Act 2005 – Statement of Licensing Policy (Pages 7 - 69)**
- 7. Licensing Act 2003 - Statement of Licensing Policy (Pages 70 - 207)**
- 8. Hackney Carriage and Private Hire Policy (Pages 208 - 392)**
- 9. Responding to the Climate Emergency (Pages 393 - 422)**
- 10. Date and time of next meeting**

The next meeting of the Overview and Scrutiny Management Board will be held on 10 June 2020 at 11am at Rotherham Town Hall.



**SHARON KEMP,
Chief Executive.**

OVERVIEW AND SCRUTINY MANAGEMENT BOARD
Wednesday, 12th February, 2020

Present:- Councillor Steele (in the Chair); Councillors Napper, Cusworth, R. Elliott, Jarvis, Keenan, Mallinder, Tweed and Walsh.

Apologies for absence:- Apologies were received from Councillors Jepson, Taylor and Wyatt.

The webcast of the Council Meeting can be viewed at:-
<https://rotherham.public-i.tv/core/portal/home>

131. MINUTES OF THE PREVIOUS MEETING HELD ON 15 JANUARY 2020

Resolved: -

That the minutes of the meeting of the Overview and Scrutiny Management Board held on 15 January 2020 be approved as a true and correct record of the proceedings.

132. DECLARATIONS OF INTEREST

There were no declarations of interest from members of the Board.

133. QUESTIONS FROM MEMBERS OF THE PUBLIC AND THE PRESS

There were no questions from members of the press or public.

134. EXCLUSION OF THE PRESS AND PUBLIC

The Chair advised that there were no items of business on the agenda which would require the exclusion of the press and public from the meeting.

135. BUDGET AND COUNCIL TAX 2020-21 AND MEDIUM TERM FINANCIAL STRATEGY

Consideration was given to a report that was submitted for pre-decision scrutiny ahead of the Cabinet meeting scheduled for 17 February 2020 in respect of the Budget and Council Tax 2020-21 and Medium-Term Financial Strategy.

The report provided information on the Council's Budget and Council Tax for 2020/21 based on the Council's Provisional Local Government Finance Settlement for 2020/21, budget consultation and the consideration of Directorate budget proposals through the Council's formal Budget process, alongside a review of the financial planning assumptions contained within the Council's Medium Term Financial Strategy.

In setting the proposed 2020/21 budget, increases of 0.99% in the Council's basic Council Tax and of 2.0% in the Adult Social Care precept were being recommended. The revenue budget for 2020/21 was the second year of a two-year budget for 2019/20 and 2020/21 that had been approved by Council on 27 February 2019. It was noted that since the introduction of austerity measures in 2010, the Council had made savings in excess of £200 million in response to the significant reductions in Central Government funding, and that this figure included savings of £16 million that would need to be delivered during 2020/21.

The Leader of the Council and the Strategic Director, Finance and Customer Services attended the meeting to respond to specific queries from Members in respect of report.

The Leader advised that while the setting of a two year budget had been effective in addressing some of the difficulties that Government austerity measures had created for the Council and had ensured that no further job losses or service reductions were required in 2020/21, there still remained much financial uncertainty for the Council that made budget planning for future years very difficult. The Leader noted that the continuing uncertainty around changes to Business Rates retention was a particular area of difficulty for future years. In view of this continued uncertainty the Leader noted the importance of the Council being able to increase its level of reserves in 2020/21 to help mitigate against the risk of future financial uncertainties

Members sought clarification that increases to the Real Living Wage had been incorporated into the budget with regard to independent sector home care service provision contracts. The Strategic Director, Finance and Customer Services confirmed that this assumption had been included. The Leader noted that the budget for 2020/21 enabled the Council to pay the Real Living Wage to all homecare staff who were employed both directly and indirectly by the Council, contributing to the delivery of the Council's Social Value Policy.

Members asked several specific questions on the financial planning activities around the delivery of both Adult Services and Children's and Young People's Services and welcomed the greatly improved situation of the position of the Adult Services budget compared to previous years. The Leader advised that detailed service planning around anticipated service demand had enabled the effective budget management for Adult Services. The Leader noted that even with the most effective planning and budgetary control there would always be more uncertainty with regard to the Children and Young People's budget due to the variability of service demand and the associated costs of delivery.

The Chair sought confirmation that the savings identified in the 2019/20 budget for delivery during 2020/21 would be delivered during the upcoming financial year. The Strategic Director, Finance and Customer

Services confirmed that all of the required actions required to deliver the identified savings had been put in place and were being actively monitored. The Chair asked for further information on the Council's Capital Programme and its delivery with regard to investment in Rotherham town centre and the development of town centre housing. The Leader provided further information about the delivery and funding of the Capital Programme, noting the bid that had been made to the Future High Street's fund to support town centre improvements. Members expressed their support for the Capital Programme activities and welcomed the commitment to the delivery of mixed housing in the town centre.

The Chair asked that as the savings that had been identified for delivery during 2019/20 in the Regeneration and Environment Budget had not yet been delivered what action was being taken to ensure that they would be delivered during 2020/21. The Leader noted that the delivery of the savings identified in the Streetpride budget had been very challenging to deliver due to the demands for the service and the very complex back office and IT processes involved, but advised that he was confident that the actions taken, including the installation of new IT systems in the last year would deliver the required savings during 2020/21.

The Board sought assurances that all reasonable measures had been taken in the preparation of the budget, and that the budget took account of the risks and considerable financial uncertainty facing the Council in future years. The Strategic Director, Finance and Customer Services advised that while she could give full assurance on the budget preparation process and could confirm that contingency measures had been built in to the budget to deal with financial uncertainties, it was never possible to anticipate all possible scenarios and remove risk entirely from the budget. The Strategic Director, Finance and Customer Services noted that the provision in the budget of increasing the Council's General Fund Minimum Balance to £25 million was a prudent action that would reduce financial risk to the Council in future years.

The Board expressed their disappointment in the processes of Government in the setting of funding levels for local government and the difficulties and uncertainties that they created for local authorities trying to deliver essential and complex services to residents. Members asked if departments worked together across the Council in sharing best practice in managing budgets and on ways of delivering savings. The Leader advised the "One Council" approach was used and had proved to be very effective in sharing best practice and had been a major improvement to how departments had often operated in isolation in the past.

The Chair thanked the Leader and the Strategic Director, Finance and Customer Services for attending the meeting and answering members questions.

Resolved: -

1. That the Cabinet be advised that the recommendations to Council be supported.
2. That further reports be brought to the Overview and Scrutiny Management Board for its consideration on the potential impact of any significant changes to government funding streams received by the Council, at a time if and when such changes occur.

136. DECEMBER FINANCIAL MONITORING

Consideration was given to a report that was submitted for pre-decision scrutiny ahead of the Cabinet meeting scheduled for 17 February 2020 in respect of December 2019 Financial Monitoring.

The report detailed out the financial position of the Council as at the end of December 2019, with the figures included in the report being based on actual costs and income for the first nine months of 2019/20 and forecasted figures for the remainder of the financial year. It was noted that as at December 2019, the Council had a forecast year-end overspend of £4.0m on the General Fund.

The report included figures on each Directorate's projected budget outturn for the financial year 2019/20 as well as the reasons for both positive and negative variances from the 2019/20 budget. Information was also included detailing the actions that were being taken in each directorate in order to reduce and remove negative variances.

It was noted that the Council had £3.2m of the budget contingency reserve available to support the 2019/20 financial outturn, but it was emphasised that if planned savings and spending reductions were not delivered to an extent where they could be wholly contained within the budget contingency reserve, there would be a further negative impact on the Council's other reserves if they were required to be called on to support the 2019/20 budget.

The Leader of the Council and the Strategic Director, Finance and Customer Services attended the meeting to respond to specific queries from members in respect of report.

The Leader noted that since the publication of the report actions had been implemented across Directorates to reduce, and if possible, remove the £800,000 adverse variance against the Council budget, and that these actions were now starting to have a positive impact. The Leader advised that he had confidence that the £800,000 of required savings could be realised before the end of the financial year. Members sought further information on how capitalisation was being used in managing Council expenditure. The Strategic Director, Finance and Customer Services provided further information on how capitalisation was used in managing

budgets and expenditure but noted that it was important that any capitalisation was done in a way that would not cause problems with the budget being stored up for future years.

Members noted the above inflationary cost pressures with regard to residential placements for children and welcomed the revitalised foster care recruitment activity being carried out by Brightsparks for the Council that would positively impact on the number of in-Borough placements. The Leader concurred with members that more in-Borough placements would not only provide better outcomes for the children involved but would also relieve pressure in that budget area. The Chair asked with regard to the forecast overspend on home to school transport of £1.3 million, what action was being taken to address the underlying issues around consistent overspending in this budget area that had been highlighted in numerous financial monitoring reports. The Leader noted that this budget area had long been a challenging one to manage due to increases in service demand, but assured the Chair that actions being taken to review and monitor how the service was delivered would make this a less problematic budget to manage in the future.

The Chair asked how the severe flooding that occurred in the Borough in late 2019 had impacted the Council's budget, and whether the costs incurred by the Council dealing with the impact of the floods were recoverable from Government. The Strategic Director, Finance and Customer Services advised that not all costs incurred were recoverable, and of those that were recoverable the Council could only claim part of the cost incurred, however it was estimated that around £200,000 of the spending incurred by the Council in dealing with the impact of the floods would be recovered.

Members asked for information on how the Council planned to respond in both the short and medium terms regarding the pressures on the High Needs Block of the Dedicated Schools Grant created by the rising numbers of children supported in specialist provision and by the rising costs of Education Health Care plans caused by the increased age parameters of those children and young people eligible for this support. The Strategic Director, Finance and Customer Services provided information on activities in this area and on the disapplication request to Government which had been approved and would allow budget to be transferred from the schools block to the high needs block in order to help meet the costs of the demand on the block.

The Chair thanked the Leader and the Strategic Director, Finance and Customer Services for attending the meeting and answering members questions.

OVERVIEW AND SCRUTINY MANAGEMENT BOARD - 12/02/20

Resolved: -

1. That the Cabinet be advised that the recommendations to Council be supported.
2. That further Financial Monitoring reports be brought to the Overview and Scrutiny Management Board for its consideration in advance of them being considered by Cabinet.

137. URGENT BUSINESS

The Chair reported that there were no urgent items of business requiring the consideration of the Board.

138. DATE AND TIME OF NEXT MEETING

Resolved:-

That the next meeting of the Overview and Scrutiny Management Board be held on Wednesday 4 March 2020 commencing at 11.00 a.m. in Rotherham Town Hall.



Public Report
Cabinet

Committee Name and Date of Committee Meeting

Cabinet – 23 March 2020

Report Title

Gambling Act 2005 Statement of Licensing Policy 2020-2023

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

Yes

Strategic Director Approving Submission of the Report

Paul Woodcock, Strategic Director of Regeneration and Environment

Report Author(s)

Alan Pogorzelec, Licensing Manager

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Ben Mitchell, National Management Trainee

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Ward(s) Affected

Borough-Wide

Report Summary

Section 349 of the Gambling Act 2005 requires a licensing authority to prepare and publish a statement of its licensing policy at least every three years.

The Council's Gambling Act Statement of Licensing Policy was last due for review and republication in 2014. However, this review did not take place due to the Council's focus on taxi and private hire licensing.

In June 2019, Cabinet took the decision to undertake a two-stage consultation process. This process has now concluded, and the outcome of the consultation has informed a finalised Statement of Licensing Policy, which is presented to Cabinet for consideration and recommended for approval.

Recommendations

1. That Cabinet recommend to Council that the proposed Gambling Act 2005 Statement of Licensing Policy 2020-2023 be adopted.

2. That officers work with colleagues in Public Health, alongside Licensing Committee and Health and Wellbeing Board, to produce a Local Area Risk Profile for the Borough.

List of Appendices Included

Appendix 1 Equality Impact Assessment

Appendix 2 Gambling Act 2005 Statement of Licensing Policy 2020-2023

Background Papers

Gambling Act 2005 – Guidance to Licensing Authorities (5th edition) Available at:
<https://www.gamblingcommission.gov.uk/for-licensing-authorities/GLA/Guidance-to-licensing-authorities.aspx>

Gambling-related harm as a public health Issue – Available at:
<https://www.gamblingcommission.gov.uk/PDF/Gambling-related-harm-as-a-public-health-issue.pdf>

Cabinet Report, 10th June 2019, Review of Licensing Act 2003 Statement of Licensing Policy

Cabinet Report, 23rd December 2019, Review of Licensing Act 2003 Statement of Licensing Policy

Consideration by any other Council Committee, Scrutiny or Advisory Panel
Overview and Scrutiny Management Board – 18 March 2020

Council Approval Required

Yes

Exempt from the Press and Public

No

Gambling Act 2005 Statement of Licensing Policy 2020-2023

1. Background

- 1.1 The Gambling Act 2005 introduced a new licensing regime for gaming and betting administered through a combination of the Gambling Commission and local licensing authorities.
- 1.2 The Act regulates the following sectors:
 - Arcades
 - Betting
 - Bingo
 - Casinos
 - Gambling software
 - Gaming machines
 - Lotteries
 - Remote gambling
- 1.3 Within the legislation, Licensing authorities are responsible for:
 - Issuing gambling operators with premises licenses
 - Issuing gambling operators with permits (which allow low stakes gambling in venues which are not primarily for gambling)
 - Registering societies – allowing them to hold small lotteries
 - Compliance and enforcement of the Gambling Act 2005 locally
- 1.4 Licensing authorities are required to review and publish a statement of the principles which they propose to apply when exercising their licensing functions, every three years.
- 1.5 The Gambling Act 2005 Statement of Licensing Policy (the Statement of Licensing Policy) was last published in 2011 and was therefore due for review and republication in 2014; however, this review did not take place due to the Council's focus on taxi and private hire licensing.
- 1.6 The Council has undertaken a two-stage consultation process outlined in Section 4 of this report. A revised policy has been written and consulted upon, with a final version brought before Cabinet for consideration for recommendation to Council for adoption. The proposed policy is attached to this report as Appendix 2.

2. Key Issues

- 2.1 The revised policy which has been subject to consultation, contained a number of changes and the consultation has broadly supported these changes.

- 2.2 Firstly, the Council has included a full section identifying the clear links between different priorities and strategies of the Council. For example, the Health and Wellbeing Strategy, Safer Rotherham Partnership, Planning, and Culture and Tourism all have a role to play in protecting the public from the harms of gambling, as well as promoting regeneration and an inclusive economy.
 - 2.3 Furthermore, a section has been included in the draft policy which provides more detailed information to emphasise each individual licensing objective and how these can be promoted by applicants. This has included further detail as to the appropriate layout of gambling establishments, how to work effectively with the Council and the police when deciding on appropriate crime prevention measures, and about receiving advice regarding child exploitation from Rotherham Safeguarding Children's Board.
 - 2.4 Finally, the Council proposed that further work should be carried out to create a 'Local Area Risk Profile', which would set out the Council's position, based on available data, as to which areas of the borough may have a higher sensitivity to problem gambling. The draft policy already includes substantially more information than previously and gives advice to applicants about how they should undertake a risk assessment of their local area and what types of evidence should be included in this. This section is based on the national guidance published in 2016 which is seen as best practice.
 - 2.5 However, the Council have not currently completed a Local Area Risk Profile, in part due to a lack of data, both nationally and locally. However, work is ongoing with colleagues in Public Health to identify proxies that could inform this assessment, which would also include the presence of services identified through the consultation outlined in Section 4. This work will continue until the profile is published.
 - 2.6 The Local Area Risk Profile does not form part of the policy, but instead sits alongside and gives further information to potential applications about the areas in which licences are being considered. Officers therefore propose to undertake further work to develop this profile, working alongside Licensing Committee, Health and Wellbeing Board and colleagues in Public Health.
 - 2.7 Nonetheless, all applicants and variations to licences must complete their own risk assessment of their local area, which is shared and verified by the Licensing Authority. This puts the onus on the applicant to consider the risks that the premise poses to the community, which was a clear theme from the consultation.
3. **Options considered and recommended proposal**
 - 3.1 The Council is statutorily obliged to publish a Statement of Licensing Policy, and to consult on that policy in a way that the Council deems appropriate.
 - 3.2 The Statement of Licensing Policy has now been revised based on the second stage of consultation which was concluded in February. There are now further options for the Council to consider.

- 3.3 **Option 1:** The Council could agree the revised Gambling Act 2005 Statement of Licensing Policy, alongside agreeing a framework for how the Council aims to publish a Local Area Risk Profile.
- 3.4 **Option 2:** The Council could agree the revised Gambling Act 2005 Statement of Licensing Policy, and not undertake work to develop a Local Area Risk Profile.
- 3.5 **Option 3:** The Council could decide to not agree a revised policy and continue to use the currently published statement.
- 3.6 The preferred option is Option 1. This option takes into account the responses received to both stages of consultation and reflects the views of forums, group and boards that were attended through the consultation process, alongside the views of the public. The proposed changes in the report reflect the views of the public, the Council and its partners, and form a policy that would have a positive impact on the regulation of gambling across the Borough.

Furthermore, this option shows the Council's commitment to further understanding the potential harms of gambling and will consider the completion of a Local Area Risk Profile to allow the Council to make informed decisions related to the grant of licences.

4. **Consultation on proposal**

- 4.1 The Council have carried out a full review of the policy, through a two-stage consultation process as agreed by Cabinet in June 2019. A total of twenty weeks of consultation have been carried out by the Council to review this policy, which has informed the final policy attached as Appendix 2.
- 4.2 The first stage of consultation focused on the broad issues associated with problem gambling and a total of 70 responses were received. Overall, it appeared that many respondents were unsure about the problems associated with harmful gambling in Rotherham. 37 of the 70 respondents were unsure if there was a problem with gambling within their area. This rose to 54 respondents when asked about any other areas of the borough.
- 4.3 Although respondents were unsure if problems existed, 56 (80%) did believe that the Council has a duty to protect residents from the harms associated with gambling. There was also clear evidence to suggest that respondents believed that gambling leads to health or social problems, both for individuals and the areas where gambling takes place. 55 (79%) respondents agreed with this statement, with only two individuals disagreeing.
- 4.4 A draft policy was produced based on the first stage of consultation. This policy was then subject to the second stage of consultation. All licensees within the Borough were informed of the consultation and encouraged to participate in the online consultation, or to attend the drop-in sessions which were planned across the borough. Furthermore, the Council has consulted with interested forums, committees and boards to ensure that the Council's partners have also been fully engaged

- 4.5 The online survey received 21 responses. This appears to be a low response but may reflect the current public position which has been seen through both consultation processes; i.e. that there may not be enough information in the public domain for residents to understand whether problem gambling is a serious issue in the borough. Nevertheless, the Council may have anticipated a larger amount of responses, considering that there are approximately 260 licensed gambling premises or gambling machines across the borough.
- 4.6 The main theme that has emerged through the consultation is that the public believe that it should be the responsibility of the betting company or licensee to assess the risk that their premise poses, before an application is submitted
- 4.7 Furthermore, respondents were asked to identify services where the proximity to a gambling premise may cause risk to the public. The presence of addiction centres, schools and colleges, youth clubs, pawn brokers, as well as areas of high crime were all felt to potentially increase the risk of gambling causing harm to an area.
- 4.8 Rotherham's Health and Wellbeing Board welcomed that harmful gambling has been identified as a concern within the policy and supports the commitment to ensure that prevention and support is embedded within the policy.
- 4.9 Additionally, the Board recognised the lack of currently available measures regarding the impact of gambling on individuals and communities. Therefore, there was support for the Council to utilise Public Health data to inform decision making and identify, where possible, locations in Rotherham where gambling is more likely to be harmful.
- 4.10 The Board, in line with national guidance, oversee Rotherham's local approach to reducing the impact of harmful gambling. The board have requested that updates are received by the Health and Wellbeing Board regarding the enforcement of this policy at suitable timescales to ensure ongoing strategic oversight.

5. Timetable and Accountability for Implementing this Decision

- 5.1 If Cabinet endorse the Gambling Act 2005 Statement of Licensing Policy, this must subsequently be adopted by Council.
- 5.2 If Council adopt the policy, this would be implemented following the standard call-in period. It is proposed to implement the policy on 1st May 2020.
- 5.3 If Cabinet take a decision to agree a piece of work on developing a Local Area Risk Profile, this could be published within twelve months of the decision being taken.

6. Financial and Procurement Advice and Implications

- 6.1 There are no direct procurement implications associated with the recommendations detailed in this report.

- 6.2 The costs of undertaking its statutory duties as a licensing authority, of which this consultation process and the enforcement of this Policy forms part, are contained within the Council's approved Licensing revenue budget, the costs of which are met by fees.
- 6.3 Fee levels in respect of the Gambling Act 2005 are set by Statute, however, the Council has discretion over these fees up to a prescribed maximum. Fees are reviewed annually as part of the Council's budget setting process.

7. Legal Advice and Implications

- 7.1 Section 349 of the Gambling Act 2005 (the Act) requires the Council to prepare and publish triennially a statement of the principles it proposes to apply in exercising its function under the Act (a document commonly known as a Gambling Policy or Statement of Gambling Policy – hereafter referred to as the Policy). A licensing authority may review and revise their Gambling Policy within each three year cycle.
- 7.2 The form of the statement or any revision is a matter for the Council; however this is subject to Regulations 4 to 6 of the Gambling Act 2005 (Licensing Authority Policy Statement) (England & Wales) Regulations 2006, which set out the requirements for the content and form of the Policy and the procedure to be followed in preparing and then publishing it. In accordance with these Regulations a minimum of 4 weeks is required between publication and the Policy coming into effect.
- 7.3 Prior to publishing its Policy, the Council must undertake the statutory consultation as provided by section 349(3) of the Act and any Regulations made under it. This requires that the Council consult with:
 - The Chief Officer of Police;
 - One or more persons who represent the interests of gambling businesses in the Borough, andOne or more persons who represent the interests of persons who are likely to be affected by the exercise of the Council's functions under the Gambling Act

- 7.4 The Council must have regard to all relevant legislation and all consultation responses should be conscientiously taken into account when forming the Policy, in order to minimise the risk of legal challenge.
- 7.5 In accordance with the Council's constitution, the Council's Gambling Policy is formulated by Cabinet. Pursuant to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 the Council's Gambling Policy is required to be part of the Council's policy framework and adoption of that Policy falls to be made by full Council.

8. Human Resources Advice and Implications

- 8.1 There are no direct human resources implications associated with the recommendations detailed in this report.

9. Implications for Children and Young People and Vulnerable Adults

- 9.1 The protection of children and vulnerable adults is one of the Licensing objectives, and the policy makes reference to a number of measures that are introduced to protect children and vulnerable people from the harmful effects of gambling.

10. Equalities and Human Rights Advice and Implications

- 10.1 Section 149 of the Equality Act 2010 sets out the public sector equality duty, i.e. that all public bodies are under an obligation to have 'due regard' to eliminating unlawful discrimination, advancing equality and fostering good relations in the contexts of age, disability, gender reassignment, pregnancy and maternity, marriage and civil partnership, race, religion or belief, sex and sexual orientation.
- 10.2 Section 149 (1) (b) of the Act states that: a public authority must, in the exercise of its functions, have due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. Part of the duty to have "due regard" where there is disproportionate impact will be to take steps to mitigate the impact and the Council must demonstrate that this has been done, and/or justify the decision, on the basis that it is a proportionate means of achieving a legitimate aim.
- 10.3 The Equality Duty must be complied with before and at the time that a particular policy is under consideration or decision is taken – that is, in the development of policy options, and in making a final decision. A public body cannot satisfy the Equality Duty by justifying a decision after it has been taken.
- 10.4 A full Equality Impact Assessment has been completed, as per the Council's policy, and is attached as Appendix 1.
- 10.5 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. Implications for Ward Priorities

- 11.1 This policy will apply directly and equally to all wards within the borough.

12. Implications for Partners

- 12.1 A range of partners and stakeholders were engaged through the consultation process. The Council recognise that a number of agencies work with the Council to regulate this sector, including South Yorkshire Police and the Gambling Commission.
- 12.2 The Council are proposing that further work is undertaken with colleagues in Public Health to develop a Local Area Risk Profile for the borough.

13. Risks and Mitigation

- 13.1 Failure to publish a Gambling Act Statement of Licensing Policy exposes the Council to legal challenge as a result of failing to comply with statutory requirements.
- 13.2 Failure to carry out the required consultation process would also expose the Council to legal challenge.
- 13.3 In addition, the absence of an up to date policy may lead to inappropriate decisions being made in relation to licence applications.
- 13.4 In order to mitigate this risk, it is proposed that the Statement of Licensing Policy be introduced as soon as possible (ensuring that all statutory processes are observed), particularly in relation to the consultation process.

14. Accountable Officers

Paul Woodcock, Strategic Director of Regeneration and Environment
 Tom Smith, Assistant Director, Community Safety and Street Scene

Approvals obtained on behalf of Statutory Officers:

	Named Officer	Date
Chief Executive	Sharon Kemp	09/03/20
Strategic Director of Finance & Customer Services (S.151 Officer)	Judith Badger	05/03/20
Head of Legal Services (Monitoring Officer)	Bal Nahal	05/03/20

*Report Author: Alan Pogorzelec, Licensing Manager
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*Ben Mitchell, National Management Trainee
 ben.mitchell@rotherham.gov.uk*

This report is published on the Council's [website](#).

PART B – Equality Analysis Form

As a public authority we need to ensure that all our strategies, policies, service and functions, both current and proposed have given proper consideration to equality and diversity.

This form:

- Can be used to prompt discussions, ensure that due regard has been given and remove or minimise disadvantage for an individual or group with a protected characteristic
- Involves looking at what steps can be taken to advance and maximise equality as well as eliminate discrimination and negative consequences
- Should be completed before decisions are made, this will remove the need for remedial actions.

Note – An Initial Equality Screening Assessment (Part A) should be completed prior to this form.

When completing this form consider the Equality Act 2010 protected characteristics Age, Disability, Sex, Gender Reassignment, Race, Religion or Belief, Sexual Orientation, Civil Partnerships and Marriage, Pregnancy and Maternity and other socio-economic groups e.g. parents, single parents and guardians, carers, looked after children, unemployed and people on low incomes, ex-offenders, victims of domestic violence, homeless people etc. – see page 11 of Equality Screening and Analysis Guidance.

1. Title	
Equality Analysis title: Gambling Act 2005 Statement of Licensing Policy 2020-2023	
Date of Equality Analysis (EA): 27 th February 2020	
Directorate: Regeneration and Environment	Service area: Community Safety and Street Scene
Lead Manager: Tom Smith	Contact number: 01709 822025
Is this a: <input checked="" type="checkbox"/> Strategy / Policy <input type="checkbox"/> Service / Function <input type="checkbox"/> Other	
If other, please specify	

2. Names of those involved in the Equality Analysis (Should include minimum of three people) - see page 7 of Equality Screening and Analysis Guidance

Name	Organisation	Role (eg service user, managers, service specialist)
Ben Mitchell	RMBC	National Management Trainee
Tom Smith	RMBC	Assistant Director
Alan Pogorzelec	RMBC	Licensing Manager
Steve Eling	RMBC	Policy Officer

3. What is already known? - see page 10 of Equality Screening and Analysis Guidance

Aim/Scope (who the Policy/Service affects and intended outcomes if known)

This may include a group/s identified by a protected characteristic, others groups or stakeholder/s e.g. service users, employees, partners, members, suppliers etc.)

The Council is responsible for licensing: premises related to gambling; operators of those premises; and societies that hold small lotteries. Furthermore, the Council are required to monitor compliance and enforce the Gambling Act within the borough. Any other regulation and licensing powers sit with the Gambling Commission.

The Gambling Commission states that ‘Gambling is a legitimate leisure activity that many people enjoy. It can generate income, employment and taxi revenue. However, it can also generate significant disbenefits such as working days lost through problem gambling, or the cost of treatment for ill-health caused by stress related to gambling debt’.

There is an increasing awareness of the harms associated with problem gambling. In Rotherham, estimates suggest that between 1,700 and 3,716 individuals have problems with gambling. However, evidence suggests that it is likely that these individuals affect a further 6-10 people directly through their activity.

Evidence also suggests that gambling can also adversely affect children and young people. Recent research suggests that nearly 2% of children between 11-16 are problem gamblers, and a further 2.2% are at risk of problems associated to gambling.

Through a revised policy, the Council has aimed to create a joined-up approach to tackling problem gambling, integrating the licensing policy with other key strategies across the Council and its partners. Furthermore, detailed guidance has been given to applicants to emphasise how the licensing objectives can be promoted, which includes how best to work with the Council and its partners to: prevent gambling being a source of crime or disorder; ensure gambling is conducted in a fair and open way; and protect children and other vulnerable persons from harm or exploitation by gambling.

Finally, the Council have proposed to carry out further work to create a ‘Local Area Risk Profile’, which would identify communities within the borough that may have a higher

sensitivity to problem gambling. The draft policy includes substantially more information and gives advice to applicants on how to carry out their own risk assessment of the local area, but currently the Council have not identified a toolkit that could be used by the responsible authorities to proactively monitor problem gambling across the borough.

What equality information is available? (Include any engagement undertaken)

As stated above, there is an increasing evidence base that gambling can create significant social harms, which disproportionately affect those who live in more deprived, or are vulnerable due to their age or another protected characteristic.

The Council have endeavoured to engage members of the public through a wide-range of consultation methods, including an online survey, drop-in sessions and representative forums. Consultation has been ongoing from June 2019 to February 2020, and a total of twenty weeks of consultation has been undertaken.

The first stage of consultation focused on broad issues associated to gambling premises to identify the public perception of gambling within the borough, as well as the associated harms they may pose through health, public order and crime. The Council received 70 responses to the first stage of consultation over twelve weeks. Overall, it appeared that respondents were unsure about the extent of problems associated with gambling in Rotherham. However, although respondents were unsure if problems existed, they agreed that the Council had an important role in protecting residents from the harms associated with gambling, as well as suggestions that gambling did lead to health or social problems.

Based on this response, the Council produced a revised policy, which was then subject to a further eight-week period of consultation. A further 21 responses were received in this timeframe. The main theme that emerged from this consultation was that companies and licensees should be responsible for assessing the risk that they pose to communities, and that various services such as schools, youth clubs, addiction centres and areas of high crime should be taken into account when considering any application.

Through this consultation, the Council have formulated a final policy which takes into account the views raised, and ensures that communities, those with protected characteristics and other groups who may be more vulnerable to problem gambling are protected through this policy.

Are there any gaps in the information that you are aware of?

Both nationally and locally, there is a significant lack of data regarding the problems related to gambling, how prevalent this is or specific groups who may be at a higher risk. Across Yorkshire and Humber last year, only thirty people presented at hospitals with gambling related issues, and this is the only dataset which measures health-related outcomes associated with problem gambling. However, the Council recognise that this is not normally the most appropriate way to measure health-related outcomes and that other measures need to be put in place to provide the Council with more accurate information.

Overall, any information that is available is likely to be significantly underestimating the prevalence of problem gambling, which is likely to mean that any locally available data is also underestimating the scale of the problem. Furthermore, this data does not take into account any equalities screening, so it is not possible to identify particular groups that may

be at higher risk.

What monitoring arrangements have you made to monitor the impact of the policy or service on communities/groups according to their protected characteristics?

The enforcement of the policies, as undertaken by the Licensing service, will be regularly reported to the Licensing Committee. These reports will clearly show how those with protected characteristics are being protected through the policy, specifically focusing on children and young people, and those with a disability, but having regard to all groups of people.

Engagement undertaken with customers. (date and group(s) consulted and key findings)	A full consultation on the revised policy has been undertaken, totalling twenty weeks of consultation. This has aimed to engage a wide range of stakeholders, including licensees, members of the public and other interest parties.
Engagement undertaken with staff (date and group(s)consulted and key findings)	A full consultation on the revised policy has been undertaken, totalling twenty weeks of consultation. This has aimed to engage a wide range of stakeholders including staff, both that work for the Council and it's partner agencies, such as the Police and colleagues in Public Health.

4. The Analysis - of the actual or likely effect of the Policy or Service (Identify by protected characteristics)

How does the Policy/Service meet the needs of different communities and groups?
 (Protected characteristics of Age, Disability, Sex, Gender Reassignment, Race, Religion or Belief, Sexual Orientation, Civil Partnerships and Marriage, Pregnancy and Maternity) - see glossary on page 14 of the Equality Screening and Analysis Guidance)

The adoption of this policy will support the Council and the communities it represents to have a higher level of confidence in the way that the Council considers and regulates gambling premises. A number of changes will have a positive impact on local communities, as well as children and other vulnerable groups.

The Council are proposing to integrate the Licensing policy with a number of other key strategies which have an involvement with gambling related harms, through the Council and its wider partners. This includes the Health and Wellbeing Board, Safer Rotherham Partnership and Culture and Tourism. This proposal will enable the Council to deal with the harms associated with gambling in a single approach, improving the outcomes for all people in the borough, specifically those who are vulnerable to harms associated to gambling.

Furthermore, the Council has issued substantially more guidance in the new policy than was previously available to applicants. This gives information to potential licensees about the promotion of each individual licensing objective, and what to consider when submitting their application for a licence. One of the licensing objectives is:

- Protecting children and other vulnerable persons from harm or exploitation

Within this section, the Council have set out the definition of children and young people under the policy, as well as signposting to a code of practice issued by the Gambling Commission and giving information regarding Child Sexual Exploitation and wider forms of Child Exploitation of which applicants and licensees should be particularly aware. The Council also encourage applicants to work in partnership with the police and the Council's MASH team in order to sufficiently take into account these issues.

Vulnerable persons have also been defined as 'anybody that gambles more than they want to', but makes particular reference to the elderly, those with mental illnesses who may not be able to make informed choices, and those under the influence of alcohol or drugs. The Council also have regard to the Gambling Commission's code of practice which gives recommendations for policies that should be implanted by the operator to protect vulnerable people.

The policy then states the additional measures that applicants may consider necessary when applying their licence, which include CCTV, proof of age schemes, advertisements displayed in windows and entrances, self-exclusion schemes and provision of information and leaflets for helplines and support services.

Finally, the Council are proposing to undertake further work on a Local Area Risk Profile. This document is designed to assist operators undertaking their risk assessments, and would also be taken into account when considering applications or variations to existing licences. This document could include data and maps showing the distribution of gambling premises, alongside sensitive services that were identified through the consultation, such as:

- addiction centres,
- schools and colleges,
- youth clubs,
- pawn brokers and pay day loan companies,
- and areas of high crime

Although this work is ongoing, this would help to meet the needs of different groups who may be at the highest risk of problem gambling. This includes services that are designed for children and young people, those who have mental illnesses or addictions, alongside services which target and exploit areas of deprivation and vulnerable people.

Does your Policy/Service present any problems or barriers to communities or Groups?

As the policy only interacts with licensees, applicants, or decision makers, there shouldn't be any barriers for particular communities/ groups when accessing the policy. However, the Council do have regard for the fact that the overall aim of the policy is to support those at risk.

Does the Service/Policy provide any positive impact/s including improvements or remove barriers?

As stated in Section 4, a number of changes to the policy will have positive impacts on vulnerable groups, including further information given to applicants on how to promote the licensing objectives and the conditions that could be applied to ensure that certain groups are protected from the harms associated to gambling, including children, the elderly and those who may be vulnerable to problem gambling.

What affect will the Policy/Service have on community relations? (may also need to consider activity which may be perceived as benefiting one group at the expense of another)

When considering community relations, the Council believe that the introduction of a Local Area Risk Profile will improve relations between communities, the Council and licensees. This piece of work will enable the Council to make more informed decisions when considering applications, and only allow for new licenses to be granted in appropriate places. Therefore, communities that may have higher levels of deprivation, or a high density of existing premises, may be protected from further establishments being licensed.

Please list any **actions and targets** that need to be taken as a consequence of this assessment on the action plan below and ensure that they are added into your service plan for monitoring purposes – see page 12 of the Equality Screening and Analysis Guidance.

5. Summary of findings and Equality Analysis Action Plan

If the analysis is done at the right time, i.e. early before decisions are made, changes should be built in before the policy or change is signed off. This will remove the need for remedial actions. Where this is achieved, the only action required will be to monitor the impact of the policy/service/change on communities or groups according to their protected characteristic - See page 11 of the Equality Screening and Analysis guidance

Title of analysis: Gambling Act 2005 Statement of Licensing Policy 2020-2023
Directorate and service area: Regeneration and Environment, Community Safety and Street Scene
Lead Manager: Tom Smith, Assistant Direct, Community Safety and Street Scene
Summary of findings:
This assessment has shown the wide ranging consultation that has been undertaken by the Council in relation to the revised Gambling Act 2005 Statement of Licensing Policy. The Council have introduced new parts of the policy that aim to have a positive impact on specific protected characteristics, including age, as well as vulnerable groups who are at risk of problem gambling. Although the Council has recognised that there is a lack of data available, both locally and nationally, which reports on the harms associated to gambling, the Council believe that socio-economic deprivation does have an impact on problem gambling and has introduced new parts of the policy that aim to minimise the risks that this group may face from the premises regulated under this policy. Finally, the Council will undertake further work on a Local Area Risk Profile, which may protect communities where there is a higher risk of problem gambling, or where the density of premises is already high. This should improve relations between communities and the Council, giving the public more confidence in the licensing process, the premises that it regulates and the protection of vulnerable residents.

Action/Target	State Protected Characteristics as listed below	Target date (MM/YY)
To undertake further work to introduce a Local Area Risk Profile for the borough	O	
To identify relevant data and proxies to measure the risk of problem gambling on communities and specific groups.	ALL	

*A = Age, D= Disability, S = Sex, GR Gender Reassignment, RE= Race/ Ethnicity, RoB= Religion or Belief, SO= Sexual Orientation, PM= Pregnancy/Maternity, CPM = Civil Partnership or Marriage. C= Carers, O= other groups

6. Governance, ownership and approval

Please state those that have approved the Equality Analysis. Approval should be obtained by the Director and approval sought from DLT and the relevant Cabinet Member.

Name	Job title	Date
Tom Smith	Assistant Director, Community Safety and Street Scene	28/08/20
Paul Woodcock	Strategic Director, Regeneration and Environment	04/03/20

7. Publishing

The Equality Analysis will act as evidence that due regard to equality and diversity has been given.

If this Equality Analysis relates to a **Cabinet, key delegated officer decision, Council, other committee or a significant operational decision** a copy of the completed document should be attached as an appendix and published alongside the relevant report.

A copy should also be sent to equality@rotherham.gov.uk For record keeping purposes it will be kept on file and also published on the Council's Equality and Diversity Internet page.

Date Equality Analysis completed	27/02/20
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Report title and date	Gambling Act 2005 Statement of Licensing Policy
Date report sent for publication	04/03/20
Date Equality Analysis sent to Performance, Intelligence and Improvement equality@rotherham.gov.uk	03/03/20



**Rotherham Metropolitan Borough Council
Gambling Act 2005 Statement of
Licensing Policy**

2020 - 2023

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The following documents support, but do not form part of, this policy:

Appendix A	Map of the Rotherham Borough
Appendix B	Details of Consultees
Appendix C	Delegation of Functions

This Statement of Licensing Policy was approved by Rotherham Metropolitan Borough Council on [date to be inserted] This statement should be read in conjunction to the Gambling Commission's Guidance to Licensing Authorities, 5th Edition, published September 2015. All references to 'the guidance', refer to this document.

PART A- General Information

1. Introduction

- 1.1. Licensing authorities are required by the Gambling Act 2005 to publish a statement of the principles which they propose to apply when exercising their functions throughout the area for which they are responsible.
- 1.2. This policy applies to the whole of the Borough of Rotherham, the extent of which is shown on the map attached as Appendix 1.
- 1.3. This statement must be published at least every three years. The statement must also be reviewed from “time to time” and any amended parts re-consulted upon. The statement must be then re-published.
- 1.4. Rotherham Metropolitan Borough Council consulted widely upon this statement before finalising and publishing. A list of those persons consulted is provided in Appendix 2. It should be noted that unsolicited comments were received from other persons but we have not listed all of these.
- 1.5. The Gambling Act requires that the following parties are consulted by licensing authorities:
 - The Chief Officer of Police;
 - One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority’s area;
 - One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority’s functions under the Gambling Act 2005.
- 1.6. A list of consultees is attached at Appendix 2.
- 1.7. The full list of comments made and the consideration by the Council of those comments will be made available by request to: Rotherham Metropolitan Borough Council, Licensing, Riverside House, Main Street, Rotherham, S60 1AE or via the Council’s website at:
<http://www.rotherham.gov.uk>.
- 1.8. The policy was approved at a meeting of the Full Council on [date to be inserted once date of meeting is known] and was published via our website on [date to be inserted as appropriate]. Copies were placed in Riverside Library.
- 1.9. Should you have any comments as regards this policy statement please send them via e-mail or letter to the following contact:

The Licensing Manager,
Rotherham Metropolitan Borough Council,
Licensing,
Riverside House,
Main Street,
Rotherham,
S60 1AE

Email: licensing@rotherham.gov.uk

- 1.10. It should be noted that this statement of licensing principles will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence, as each will be considered on its own merits and according to the statutory requirements of the Gambling Act 2005.

2. Declaration

- 2.1. In producing the final statement, this licensing authority declares that it has had regard to the licensing objectives of the Gambling Act 2005, the Guidance to Licensing Authorities issued by the Gambling Commission, and any responses from those consulted on the statement.

3. Responsible Authorities

- 3.1. The licensing authority is required by regulations to state the principles it will apply in exercising its powers under Section 157(h) of the Act to designate, in writing, a body which is competent to advise the authority about the protection of children from harm. The principles are:
 - the need for the body to be responsible for an area covering the whole of the licensing authority's area; and
 - the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group.
- 3.2. In accordance with the suggestion in the Gambling Commission's Guidance to Licensing Authorities, this authority designates the Rotherham Children's Safeguarding Partnership for this purpose.
- 3.3. The contact details of all the Responsible Authorities under the Gambling Act 2005 are available from the Licensing team or via the Council's website.

4. Interested parties

- 4.1. Interested parties can make representations about licence applications, or apply for a review of an existing licence. These parties are defined in the Gambling Act 2005 as follows:

"For the purposes of this Part a person is an interested party in relation to an application for or in respect of a premises licence if, in the opinion of the licensing authority which issues the licence or to which the application is made, the person:-

- a) *lives sufficiently close to the premises to be likely to be affected by the authorised activities,*
- b) *has business interests that might be affected by the authorised activities, or*
- c) *represents persons who satisfy paragraph (a) or (b)"*

- 4.2. The licensing authority is required by regulations to state the principles it will apply in exercising its powers under the Gambling Act 2005 to determine whether a person is an interested party. The principles are:

- 4.3. Each case will be decided upon its merits. This authority will not apply a rigid rule to its decision making. It will consider the examples of considerations provided in the Gambling Commission's Guidance to Licensing Authorities. It will also consider the Gambling Commission's Guidance that "has business interests" should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices.

- 4.4. Interested parties can be persons who are democratically elected such as councillors and MPs. These parties do not need specific evidence of being asked to represent an interested person, as long as the councillor / MP represent the ward which is likely to be affected. Likewise, parish councils likely to be affected will be considered to be interested parties. Other than these however, this authority will generally require written evidence that a person/body (e.g. an advocate / relative) 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation is sufficient.

- 4.5. If individuals wish to approach councillors to ask them to represent their views, then care should be taken that the councillors are not part of the Licensing Committee dealing with the licence application. If there are any doubts then please contact the Governance Unit at: Governance Unit, Democratic Services, Town Hall, Moorgate Street, Rotherham, S60 2TH or email: governance@rotherham.gov.uk

5. Exchange of Information

- 5.1. Licensing authorities are required to include in their statements the principles to be applied by the authority in exercising the functions under sections 29 and 30 of the Act with respect to the exchange of information between it and the Gambling Commission, and the functions under section 350 of the Act with the respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act.
- 5.2. The principle that this licensing authority applies is that it will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information which includes the provision that the Data Protection Act 1998 will not be contravened. The licensing authority will also have regard to any Guidance issued by the Gambling Commission on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.
- 5.3. Should any protocols be established as regards information exchange with other bodies then they will be made available.

6. Enforcement

- 6.1. Licensing authorities are required by regulation under the Gambling Act 2005 to state the principles to be applied by the authority in exercising the functions under Part 15 of the Act with respect to the inspection of premises; and the powers under section 346 of the Act to institute criminal proceedings in respect of the offences specified.
- 6.2. This licensing authority's principles are that enforcement will be:
 - Proportionate: regulators should only intervene when necessary: remedies should be appropriate to the risk posed, and costs identified and minimised;
 - Accountable: regulators must be able to justify decisions, and be subject to public scrutiny;
 - Consistent: rules and standards must be implemented fairly;
 - Transparent: regulators should be open, and keep regulations simple and user friendly; and
 - Targeted: regulation should be focused on the problem, and minimise side effects.
- 6.3. As per the Gambling Commission's Guidance to Licensing Authorities this licensing authority will endeavour to avoid duplication with other regulatory regimes so far as possible.
- 6.4. This licensing authority has adopted and implemented a risk-based inspection programme, based on:

- The licensing objectives
 - Relevant codes of practice
 - Guidance issued by the Gambling Commission,
 - The principles set out in this statement of licensing policy
- 6.5. The main enforcement and compliance role for this licensing authority in terms of the Gambling Act 2005 is to ensure compliance with the premises licences and other permissions which it authorises. The Gambling Commission is the enforcement body for operating and personal licences. It is also worth noting that concerns about manufacture, supply or repair of gaming machines are not dealt with by the licensing authority but should be notified to the Gambling Commission.
- 6.6. This licensing authority also keeps itself informed of developments in relation to the regulatory functions of local authorities.
- 6.7. If members of the public, or interested parties, wish to complain about individual premises covered by this policy, then they should contact the Licensing Service at: licensing@rotherham.gov.uk.

7. Licensing authority functions

- 7.1. Licensing authorities are required under the Act to:

- Be responsible for the licensing of premises where gambling activities are to take place by issuing Premises Licences
- Issue Provisional Statements
- Regulate members' clubs and miners' welfare institutes who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits
- Issue Club Machine Permits to Commercial Clubs
- Grant permits for the use of certain lower stake gaming machines at unlicensed Family Entertainment Centres
- Receive notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of two or fewer gaming machines
- Issue Licensed Premises Gaming Machine Permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines
- Register small society lotteries below prescribed thresholds
- Issue Prize Gaming Permits
- Receive and Endorse Temporary Use Notices
- Receive Occasional Use Notices
- Provide information to the Gambling Commission regarding details of licences issued

- Maintain registers of the permits and licences that are issued under these functions
- 7.2. It should be noted that licensing authorities are not involved in licensing remote gambling at all, which is regulated by the Gambling Commission via operating licences.
- 7.3. The Council regulates the following types of premise or machine, which are defined by the Gambling Commission below:
- 7.3.1. **Adult Gaming Centres:**
Persons operating an adult gaming centre (AGC) must hold a 'gaming machines general operating licence (adult gaming centre)' from the Commission and a premises licence from the relevant licensing authority. They are able to make category B, C and D gaming machines available.
- 7.3.2. **Licensed Family Entertainment Centres:**
Persons operating a licensed FEC must hold a 'gaming machine general operating licence (Family Entertainment Centre)' from the Commission and a premises licence from the relevant licensing authority. They will be able to make category C and D gaming machines available.
- 7.3.3. **Casinos**
A casino is an arrangement whereby people are given an opportunity to participate in one or more casino games. Casino games are defined by the Act to mean a game of chance which is not equal chance gaming.
- 7.3.4. **Bingo Premises:**
Bingo is not given a statutory definition in the Act although two types of bingo are commonly understood:
 - cash bingo, where the stakes paid are the cash prizes won
 - prize bingo, where various forms of prizes are won, not directly related to the stakes paid.The Commission believes that all bingo is equal chance gaming and a specific advice note titled 'What constitutes bingo' has been developed by the Gambling Commission.
- 7.3.5. **Betting Premises:**
Betting premises are considered off-course betting establishments which is betting that takes place other than at a track. Licensing authorities are responsible for issuing and monitoring premises licences for all betting premises.

7.3.6. Tracks:

The Act defines a track as a horse racecourse, greyhound track or other premises on any part of which a race or other sporting event takes place or is intended to take place.

7.3.7. Travelling Fairs:

The Act defines a travelling fair as ‘wholly or principally’ providing amusements and they must be on a site that has been used for fairs for no more than 27 days per calendar year. The Act does not change the principles on which travelling fairs have been regulated under previous legislation.

8. Integrating strategies

The Licensing Authority will seek to achieve integration with the strategies set out below and will consult with the appropriate organisations to achieve this.

8.1. Public Health

- 8.1.1. The Licensing Authority is very conscious of the critical role that public health agendas play in delivering data and advice that informs the Council’s approach to the licensing of gambling establishments.
- 8.1.2. Public Health have critical knowledge to inform the prevention and support strategies that might be included within the Statement of Licensing Policy.
- 8.1.3. The Licensing Authority will work closely with Public Health to ensure that the theme of prevention and support is embedded, and influences key conditions that might be included, such as the development of gambling awareness obligations for workers within the industry, and measures that might be introduced to help gambling establishments better mitigate the risks of harm presented by gambling.
- 8.1.4. In particular the Licensing Authority will utilise data from Public Health to inform decision making, to identify particular locations in Rotherham where gambling is more likely to be harmful, and to identify potential mitigations and /or conditions to reduce the harm caused by gambling in local areas.

8.2. Safer Rotherham Partnership

- 8.2.1. The Licensing Authority recognises its responsibility to address issues relating to crime and disorder and is committed to working together, with other partners, to make Rotherham a safe and attractive borough.
- 8.2.2. In making decisions, the Licensing Authority will consider the objectives of the Safer Rotherham Partnership, especially relating to:

- Reducing the opportunities for crime to occur
- Tackling disorder and anti-social behaviour
- Reducing the fear of crime
- Combating the use of drugs

8.3. Planning

- 8.3.1. Applications under the Gambling Act 2005 will be considered separately from other regimes such as planning and building control. This is in order to avoid duplication and inefficiency. Applications for premises licences for permanent commercial premises should normally be from businesses with the appropriate planning consent for the property concerned. However, applications for licences may be made to the Licensing Authority before relevant planning permission has been sought or granted by the planning authority.
- 8.3.2. Where a planning condition restricts usage of a premises to certain hours, and if these hours differ from those permitted on a premises licence, then the premises user must comply with the more restricted of the two sets of hours.

8.4. Culture and Tourism

- 8.4.1. The Council is working to develop and promote Rotherham as a good place to live and work, which means more jobs, a vibrant cultural sector and good quality green spaces.
- 8.4.2. It is supporting the economic growth and the regeneration of the borough through work with partners to deliver a joined-up culture, sport and tourism offer and adopting the Town Centre Masterplan, alongside supporting the Council's Local Plan.
- 8.4.3. The International Covenant on Economic, Social and Cultural Rights (ICESCR) which was ratified by the UK in 1976 recognises the right of everyone to take part in cultural life and requires that active steps are taken to develop cultural activity and ensure that everyone can participate in the cultural life of the community.
- 8.4.4. The strategy in relation to culture and tourism encompasses arts, heritage, museums, parks and green spaces, neighbourhood facilities, markets, festivals and public events, media, libraries and literature, sport, play, faith and worship, tourism, restaurants and bars and creative industries.
- 8.4.5. This policy will operate in the spirit of the Council's approach to improving the borough's culture and tourism offer and the International Covenant on Economic, Social and Cultural Rights (ICESCR). In doing so, it will seek to

maintain a balance between regulation and supporting cultural activity. It will strive to maintain a balance between the need to ‘manage’ any detrimental impacts of an activity in a community with the many benefits cultural activity brings to communities, in developing personal aspiration and potential, building cohesive communities, providing opportunities for young people, contributing to economic growth and regeneration and the development of sustainable communities.

8.5. Promotion of Equality

- 8.5.1. In developing this strategy, the Licensing Authority has recognised its responsibility under the Equality Act 2010, to consider the need to eliminate unlawful discrimination, harassment and victimisation and to advance equality of opportunity between different groups and foster good relations between different groups. This Policy also acknowledges the Council’s Public Sector Equality Duty to:
 - Eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Act;
 - Advance equality of opportunity between people who share a protected characteristic and people who do not share it; and
 - Foster good relations between people who share a protected characteristic and people who do not share it.
- 8.5.2. The Licensing Authority also recognises that this policy should promote equality and has therefore assessed the potential impact on disadvantaged groups, alongside those with a protected characteristic. It has considered and consulted with this in mind.
- 8.5.3. The following actions, which have been identified as being necessary to promote equality, and within the scope of the Act and supporting guidance, will be implemented by the Licensing Authority:
 - The Licensing Policy and associated documents will be available on the internet, and in other formats upon request.
 - The licensing objective of protecting children from harm will be promoted.
 - Support will be offered to licence applicants, licence holders and potential objectors who are socially excluded.
 - Account will be taken of the effect of specific applications on community cohesion, including the need to balance the benefits of cultural and community activities with limited local disturbance.
 - Action will be taken to endeavour to ensure the safety of vulnerable people in licensed premises.
 - Action will be taken to ensure that all applications, particularly those for disadvantaged groups, are dealt with fairly.
- 8.5.4. The Licensing Authority is aware that there may be particular sensitivities of

certain buildings, for example religious buildings, to certain licensable activities taking place in close proximity. Where this proximity has an impact on the promotion of one of the licensing objectives this is a matter for the Licensing Authority. Where the impact does not affect the promotion of the licensing objectives, there may be other control mechanisms, such as the planning system, that could be applicable.

8.6. Disabled Access

8.6.1. The guidance supporting the Act advises that conditions relating to disabled access should not be attached to licences, as this would duplicate existing statutory requirements. The Licensing Authority therefore takes this opportunity to remind operators of premises of their duties under the Equality Act 2010.

PART B - The Licensing Objectives

1. Introduction

1.1. In exercising most of their functions under the Gambling Act 2005, licensing authorities must have regard to the licensing objectives as set out in Section 1 of the Act. The licensing objectives are:

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime (the prevention of crime and disorder objective).
- Ensuring that gambling is conducted in a fair and open way (the fairness and openness objective).
- Protecting children and other vulnerable persons from being harmed or exploited by gambling (the protecting children and other vulnerable people objective).

1.2. It should be noted that the Gambling Commission has stated: “The requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling”.

1.3. This licensing authority is aware that, as per Section 153, in making decisions about premises licences and temporary use notices it should aim to permit the use of premises for gambling in so far as it thinks it:

- in accordance with any relevant code of practice issued by the Gambling Commission
- in accordance with any relevant guidance issued by the Gambling Commission
- reasonably consistent with the licensing objectives and
- in accordance with the authority’s statement of licensing policy

2. The Licensing Objectives

2.1. Promoting the prevention of crime and disorder objective

2.1.1. The Gambling Commission will take the lead role in keeping gambling free from crime by vetting applicants for operator and personal licences. The council will have to be satisfied that the premises will not adversely affect the licensing objective and is compliant with the Commission’s Guidance, codes of practice and this policy statement.

2.1.2. The council will expect the applicant to have a good understanding of the local area in which they either operate, or intend to operate, a gambling premises. As part of the application, the applicant will provide evidence to demonstrate that in operating the premises they will promote this licensing objective.

- 2.1.3. Applicants are encouraged to discuss the crime prevention procedures in their premises with the Council's Licensing Officer and South Yorkshire Police before making a formal application.
- 2.1.4. In considering licence applications, the Licensing Authority will particularly take into account the following:-
 - The design and layout of the premises;
 - The training given to staff in crime prevention measures appropriate to those premises;
 - Physical security features installed in the premises. This may include matters such as the position of cash registers or the standard of CCTV that is installed;
 - Where premises are subject to age restrictions, the procedures in place to conduct age verification checks;
 - The likelihood of any violence, public order or policing problem if the licence is granted.

- 2.1.5. Whilst disorder is considered within a licensing objective, nuisance is not. Therefore, the Licensing Authority will make a distinction between disorder and nuisance and will consider factors, for example whether police assistance was required and how threatening the behaviour was to those who could see it, so as to make that distinction.

2.2. Promoting the fairness and openness objective

- 2.2.1. The Gambling Commission is the body primarily concerned with ensuring that operators conduct gambling activities in a fair and open way, except in the case of tracks.
- 2.2.2. The council will notify the Gambling Commission of any concerns about misleading advertising or absence of required game rules, or any other matters as set out in the Gambling Commission's Licence Conditions and Code of Practice.

2.3. Promoting the protection of children and other vulnerable persons objective

Protection of children

- 2.3.1. Persons under 18 cannot be admitted to many types of gambling premises. This objective means preventing children from taking part in most types of gambling.
- 2.3.2. Section 45 of The Act provides the definition for child and young person:

- In this Act “child” means an individual who is less than 16 years old.
 - In this Act “young person” means an individual who is not a child but who is less than 18 years old.
- 2.3.3. Children and young persons may take part in private and non-commercial betting and gaming, but the Act restricts the circumstances in which they may participate in gambling or be on premises where gambling is taking place as follows:
- casinos, betting shops and adult gaming centres are not permitted to admit anyone under 18;
 - bingo clubs may admit those under 18 but must have policies to ensure that they do not play bingo, or play category B or C machines that are restricted to those over 18;
 - family entertainment centres and premises licensed to sell alcohol for consumption on the premises can admit under 18s, but they are not permitted to play category C machines which are restricted to those over 18;
 - clubs with a club premises certificate can admit under 18s, but they must have policies to ensure those under 18 do not play machines other than category D machines;
 - All tracks can admit under 18s, but they may only have access to gambling areas on days where races or other sporting events are taking place, or are expected to take place. Tracks will be required to have policies to ensure that under 18s do not participate in gambling other than on category D machines.
- 2.3.4. The council will have regard to any code of practice which the Gambling Commission issues as regards this licensing objective in relation to specific premises.
- 2.3.5. The council will consider whether specific measures are required at particular premises, with regard to this licensing objective. These measures may include supervision of entrances / machines, segregation of areas, etc.
- 2.3.6. The Authority is committed to preventing and tackling all forms of Child Exploitation, including Child Sexual Exploitation (CSE) and Child Criminal Exploitation (CCE). Rotherham’s Children Safeguarding Board can give support, advice and training for premise operators and staff. Operators are encouraged to engage with the Safeguarding Board to include appropriate conditions and provide the necessary training to staff, covering how to deal with child protection, or perceived problems relating to children in or around the premise.
- 2.3.7. It is recommended that licence holders are always aware of potential Child Exploitation and report this if they see something that does not look right. This can be done through making contact with the police, or the Authority’s

Multi-Agency Safeguarding Hub (MASH). Further information on Child Exploitation awareness is available from both the Police and Licensing Authority's Licensing Services.

Protection of vulnerable people

2.3.8. It is difficult to define the term “vulnerable person”. The Gambling Commission, in its Guidance to Local Authorities, does not seek to offer a definition, but will, for regulatory purposes assume that this group includes people:

“who gamble more than they want to, people who gamble beyond their means, elderly persons, and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, or because of the influence of alcohol or drugs.”

2.3.9. The Gambling Commissions Code of Practice clearly describes the policies and procedures that operators should put in place regarding:

- combating problem gambling
- access to gambling by children and young persons
- information on how to gamble responsibly and help for problem gamblers
- customer interaction
- self-exclusion
- employment of children and young persons

2.4. Measures to protect children and vulnerable people from harm

2.4.1. The Council may consider any of the measures detailed below as licence conditions should these not be adequately addressed by any mandatory conditions, default conditions or proposed by the applicant:

- Operators should demonstrate their understanding of best practice issued by organisations that represent the interests of vulnerable people.
- Proof of age schemes.
- CCTV.
- Supervision of entrances/machine areas.
- Physical separation of areas.
- Location of entry to premises.
- Windows, entrances and advertisements to be positioned or designed not to entice passers-by.
- Specific opening hours.
- Self-exclusion schemes.
- Notices/signage:
 - Stickers or notices on gaming machines to identify the stakes / prizes

- Fixed Odds Betting Terminals should clearly display the odds
 - Provision of information leaflets / helpline numbers for organisations such as GamCare.
 - ATMs and cash terminals located separately from gaming machines and displaying GamCare Helpline information.
 - Training for staff which develops their ability to maintain a sense of awareness of how much customers are gambling, as part of measures to detect persons who are vulnerable. Training for the purpose of identifying and providing support to vulnerable persons
 - Measures / training for staff on how to deal with children on the premises, for example suspected truancy from school.
- 2.4.2. This list is not mandatory, nor exhaustive, and is merely indicative of example measures. The Licensing Authority may consider any of the above or similar measures as licence conditions should these not be adequately addressed by any mandatory conditions, default conditions or suggestions proposed by the applicant. Any conditions attached to licences will be proportionate and follow the principles set out in this policy
- 2.4.3. This Authority will also ensure that where category C or above machines are on offer in premises to which children are admitted:
- all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
 - only adults are admitted to the area where these machines are located;
 - access to the area where the machines are located is supervised;
 - the area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and
 - at the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.
- 2.4.4. The Licensing Authority is aware that tracks, i.e. a horse racecourse, greyhound track or other premises on any part of which a race or other sporting event takes place or is intended to take place, may be subject to more than one premises licence, provided each licence relates to a specified area of the track. As per the Gambling Commission's Guidance, this Licensing Authority will consider the impact upon the third licensing objective and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.
- 2.4.5. The Licensing Authority will seek to ensure that operators are following conditions laid down by the Gambling Commission to provide information

on how to gamble responsibly and how to access information about problem gambling. Information should be made available in accessible form e.g. large print.

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PART C - Premises Licences: Consideration of Applications

1. Introduction

1.1. Premises licences are subject to the requirements set-out in the Gambling Act 2005 and regulations, as well as specific mandatory and default conditions which are detailed in regulations issued by the Secretary of State. Licensing authorities are able to exclude default conditions and also attach others, where it is believed to be appropriate.

2. Decision-making

2.1. This licensing authority is aware that in making decisions about premises licences it should aim to permit the use of premises for gambling in so far as it thinks it:

- in accordance with any relevant code of practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission;
- reasonably consistent with the licensing objectives; and
- in accordance with the authority's statement of licensing policy.

2.2. It is appreciated that as per the Gambling Commission's Guidance to Licensing Authorities "moral objections to gambling are not a valid reason to reject applications for premises licences" (except as regards any 'no casino resolution' - see section on Casinos) and also that unmet demand is not a criterion for a licensing authority.

2.3. The licensing authority will discharge its functions under the Act in accordance with the scheme of delegation outlined in Appendix 3.

3. Definition of "premises"

3.1. In the Act, "premises" is defined as including "any place". Section 152 therefore prevents more than one premises licence applying to any place. But a single building could be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. This approach has been taken to allow large, multiple unit premises such as a pleasure park, pier, track or shopping mall to obtain discrete premises licences, where appropriate safeguards are in place. However, licensing authorities should pay particular attention if there are issues about subdivisions of a single building or plot and should ensure that mandatory conditions relating to access between premises are observed.

3.2. The Gambling Commission states in the fifth edition of its Guidance to Licensing Authorities that: "In most cases the expectation is that a single

building / plot will be the subject of an application for a licence, for example, 32 High Street. But, that does not mean 32 High Street cannot be the subject of separate premises licences for the basement and ground floor, if they are configured acceptably. Whether different parts of a building can properly be regarded as being separate premises will depend on the circumstances. The location of the premises will clearly be an important consideration and the suitability of the division is likely to be a matter for discussion between the operator and the licensing officer. However, the Commission does not consider that areas of a building that are artificially or temporarily separated, for example by ropes or moveable partitions, can properly be regarded as different premises.”

- 3.3. This licensing authority takes particular note of the Gambling Commission’s Guidance to Licensing Authorities which states that: licensing authorities should take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes.
- 3.4. The third licensing objective seeks to protect children from being harmed by gambling. This means not only preventing them from taking part in gambling, but also preventing them from being in close proximity to gambling. Therefore, premises should be configured so that children are not invited to participate in, have accidental access to or closely observe gambling where they are prohibited from participating.
- 3.5. Entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and people do not “drift” into a gambling area. In this context it should normally be possible to access the premises without going through another licensed premises or premises with a permit.
- 3.6. Customers should be able to participate in the activities named on the premises licence.
- 3.7. The Guidance also gives a list of factors which the licensing authority should be aware of, which may include:
 - Do the premises have a separate registration for business rates
 - Is the premises’ neighbouring premises owned by the same person or someone else?
 - Can each of the premises be accessed from the street or a public passageway?
 - Can the premises only be accessed from any other gambling premises?
- 3.8. This authority will consider these and other relevant factors in making its decision, depending on all the circumstances of the case.

4. Access provisions in relation to licensed premises.

4.1. Casinos

- The principal access entrance to the premises must be from a street (as defined in the Guidance)
- No entrance to a casino must be from premises that are used wholly or mainly by children and / or young persons
- No customer must be able to enter a casino directly from any other premise which holds a gambling premises licence.

4.2. Adult Gaming Centre

- No customer must be able to access the premises directly from any other licensed gambling premises

4.3. Betting Shops

- Access must be from a street (as per the Guidance to Licensing Authorities) or from another premises with a betting premises licence
- No direct access from a betting shop to another premises used for the retail sale of merchandise or services. In effect there cannot be an entrance to a betting shop from a shop of any kind and you could not have a betting shop at the back of a café – the whole area would have to be licensed.

4.4. Tracks

- No customer should be able to access the premises directly from:
 - a casino
 - an adult gaming centre

4.5. Bingo Premises

- No customer must be able to access the premise directly from:
 - a casino
 - an adult gaming centre
 - a betting premises, other than a track

4.6. Family Entertainment Centre

- No customer must be able to access the premises directly from:
 - a casino
 - an adult gaming centre
 - a betting premises, other than a track

Part 7 of the Gambling Commission's Guidance to Licensing Authorities contains further guidance on this issue, which this authority will also take into account in its decision-making.

5. Premises “ready for gambling”

- 5.1. The Guidance states that a licence to use premises for gambling should only be issued in relation to premises that the licensing authority can be satisfied are going to be ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required before the premises are brought into use.
- 5.2. If the construction of a premises is not yet complete, or if they need alteration, or if the applicant does not yet have a right to occupy them, then an application for a provisional statement should be made instead.
- 5.3. In deciding whether a premises licence can be granted where there are outstanding construction or alteration works at a premises, this authority will determine applications on their merits, applying a two stage consideration process:
 - First, whether the premises ought to be permitted to be used for gambling
 - Second, whether appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place.
- 5.4. Applicants should note that this authority is entitled to decide that it is appropriate to grant a licence subject to conditions, but it is not obliged to grant such a licence.
- 5.5. More detailed examples of the circumstances in which such a licence may be granted can be found in the Guidance.

6. Location

- 6.1. This licensing authority is aware that demand issues cannot be considered for the location of premises but that considerations of the licensing objectives are relevant to decision-making. As per the Gambling Commission's Guidance to Licensing Authorities, this authority will pay attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. Should any specific policy be decided upon as regards areas where gambling premises should not be located, this statement will be updated. It should be noted that any such policy does not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant showing how potential concerns can be overcome.

7. Planning

7.1. The Gambling Commission Guidance to Licensing Authorities states:

"In determining applications the licensing authority has a duty to take into consideration all relevant matters and not to take into consideration any irrelevant matters, i.e. those not related to gambling and the licensing objectives. One example of an irrelevant matter would be the likelihood of the applicant obtaining planning permission or building regulations approval for their proposal".

7.2. This authority will not take into account irrelevant matters as per the above guidance. In addition this authority notes the following excerpt from the Guidance:

"When dealing with a premises licence application for finished buildings, the licensing authority should not take into account whether those buildings have or comply with the necessary planning or building consents. Those matters should be dealt with under relevant planning control and building regulation powers, and not form part of the consideration for the premises licence. Section 210 of the 2005 Act prevents licensing authorities taking into account the likelihood of the proposal by the applicant obtaining planning or building consent when considering a premises licence application. Equally the grant of a gambling premises licence does not prejudice or prevent any action that may be appropriate under the law relating to planning or building".

8. Duplication with other regulatory regimes

8.1. This licensing authority seeks to avoid any duplication with other statutory / regulatory systems where possible, including planning. This authority will not consider whether a licence application is likely to be awarded planning permission or building regulations approval, in its consideration of it. It will though, listen to, and consider carefully, any concerns about conditions which are not able to be met by licensees due to planning restrictions, should such a situation arise.

8.2. When dealing with a premises licence application for finished buildings, this authority will not take into account whether those buildings have to comply with the necessary planning or buildings consents. Fire or health and safety risks will not be taken into account, as these matters are dealt with under relevant planning control, buildings and other regulations and must not form part of the consideration for the premises licence.

9. Consideration of Licensing objectives

9.1. Premises licences granted must be reasonably consistent with the licensing objectives. With regard to these objectives, this licensing authority has considered the Gambling Commission's Guidance to Licensing Authorities and some comments are made below.

10. Conditions

10.1. Any conditions attached to licences will be proportionate and will be:

- relevant to the need to make the proposed building suitable as a gambling facility;
- directly related to the premises and the type of licence applied for;
- fairly and reasonably related to the scale and type of premises; and
- reasonable in all other respects.

10.2. Decisions upon individual conditions will be made on a case by case basis, although there will be a number of measures this licensing authority will consider utilising should there be a perceived need, such as the use of supervisors, appropriate signage for adult only areas etc. There are specific comments made in this regard under some of the licence types below. This licensing authority will also expect the licence applicant to offer his/her own suggestions as to way in which the licensing objectives can be met effectively.

10.3. This licensing authority will also consider specific measures which may be required for buildings which are subject to multiple premises licences. Such measures may include the supervision of entrances; segregation of gambling from non-gambling areas frequented by children; and the supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives. These matters are in accordance with the Gambling Commission's Guidance.

10.4. This authority will also ensure that where category C or above machines are on offer in premises to which children are admitted:

- all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- only adults are admitted to the area where these machines are located;
- access to the area where the machines are located is supervised;
- the area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and

- at the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

10.5. These considerations will apply to premises including buildings where multiple premises licences are applicable.

10.6. This licensing authority is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. As per the Gambling Commission's Guidance, this licensing authority will consider the impact upon the third licensing objective and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

10.7. It is noted that there are conditions which the licensing authority cannot attach to premises licences which are:

- any condition on the premises licence which makes it impossible to comply with an operating licence condition;
- conditions relating to gaming machine categories, numbers, or method of operation;
- conditions which provide that membership of a club or body be required (the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated); and
- conditions in relation to stakes, fees, winning or prizes.

11. Door Supervisors

11.1. The Gambling Commission advises in its Guidance to Licensing Authorities that if a licensing authority is concerned that a premises may attract disorder or be subject to attempts at unauthorised access (for example by children and young persons) then it may require that the entrances to the premises are controlled by a door supervisor, and is entitled to impose a premises licence to this effect.

11.2. Where it is decided that supervision of entrances / machines is appropriate for particular cases, a consideration of whether these need to be SIA licensed or not will be necessary. It will not be automatically assumed that they need to be licensed, as the statutory requirements for different types of premises vary (as per the Guidance, Part 33).

12. Provisional Statements

- 12.1. Developers may wish to apply to this authority for provisional statements before entering into a contract to buy or lease property or land to judge whether a development is worth taking forward in light of the need to obtain a premises licence. There is no need for the applicant to hold an operating licence in order to apply for a provisional statement.
- 12.2. S204 of the Gambling Act provides for a person to make an application to the licensing authority for a provisional statement in respect of premises that he or she:
 - expects to be constructed;
 - expects to be altered; or
 - expects to acquire a right to occupy.
- 12.3. The process for considering an application for a provisional statement is the same as that for a premises licence application. The applicant is obliged to give notice of the application in the same way as applying for a premises licence. Responsible authorities and interested parties may make representations and there are rights of appeal.
- 12.4. In contrast to the premises licence application, the applicant does not have to hold or have applied for an operating licence from the Gambling Commission (except in the case of a track) and they do not have to have a right to occupy the premises in respect of which their provisional application is made.
- 12.5. The holder of a provisional statement may then apply for a premises licence once the premises are constructed, altered or acquired. The licensing authority will be constrained in the matters it can consider when determining the premises licence application, and in terms of representations about premises licence applications that follow the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless:
 - they concern matters which could not have been addressed at the provisional statement stage, or
 - they reflect a change in the applicant's circumstances.
- 12.6. In addition, the authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:
 - which could not have been raised by objectors at the provisional statement stage;

- which in the authority's opinion reflect a change in the operator's circumstances; or
- where the premises has not been constructed in accordance with the plan submitted with the application. This must be a substantial change to the plan and this licensing authority notes that it can discuss any concerns it has with the applicant before making a decision.

13. Reviews

13.1. Requests for a review of a premises licence can be made by interested parties or responsible authorities; however, it is for the licensing authority to decide whether the review is to be carried-out. This will be on the basis of whether the request for the review is relevant to the matters listed below:

- in accordance with any relevant Code of Practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission;
- reasonably consistent with the licensing objectives; and
- in accordance with the authority's statement of principles.

13.2. The request for the review will also be subject to the consideration by the authority as to whether the request is frivolous, vexatious, or whether it will certainly not cause this authority to wish to alter/revoke/suspend the licence, or whether it is substantially the same as previous representations or requests for review.

13.3. The licensing authority can also initiate a review of a particular premises licence, or a particular class of premises licence on the basis of any reason which it thinks is appropriate.

13.4. Once a valid application for a review has been received by the licensing authority, representations can be made by responsible authorities and interested parties during a 28 day period. This period begins 7 days after the application was received by the licensing authority, who will publish notice of the application within 7 days of receipt.

13.5. The licensing authority must carry out the review as soon as possible after the 28 day period for making representations has passed.

13.6. The purpose of the review will be to determine whether the licensing authority should take any action in relation to the licence. If action is justified, the options open to the licensing authority are:

- add, remove or amend a licence condition imposed by the authority;
- exclude a default condition imposed by the Secretary of State (e.g. opening hours) or remove or amend such an exclusion;

- suspend the premises licence for a period not exceeding three months; and
- revoke the premises licence.

13.7. In determining what action, if any, should be taken following a review, the licensing authority must have regard to the principles set out in section 153 of the Act, as well as any relevant representations.

13.8. In particular, the licensing authority may also initiate a review of a premises licence on the grounds that a premises licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them.

13.9. Once the review has been completed, the licensing authority must, as soon as possible, notify its decision to:

- the licence holder
- the applicant for review (if any)
- the Commission
- any person who made representations
- the chief officer of police or chief constable; and
- Her Majesty's Commissioners for Revenue and Customs

14. Information relevant to specific premises

14.1. Adult Gaming Centres

14.1.1. This licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to, for example, ensure that under 18 year olds do not have access to the premises.

14.1.2. This licensing authority may consider measures to meet the licensing objectives such as:

- Proof of age schemes
- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Self-exclusion schemes
- Provision of information leaflets/ helplines for organisations

14.1.3. This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

14.2. Licensed Family Entertainment Centres:

14.2.1. This licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority, for example, that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas.

14.2.2. This licensing authority may consider measures to meet the licensing objectives such as:

- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Self-exclusion schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare.
- Measures / training for staff on how to deal with suspected truant school children on the premises

14.2.3. This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

14.2.4. This licensing authority will, as per the Gambling Commission's guidance, refer to the Commission's website to see any conditions that apply to operating licences covering the way in which the area containing the category C machines should be delineated. This licensing authority will also make itself aware of any mandatory or default conditions on these premises licences, when they have been published.

14.3. Casinos

14.3.1. This licensing authority has not passed a 'no casino' resolution under Section 166 of the Gambling Act 2005, but is aware that it has the power to do so. Should this licensing authority decide in the future to pass such a resolution, it will update this policy statement with details of that resolution. Any such decision will be made by the Full Council.

14.4. Bingo premises

- 14.4.1. Bingo is a class of equal chance gaming and is permitted in alcohol licensed premises and in clubs provided it remains below a certain prescribed threshold. If the only type of bingo to be provided is prize bingo then this may be authorised by way of a permit – see the section on prize gaming permits later in this Statement of Principles. Other types of bingo will require a bingo operating licence from the Gambling Commission and in addition a premises licence from the Licensing Authority. The holder of a bingo premises licence may make available for the use of category B machines (restricted to B3 or B4 machines) and any number of category C or D machines. Category B gaming machines must not exceed 20% of the total number of gaming machines which are available for use on the premises. Children and young persons are permitted on a bingo premises but are unable to participate in the bingo. If there are any category C or D machines made available for use on the premises, these must be separated from areas where children and young people are allowed.

14.5. Betting premises

- 14.5.1. This licensing authority will, as per the Gambling Commission's Guidance, take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number / nature / circumstances of betting machines an operator wants to offer.

14.6. Tracks

- 14.6.1. At present this Authority does not have any licensed Tracks however this licensing authority is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. As per the Gambling Commission's Guidance, this licensing authority would especially consider the impact upon the third licensing objective (i.e. the protection of children and vulnerable persons from being harmed or exploited by gambling) and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.
- 14.6.2. This authority would therefore expect the premises licence applicant to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing

takes place, but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided.

14.6.3. This licensing authority may consider measures to meet the licensing objectives such as:

- Proof of age schemes
- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Self-exclusion schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare

14.6.4. This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

14.7. Machines

14.7.1. **Gaming Machines:** Where the applicant holds a pool betting operating licence and is going to use the entitlement to four gaming machines, machines (other than category D machines) should be located in areas from which children are excluded.

14.7.2. **Betting Machines:** This licensing authority would take into account the size of the premises and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator proposes to offer.

14.8. Applications and plans

14.8.1. The Gambling Act (s51) requires applicants to submit plans of the premises with their application, in order to ensure that the licensing authority has the necessary information to make an informed judgement about whether the premises are fit for gambling. The plan would also be used for the licensing authority to plan future premises inspection activity.

14.8.2. Plans for tracks do not need to be in a particular scale, but should be drawn to scale and should be sufficiently detailed to include the information required by regulations.

- 14.8.3. Some tracks may be situated on agricultural land where the perimeter is not defined by virtue of an outer wall or fence, such as point-to-point racetracks. In such instances, where an entry fee is levied, track premises licence holders may erect temporary structures to restrict access to premises
- 14.8.4. In the rare cases where the outer perimeter cannot be defined, it is likely that the track in question will not be specifically designed for the frequent holding of sporting events or races. In such cases betting facilities may be better provided through occasional use notices where the boundary premises do not need to be defined.
- 14.8.5. This authority appreciates that it is sometimes difficult to define the precise location of betting areas on tracks. The precise location of where betting facilities are provided is not required to be shown on track plans, both by virtue of the fact that betting is permitted anywhere on the premises and because of the difficulties associated with pinpointing exact locations for some types of track. Applicants should provide sufficient information that this authority can satisfy itself that the plan indicates the main areas where betting might take place. For racecourses in particular, any betting areas subject to the “five times rule” (commonly known as betting rings) must be indicated on the plan.

14.9. Travelling Fairs

- 14.9.1. This licensing authority is responsible for deciding whether, where category D machines and / or equal chance prize gaming without a permit is to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.
- 14.9.2. The licensing authority will also consider whether the applicant falls within the statutory definition of a travelling fair.
- 14.9.3. It is noted that the 27-day statutory maximum for the land being used as a fair applies on a per calendar year basis, and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. This licensing authority will work with its neighbouring authorities to ensure that land which crosses our boundaries is monitored so that the statutory limits are not exceeded.

PART D - Permits and Temporary or Occasional Use Notices

1. Prize Gaming Permits

- 1.1. The Gambling Act 2005 states that a licensing authority may ‘prepare a statement of principles that they propose to apply in exercising their functions under this Schedule’ which ‘may, in particular, specify matters that the licensing authority proposes to consider in determining the suitability of the applicant for a permit’.
- 1.2. The Licensing Authority requires the applicant to (a) set out the types of gaming that they are intending to offer, (b) submit a plan of the building indicating the location of the gaming and (c) be able to demonstrate:
 - That they understand the limits to stakes and prizes that are set out in Regulations;
 - That the gaming offered is within the law;
 - Clear policies that outline the steps to be taken to protect children from harm.
- 1.3. In making its decision on an application for this permit the Licensing Authority does not need to, but may, have regard to the licensing objectives but must have regard to any Gambling Commission guidance.
- 1.4. It should be noted that there are conditions in the Gambling Act 2005 by which the permit holder must comply, but that the Licensing Authority cannot attach conditions.
- 1.5. The conditions in the Act are:
 - the limits on participation fees, as set out in regulations, must be complied with;
 - all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played;
 - the prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and
 - participation in the gaming must not entitle the player to take part in any other gambling.

2. Unlicensed Family Entertainment Centres (FEC)

- 2.1. Unlicensed Family Entertainment Centres will cater for families, including unaccompanied children and young persons. As they operate on a permit they will only be allowed to have Category D Gaming machines, which can be played by young people.
- 2.2. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use and would, therefore, exclude any premises primarily used for any other purposes, e.g. canteens, fast food takeaways, garages and petrol filling stations, taxi offices or non-arcade premises.
- 2.3. The Licensing Authority will, in relation to applications for unlicensed family entertainment centres, take into account the following statement of principles when determining the suitability of the applicant:
- 2.4. The Licensing Authority will expect the applicant to submit a plan of the building and show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits, however, they may include appropriate measures / training for staff as regards suspected truant school children on the premises, measures / training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on / around the premises.
- 2.5. This Licensing Authority will also expect, as per Gambling Commission Guidance, that applicants demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs; that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act); and that staff are trained to have a full understanding of the maximum stakes and prizes.

3. Alcohol Licensed Premises

- 3.1. Premises licensed to sell alcohol for consumption on the premises have an automatic right to have two machines of categories C and/or D. Any increase on these limits will require a permit. These applications will be considered on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from harm or being exploited. The applicant will be expected to ensure that under 18s do not have access to the adult only gaming machines.
- 3.2. This could include being in sight of the bar or in sight of the staff who monitor that such machines are not used by those under 18. In relation to

vulnerable persons the applicant could consider the provision of information for support services that offer advice.

4. Club Gaming and Club Machine Permits

4.1. Members Clubs are defined as having more than 25 members and being established for purposes other than gambling and Miner's Welfare Institutes are defined as associations established for recreational or social purposes.

4.2. Members Clubs and Miners' Welfare Institutes may apply for these. A Club Gaming Permit will enable premises to provide three machines of either categories B, C or D and equal chance and other forms of gaming, as set out in regulations. A club gaming machine permit if applied for will enable premises to provide three machines of categories B, C or D only.

5. Temporary Use Notices

5.1. Temporary Use Notices allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be suitable for a Temporary Use Notice, according the Gambling Commission, would include hotels, conference centres and sporting venues.

5.2. These notices should not be used to permit regular gambling in a place that could be described as one set of premises. The Licensing Authority expects to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises, as recommended in the Gambling Commission's Guidance to Licensing Authorities.

6. Occasional Use Notices

6.1. The Licensing Authority has very little discretion with regard to these notices aside from ensuring that the statutory limit of eight days in a calendar year is not exceeded. The Licensing Authority will though consider the definition of 'track' and whether the applicant is permitted to avail him/herself of the notice.

7. Small Society Lotteries

7.1. The Council will adopt a risk based approach towards its enforcement responsibilities for small society lotteries. The Council considers that the following list, although not exclusive, could affect the risk status of the operator:

- submission of late returns (returns must be submitted no later than three months after the date on which the lottery draw was held)
- submission of incomplete or incorrect returns
- breaches of the limits for small society lotteries

7.2. Non-commercial gaming is permitted if it takes place at a non-commercial event, either as an incidental or principal activity at the event. Events are non-commercial if no part of the proceeds is for private profit or gain. The proceeds of such events may benefit one or more individuals if the activity is organised:

- by, or on behalf of, a charity or for charitable purposes
- to enable participation in, or support of, sporting, athletic or cultural activities.

PART E - The Local Risk Profile and Risk Assessments by Operators – Licensing Conditions and Codes of Practice (LCCP)

1. Introduction

1.1. The Gambling Commission publishes the general licence conditions and codes of practise which apply to licensed gambling operators in Licensing Conditions and Codes of Practice (LCCP) which is revised from time to time. The code strengthened the social responsibility code (SR) requirements. Details regarding the LCCP and SR code can be accessed at the Gambling Commission website: www.gamblingcommission.gov.uk.

1.2. The code requires operators:

- To supervise customers effectively on gambling premises and identify customers who are at risk of gambling related harm.
- To have in place schemes to allow customers to self-exclude themselves from all operators of a similar type in the area where they live and work.
- To have a range of measures with regard to marketing to ensure social responsibility that are transparent and not misleading.
- To produce a risk assessment on individual premises, and have policies and procedures and control measures in place to mitigate local risks to the licensing objectives.

2. Risk Assessments

2.1. Such risk assessments are required from new applicants, and from existing premises licence holders seeking to vary a licence. The LCCP strongly encourages all operators of Casino's, Adult Gaming Centres, Bingo Premises, Family Entertainment Centres, Betting shops and remote betting intermediaries to assess local risks to the licensing objectives, and to have policies, procedures and control measures in place to mitigate those risks.

2.2. Operators are expected by the SR code to make the risk assessment available to licensing authorities when an application is submitted either for a new premises licence or variation of a premises licence, or otherwise on request, and this will form part of the council's inspection regime and may be requested when officers are investigating complaints.

2.3. Any failure to provide a competent risk assessment will be taken into account by the Council in determining the application, and such inferences will be made about potential harm to the licensing objectives as appear appropriate.

2.4. The Council considers that these local risk assessments are a key component of the overall assessment and management of the local risks.

The code requires the Council to set out matters they expect the operator to take account of in the risk assessment in its statement of policy and the Council expects the Local Area Risk Profile and the following matters to be considered by operators when making their risk assessment:

- Information held by the licensee regarding self-exclusions and incidences of underage gambling;
- Gaming trends such as increased levels of gambling activity which, for example, correspond with pay days or benefits payments;
- Arrangement for localised exchange of information regarding self-exclusions and gaming trends;
- Urban setting such as proximity to schools, commercial environment, factors affecting footfall;
- Range of facilities in proximity to the licensed premises such as other gambling outlets, banks, post offices, refreshment, entertainment type facilities, schools, and venues that attract vulnerable adults;
- Known problems in the area such as problems arising from street drinkers, youths participating in anti-social behaviour, drug dealing activities, etc;
- The ethnicity, age, economic makeup of the local community.

2.5. The risk assessment should cover the risks and character of the local area, the gambling operation and the design of the premises.

3. The Local Area

3.1. The Council expects the following matters to be considered by operators when making their risk assessment.

3.2. Matters relating to children and young persons, including:

- The footfall in the local area, for example, does it predominately comprise residents, workers or visitors, is it a family orientated area, popular with children and young people;
- Significant presence of young children;
- Institutions, places or areas where the presence of children and young persons should be expected such as schools, youth clubs, parks, playgrounds and entertainment venues such as bowling alleys, cinemas etc.;
- Any premises where children congregate including bus stops, cafés, shops, and any other place where children are attracted;
- Areas that are prone to issues of youths participating in anti-social behaviour, including such activities as graffiti/tagging, underage drinking, etc.;
- Recorded incidents of attempted underage gambling;
- Transport links and parking facilities;

- Community centres;
- High crime area;
- Other gambling premises in the vicinity.

3.3. Matters relating to vulnerable adults, including:

- Information held by the licensee regarding self-exclusions and incidences of underage gambling;
- Gaming trends that may mirror days for financial payments such as pay days or benefit payments;
- Arrangement for localised exchange of information regarding self-exclusions and gaming trends;
- Proximity of premises which may be frequented by vulnerable people such as hospitals, mental health providers, residential care homes, medical facilities, doctor's surgeries, council housing offices, addiction clinics or help centres, places where alcohol or drug dependant people may congregate, etc.;
- Homeless or rough sleeper shelters, hostels and support services;
- Transport links and parking facilities;
- Community centres;
- High crime area;
- High unemployment area;
- Pawn broker / pay day loan businesses in the vicinity;
- Other gambling premises in the vicinity.

3.4. Other issues that may be considered could include:

- Matters of faith, including all religious or faith denominations including proximity to churches, mosques, temples or any other place of worship.

4. The Gambling Operation

4.1. In assessing the risk factors associated with a gambling operation the assessor should take into account the local risks which are commonly accepted by broader stakeholders and how that gambling operation may affect that risk.

4.2. The assessor may wish to consider:

- How the gambling operation will relate to how the operator conducts its business;
- What gambling products it provides in the premises;
- The facilities to enable gambling within the premises;
- The staffing levels within the premises;
- The level and requirement for staff training;

- Whether loyalty or account cards are used or not;
- The policies and procedures it has in place in relation to regulatory requirements of the Act or to comply with the LCCP;
- The security and crime prevention arrangements it has in place; • How it advertises locally and on the premises;
- The marketing material within the premises;
- The display and provision of information, etc.

5. The Design of Premises

5.1. The design and layout of the premises is a key consideration as this could have a significant impact on the risk to the licensing objectives. In assessing the risk factors associated with the premises design and layout reference is needed to the local area risks factors already identified to ensure the design doesn't add to that risk. The design, both internal and external should be considered and specific risk factors identified and noted. For example:

- The premises may have a number of support pillars which the assessor identifies as obstructing the view of the gaming machines from the cashier counter.
- The assessor may identify that the design of the entrance to the premises is not sufficiently covered by CCTV to enable the identification of offenders.
- Premises which are located within an area which has a high number of children and young people present throughout the day may identify that their standard external design means that children and young people can see into the premises and see gambling taking place.
- If the premises have a large amount of glass frontage in an area prone to criminal damage, the assessor may consider the risk of damage to the standard toughened glass to be high.

5.2. These would be identified risk factors that would need to be documented.

5.3. This list is not exhaustive and other factors not in this list that are identified may also be taken into consideration.

6. Local Area Risk Profile

6.1. The Gambling Commission guidance advises that licensing authorities provide a risk profile of their borough. This will assist operators undertaking the risk assessments of their premises, and will also be taken into account when considering applications for new and variations to licences and reviews of licences.

6.2. The Licensing Authority will endeavour to ensure an up to date Local Area Risk Profile for the Rotherham Borough is published and readily available.

6.3. Whilst not forming part of this policy, the Local Area Risk Profile for the Rotherham Borough should aim to include data and maps which show the distribution of gambling premises and sensitive locations and vulnerable communities. For example:

- Educational establishments;
- Relevant leisure facilities;
- Medical facilities, care homes, and temporary accommodation etc.;
- Places of worship;
- Hot spot areas combining the educational establishments/leisure facilities / medical facilities
- Areas of deprivation;
- Areas of unemployment;
- Areas where residents claim working age benefits;
- Areas of poor mental health;
- Violence hot spots;
- Drug and alcohol hot spots.

6.4. If an application for a new licence or variation is submitted that is within 400 metres of a sensitive building or vulnerable community, operators are encouraged to provide details of the measures to be implemented that would overcome any risks relating to one or more of the licensing objectives, namely:

- Protecting children and other vulnerable persons from being harmed or exploited by gambling.
- Being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
- Ensuring that gambling is conducted in a fair and open way.

APPENDIX 1 – the Borough of Rotherham (the area to which this policy applies)



APPENDIX 2 – Details of Consultees

Chief Constable, South Yorkshire Police
Chief Fire Officers, South Yorkshire Fire and Rescue Service
Director of Public Health for the Authority area
Health and Wellbeing Board
Clerks to Parish Councils
Licensees within the borough
Rotherham Children's Safeguarding Board
Rotherham Adult's Safeguarding Board
RMBC Ward Councillors
Safer Rotherham Partnership Board Members
Member of Parliament for Rotherham
Member of Parliament for Rother Valley
Member of Parliament for Wentworth and Dearne

In addition, the Council will open the consultation to the public.

Consultation methods

- Use social media to inform the public about this consultation and direct them to the questionnaire
- On-line consultation
- Consultation documents at Council reception areas
- Press Releases
- Direct correspondence to statutory consultees
- Information provision to all ward members
- Public Notice in the local press
- Drop-in sessions across the borough
- Attendance at representative boards and forums.

APPENDIX 3 - Delegation of Functions

Matter to be dealt with	Council	Cabinet	Licensing (sub) committee	Officers
Three year licensing policy	✓			
Policy not to permit casinos	✓			
Fee setting (when appropriate)		✓		
Application for premises licences			If a relevant representation made and not withdrawn	If no relevant representation made/ representations have been withdrawn
Application to vary a licence			If a relevant representation made and not withdrawn	If no relevant representation made/ representations have been withdrawn
Application for a transfer of a licence			Where representations have been received from the Commission	Where no representations have been received from the Commission
Application for a provisional statement			If a relevant representation made and not withdrawn	If no relevant representation made/ representations have been withdrawn
Review of a premises licence			✓	
Applications for club gaming /club machine permits			Where objections have been made (and not withdrawn)	Where no objections made / objections have been withdrawn
Cancellation of club gaming /club machine permits			✓	
Applications for other permits (including small society lottery registrations)				✓
Cancellation of licensed premises gaming machine permits				✓
Consideration of temporary use notice				✓
Decision to give counter Notice to a temp. use notice			✓	



Public Report
Cabinet

Committee Name and Date of Committee Meeting

Cabinet – 23 March 2020

Report Title

Licensing Act 2003: Statement of Licensing Policy

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

Yes

Strategic Director Approving Submission of the Report

Paul Woodcock, Strategic Director of Regeneration and Environment

Report Author(s)

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Ward(s) Affected

Borough-Wide

Report Summary

Section 5 of the Licensing Act 2003 requires a licensing authority to prepare and publish a statement of its licensing policy at least every five years.

The Council's Statement of Licensing Policy was last published in 2011, and was therefore due for review and republication in 2016; however, this review did not take place due to the Council's focus on hackney carriage and private hire licensing.

In December 2019, Cabinet approved the second, formal stage of consultation on a drafted policy. This consultation has now concluded, and the outcome of the consultation has informed a finalised Statement of Licensing Policy, which is presented to Cabinet for consideration and recommended for approval.

Alongside the Licensing Policy, a Cumulative Impact Policy has been drafted and consulted upon which includes a Cumulative Impact Assessment for a part of Wickersley. This is also presented to Cabinet for consideration and recommended for approval.

Recommendations

1. That Cabinet recommend to Council that the proposed Licensing Act 2003: Statement of Licensing Policy 2020-2025 be adopted.
2. That Cabinet approve the Cumulative Impact Policy which details a Cumulative Impact Assessment for a specific area in Wickersley.

List of Appendices Included

Appendix 1 Equality Impact Assessment

Appendix 2 Licensing Act 2003 Statement of Licensing Policy 2020-2025

 Appendix A Pool of Model Conditions

 Appendix B Mandatory Conditions

 Appendix C Entitlement to work information

 Appendix D Guidance notes for applicants

 Appendix E Useful Contacts

Appendix 3 Cumulative Impact Policy

Appendix 4 Summary of consultation response

Background Papers

Guidance issued under Section 182 of the Licensing Act 2003

(<https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003>)

The Public Health Burden of Alcohol and the Effectiveness and Cost-Effectiveness of Alcohol Control Policies An evidence review, Public Health England, 2016:

Woodhouse J., Alcohol licensing: cumulative impact assessments, House of Commons Library, Briefing Paper, Number 07269, 16 April 2019

Cabinet Report, 10th June 2019, Review of Licensing Act 2003 Statement of Licensing Policy

Cabinet Report, 23rd December 2019, Review of Licensing Act 2003 Statement of Licensing Policy

Consideration by any other Council Committee, Scrutiny or Advisory Panel
Overview and Scrutiny Management Board – 18 March 2020

Council Approval Required

Yes

Exempt from the Press and Public

No

Licensing Act 2003: Statement of Licensing Policy

1. Background

- 1.1 As the licensing authority under the Licensing Act 2003 (the Act), the Council is responsible for licensing:
 - the sale and supply of alcohol;
 - regulated entertainment such as live and recorded music, performances of theatre, dance, cinema and indoor sports;
 - the sale of hot food and drink between 11 pm and 5 am.
- 1.2 Under Section 5 of the Act, a licensing authority must prepare a Licensing Act 2003 Statement of Licensing Policy (a ‘Statement of Licensing Policy’) which sets out the principles it proposes to apply in exercising functions under the Act. This Statement of Policy must be published at least every five years.
- 1.3 The Statement of Licensing Policy contains a number of key objectives including:
 - Providing applicants with a clear, consistent basis for submitting applications and notices in the Borough;
 - Providing a clear, consistent basis for determining licensing applications in the Borough;
 - Ensuring the relevant views of those affected by licensed premises are taken into consideration;
 - Ensuring that local area issues are taken into account by licensed premises; and
 - Supporting the wider strategies of the Council and the approach to licensed activities and premises across the Borough.
- 1.4 The Council’s Statement of Licensing Policy was last published in 2011 and was therefore due for review and republication in 2016. However, this review did not take place due to the Council’s focus on taxi and private hire licensing.
- 1.5 The Council has undertaken a two-stage consultation process outlined in Section 4 of this report. A revised policy has been written and consulted upon, which is brought before Cabinet to consider. A draft copy of the Statement of Licensing Policy is attached to this report as Appendix 2.

2. Key Issues

2.1 Public Health Data

Public Health is considered a ‘Responsible Authority’ under the Licensing Act 2003. As a responsible authority, Public Health have an important and meaningful contribution to make to licensing decisions. However, the impact on health is not currently mentioned as part of any licensing objective in the legislation, which makes it challenging for Public Health to fully engage with licensing decision making.

However, the Council believe that Public Health has an important role to play within Licensing and should be encouraged to influence the process within the boundaries of the available legislation. Through consultation, 67% of respondents agreed that issues related to public health should be considered when a licensing decision is being made. When asked if the Council should assess problems associated with alcohol consumption before determining a licence application, 92% of respondents agreed that this should be undertaken.

Public Health has created a 'licensing toolkit', which uses a wide range of data from a variety of responsible authorities and assigns a risk rating to neighbourhoods at a 'Lower Super Output Area' scale. These equate to neighbourhoods with around 1000 residents. Data sources have been chosen due to their relevance to the licensing objectives, alongside contextual factors such as health data. This tool could therefore be used to inform decision makers of the risk of any application for a licence within a specific area.

The Council is proposing that this toolkit is made available to all responsible authorities and members of the public through the Joint Strategic Needs Assessment website, to allow representations to be made if appropriate, with the assistance of data to evidence. The Council believes that this will not only give Public Health a meaningful role in the licensing process but will also make data about the health impacts of alcohol more easily accessible to the public when licence applications are being considered.

2.2 Model Conditions

As part of the Statement of Licensing Policy, the Council is able to create a document with a list of 'model' conditions, which gives guidance to applicants and responsible authorities as to the type of conditions that could be placed onto a licence. This list is not exhaustive and other conditions may be granted where appropriate. However, it is a useful tool to show the range of conditions which are considered by the Council to be examples of best practice.

The Council currently has a pool of model conditions attached as an appendix to the existing policy. Through the first stage of consultation a number of themes emerged such as:

- The Council's role in protecting residents from the harms associated with alcohol.
- The Council being seen as the key authority to take steps to prevent problem drinking.
- Residents reporting problems of excessive drinking, especially street drinking, in some areas.
- A minimum price for alcohol, or restriction of cheap alcohol in some areas.

These themes led to the Council drafting a series of new model conditions to address some of these concerns. These have now been consulted upon through the second stage of consultation.

70% of respondents believed that, in areas where there are issues with excessive, or street, drinking, a condition banning the sale of single cans of alcohol in off-licensed premises should be considered.

76% agreed that the Council should require further training for licensees, door staff and employees in some circumstances around protecting vulnerable people from harm, safeguarding and counterterrorism. 92% of respondents agreed, or strongly agreed, that staff working in licensed premises should be required to undertake safeguarding training and have a Basic Level DBS check in some circumstances, for example if children are allowed in a venue at all times.

Public Health, through their formal response to the consultation, also suggested some best practice guidance for licensed premises, predominantly on-licensed premises, to reduce the direct and indirect harms caused by the consumption of alcohol.

Through the consultation, the following model conditions are proposed to be added to the already existing pool. The full list of model conditions is contained within Appendix A of the policy.

1. The Council consider it good practice for licence holders, door supervisors and other staff to take part in a variety of training sessions, which could include but is not limited to: Safeguarding Children; Safeguarding Vulnerable Adults; Crowd Safety; and Counterterrorism
2. Single Can Sales can contribute to the harms relating to alcohol misuse, and particularly contribute to the harm caused to children and young people. Conditions may therefore be necessary to prevent sales of single cans of alcoholic drinks in areas where risk of harm is identified to be high.
3. Premises should promote and provide a good range of low alcohol and alcohol-free drinks to enable customers to choose drinks with lower alcohol volume. These should be readily available and of a similar price to alcoholic equivalents.
4. In order to promote responsible drinking, the premise will commit to not promote reduced price drinks.
5. A premise should have a process where staff can discreetly provide details and signposting to local alcohol or domestic abuse support services.
6. That the premise takes part in the 'Ask for Angela' scheme being rolled out by the Council and South Yorkshire Police.
7. It strongly recommended that persons employed on licensed premises, especially those providing facilities and or entertainment for children and youths, receive appropriate training covering the safeguarding of children and other vulnerable groups and, if appropriate, have the necessary DBS checks.

2.3 Cumulative Impact Assessment (CIA) – Wickersley

Where appropriate, the Council can identify areas within the Borough where the granting of further licences, or variations to licences, is likely to impact on the Council's obligations to the licensing objectives. The Council must then produce a CIA for each of these areas. This is an evidence-based tool which sets out the reasons why the Council believes that the cumulative impact of premises within the area specified is undermining the licensing objectives. If the CIA is implemented, it must specify a Cumulative Impact Zone (CIZ) where the CIA will apply.

Cabinet took the decision that a CIA should be drafted for Wickersley, to identify whether there was sufficient evidence to implement a CIZ. Rotherham Town Centre was also considered by the Council but has been discounted as responsible licensable activity is being promoted in this area, as part of the ongoing regeneration and Town Centre Masterplan. Furthermore, there are only a small number of residential properties in the area, meaning it is unlikely that the cumulative impact of these premises will create significant disturbance and, subsequently, undermine the licensing objectives. However, a regular review of CIAs will be undertaken to identify if any other areas of Rotherham would benefit from this piece of legislation.

In the second stage of consultation, the Council have consulted at length with Ward councillors, licensees, residents and other responsible authorities, and have concluded that there is more than enough evidence, as required by the statutory guidance, to proceed with implementing a CIZ in Wickersley. The Cumulative Impact Policy, which includes the assessment for Wickersley, is attached to this report as Appendix 3.

Data from the Police, the NHS and Public Health suggests that Wickersley has a high saturation of licensed premises, and that the density of these premises has a negative impact on crime and anti-social behaviour, as well as putting health at risk through an increase in ambulance call-outs directly related to alcohol consumption.

The Council has attended separate meetings with licensees and residents to inform them of a CIA being drafted. These groups were given an indication of what types of premises would be affected, the specific area which is currently proposed, and a summary of the evidence as to why the Council believe a CIA is needed.

Therefore, the Council is proposing to implement a CIA in Wickersley. This is currently the only area where the Council believes a CIA would be appropriate, but this position will be reviewed regularly by the Licensing Service and Public Health.

3. Options considered and recommended proposal

- 3.1 The Council is statutorily obliged to publish a Statement of Licensing Policy and to consult on that Policy.

- 3.2 In June, Cabinet took the decision to undertake a two-stage consultation process. Both of these stages have now been completed. The first stage focused on broad issues associated with licensed premises, whilst the second stage gave the opportunity to comment on a drafted policy, alongside consulting on whether a Cumulative Impact Policy should be implemented.
- 3.3 The Cumulative Impact Policy has been consulted upon and a draft is attached to this report as Appendix 3.
- 3.4 The Statement of Licensing Policy has now been revised based on the second stage of consultation which was concluded in February. There are now further options for the Council to consider.
- 3.5 **Option 1:** The Council could approve both the Licensing Act 2003 Statement of Licensing Policy and Cumulative Impact Policy, which would then be subject to endorsement by Council.
- 3.6 **Option 2:** The Council could approve the Licensing Act 2003 Statement of Licensing Policy, but not approve the Cumulative Impact Assessment contained within the Cumulative Impact Policy. The Statement of Licensing Policy would then be subject to endorsement by Council.
- 3.7 **Option 3:** The Council could decide to not approve either the Licensing Act 2003 Statement of Licensing Policy, or the Cumulative Impact assessment contained within the Cumulative Impact Policy.
- 3.8 The preferred option is Option 1. This option takes into account the responses received to both stages of consultation and reflects the views of forums, groups and boards that were attended through the consultation process, alongside the views of the public. The proposed changes detailed in this report reflect the views of the public, the Council and its partners, and would form a policy that had a positive impact on licensed premises across the borough.

4. **Consultation on proposal**

- 4.1 The Council have carried out a full review of the policy, through a two-stage consultation process as agreed by Cabinet in June 2019. A total of twenty weeks of consultation have been carried out by the Council to review this policy, which has informed the final policy attached as Appendix 2.
- 4.2 The first stage of consultation focused on the broad issues associated with licensed premises and a total of 70 responses were received. The majority of respondents were concerned with the licensing of alcohol premises, and believed the Council had a role in protecting residents from the harms associated to alcohol. 50% of all respondents cited Wickersley as an area where there were issues with excessive drinking.

- 4.3 Based on the first stage of consultation, a revised policy was drafted which was approved by Cabinet in December 2019. This revised policy included several proposed changes such as increasing the use of public health data when making licensing decisions, whilst also expanding the number of model conditions which are appended to the policy. These conditions included restricting the sale of single cans of alcohol in certain areas, and further training for licensees and staff around safeguarding.
- 4.4 Cabinet also took the decision to undertake a Cumulative Impact Assessment for Wickersley, based on the concerns of residents which were detailed in the first stage of consultation. The Council is able to publish a Cumulative Impact Policy, which allows the Council to identify areas within the borough where granting further licences, or varying existing licences, would impact on the Council's obligations to the Licensing Objectives.
- 4.5 The second stage of consultation received 44 responses between January and February 2020. The responses to the consultation have been considered in Section 2 of the report, and a full summary of the consultation responses can be found in Appendix 4.

In the second stage of consultation, the following boards, committees, forums and partners were also consulted:

- Licensing Committee
- Health and Wellbeing Board
- Safer Rotherham Partnership Board
- South Yorkshire Police
- South Yorkshire Fire and Rescue Authority
- Public Health

- 4.6 Three drop-in sessions were also arranged for members of the licensed trade and members of the public. Four members of the licensed trade attended these sessions to ask specific questions about the impacts on their premises.
- 4.7 A resident's meeting was also arranged in Wickersley to consult about the introduction of a Cumulative Impact Assessment. Approximately thirty residents attended this session, along with representatives of Wickersley Parish Council.
- 4.8 The Council attended Wickersley Licence Watch to consult with licensees in Wickersley about the introduction of a Cumulative Impact Assessment. At this meeting, the Council outlined the reasons as to why it was considering implementing a Cumulative Impact Assessment, the area that this assessment would cover, and the types of premise that the Council is currently considering.

5. **Timetable and Accountability for Implementing this Decision**

- 5.1 If Cabinet endorse the Licensing Act 2003 Statement of Licensing Policy, and Cumulative Impact Policy, these must be adopted by Council.

- 5.2 If Council then adopt these policies, the policies would be implemented following the standard call-in period. It is proposed that the Council implement the policy on 1st May 2020.

6. **Financial and Procurement Advice and Implications**

- 6.1 There are no procurement implications introduced as a result of this report.
- 6.2 The costs of undertaking its statutory duties as a licensing authority, of which this consultation process, the Cumulative Impact Assessment undertaken and the enforcement of this Policy forms part, are contained within the Council's approved Licensing revenue budget, the costs of which are met by fees.
- 6.3 Fee levels in respect of the Licensing Act 2003 are set by Statute, so the Council has no discretion over fee levels for the areas covered by this Act.

7. **Legal Advice and Implications**

- 7.1 Section 5(1) of the Licensing Act 2003 requires a licensing authority to determine its Statement of Licensing Policy with respect to the exercise of its licensing functions and to publish this before the beginning of each five-year period.
- 7.2 Section 5(3) of the Act lists those persons that must be consulted by a licensing authority in relation to a proposed statement of licensing principles.
- 7.3 Section 5(4) of the Act requires an authority to keep the statement under review and to make such revisions to it, at such times, as it considers appropriate, again subject to the same consultation requirements. The authority must publish a statement of the revisions (to the policy) or the revised statement if revisions are made and approved.
- 7.4 Section 5A of the Act sets out the requirements relating to any cumulative impact assessment, which must be adhered to. In particular, before publishing any cumulative impact assessment, the licensing authority must consult with those set out under Section 5(3) of the Act and for the purposes of such consultation, the licensing authority must provide those persons with the following information:
- The reasons why it is considering publishing a cumulative impact assessment;
 - A general indication of the part or parts of its area which it is considering describing in the assessment;
- Whether it considers that the assessment will relate to all relevant authorisations or only to relevant authorisations of a particular kind.
- 7.5 Where the licensing authority publishes a cumulative impact assessment, it must be kept under review.
- 7.6 The Council should also have regard to the statutory guidance issued under Section 182 of the Act and, in particular, Part 14 relating to Statement of Licensing Policy, which sets out the requirements in relation to the Statement

of Policy, including consultation requirements, and the relevant requirements of any cumulative impact assessment in more detail.

- 7.7 The Council must have regard to all relevant legislation and all consultation responses must be conscientiously considered when forming the Statement of Licensing Policy and the Cumulative Impact Policy, in order to minimise the risk of any legal challenge.

8. Human Resources Advice and Implications

- 8.1 There are no direct procurement implications arising from the recommendations detailed in this report.

9. Implications for Children and Young People and Vulnerable Adults

- 9.1 The protection of children from harm is one of the Licensing Objectives; however, a statement of licensing policy should not seek to limit the access of children to any premises unless it is appropriate for the prevention of physical, moral or psychological harm to them.
- 9.2 It may not be possible for licensing policy statements to anticipate every issue of concern that could arise in respect of children in relation to individual premises and therefore the individual merits of each application should be considered in each case.
- 9.3 A statement of licensing policy should make clear the range of alternatives which may be considered for limiting the access of children where that is appropriate for the prevention of harm to children.
- 9.4 Statements of policy should also make clear that conditions which require children to be admitted in all circumstances cannot be imposed on licenses or certificates. Where the restriction of children is not appropriate, it remains a matter for the discretion of the individual licence holder, club or premises user.
- 9.5 The statement includes reference to model conditions that may be used to promote the protection of children from harm.

10. Equalities and Human Rights Advice and Implications

- 10.1 Section 149 of the Equality Act 2010 imposes a public sector equality duty (PSED). This duty requires the authority to eliminate discrimination, advance equality of opportunity and foster good relations when exercising any of its functions.
- 10.2 In order to promote inclusion and to prevent exclusion, the Policy reminds applicants of their responsibilities under the Equality Act 2010 to ensure that everyone is treated fairly, with dignity and with respect. The Equality Act 2010 specifically covers nine protected characteristics:
- Age;
 - Disability;
 - Gender Reassignment;

- Marriage and Civil Partnership;
- Pregnancy and Maternity;
- Race (ethnic origin, nationality, skin colour);
- Religion and Belief;
- Sex/gender;
- Sexual orientation; as well as

any other status as identified within the European Convention of Human rights and any other domestic or relevant UK or EU law.

- 10.3 A full Equality Impact Assessment has been completed in accordance with the Council's Policy and is contained at Appendix 1.
- 10.4 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 impact 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. Implications for Ward Priorities

- 11.1 This policy will apply directly and equally to all wards within the borough.
- 11.2 The associated Cumulative Impact Policy details an area of Wickersley which is proposed to become a Cumulative Impact Zone and takes in areas of both Wickersley and Hellaby wards. This CIZ could limit the number of new or varied licences being granted in the area, dependent on the individual merit of each application.

12. Implications for Partners

- 12.1 Consultation engaged a wide range of partners and stakeholders. It is recognised that enforcement and compliance is often carried out with partners such as South Yorkshire Police, HM Revenue and Customs and South Yorkshire Fire and Rescue.
- 12.2 Analysis and contribution to the development of the Statement of Licensing Policy and the Cumulative Impact Assessment has been obtained from colleagues in Public Health, who make an important contribution to the Licensing process.

13. Risks and Mitigation

- 13.1 Failure to publish a Statement of Licensing Policy exposes the Council to legal challenge as a result of failing to comply with statutory requirements.

- 13.2 Failure to carry out the required consultation in accordance with the legislation and guidance is also likely to open the Council up to legal challenge.
- 13.3 In addition, the absence of an up to date policy may lead to inappropriate decisions being made in relation to licence applications.
- 13.4 In order to mitigate this risk, it is proposed that the Statement of Licensing Policy be introduced as soon as possible (ensuring that all statutory processes are observed).

14. Accountable Officers

Paul Woodcock, Strategic Director, Regeneration and Environment
 Tom Smith, Assistant Director, Community Safety and Street Scene

Approvals obtained on behalf of Statutory Officers:

	Named Officer	Date
Chief Executive	Sharon Kemp	09/03/20
Strategic Director of Finance & Customer Services (S.151 Officer)	Judith Badger	05/03/20
Head of Legal Services (Monitoring Officer)	Bal Nahal	05/03/20

Report Author: Alan Pogorzelec, Licensing Manager
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Ben Mitchell, National Management Trainee
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This report is published on the Council's [website](#).

PART B – Equality Analysis Form

As a public authority we need to ensure that all our strategies, policies, service and functions, both current and proposed have given proper consideration to equality and diversity.

This form:

- Can be used to prompt discussions, ensure that due regard has been given and remove or minimise disadvantage for an individual or group with a protected characteristic
- Involves looking at what steps can be taken to advance and maximise equality as well as eliminate discrimination and negative consequences
- Should be completed before decisions are made, this will remove the need for remedial actions.

Note – An Initial Equality Screening Assessment (Part A) should be completed prior to this form.

When completing this form consider the Equality Act 2010 protected characteristics Age, Disability, Sex, Gender Reassignment, Race, Religion or Belief, Sexual Orientation, Civil Partnerships and Marriage, Pregnancy and Maternity and other socio-economic groups e.g. parents, single parents and guardians, carers, looked after children, unemployed and people on low incomes, ex-offenders, victims of domestic violence, homeless people etc. – see page 11 of Equality Screening and Analysis Guidance.

1. Title	
Equality Analysis title: Licensing Act 2003 Statement of Licensing Policy 2020-2025	
Date of Equality Analysis (EA): 27 th February 2020	
Directorate: Regeneration and Environment	Service area: Community Safety and Street Scene
Lead Manager: Tom Smith	Contact number: 01709 822025
Is this a: <input checked="" type="checkbox"/> Strategy / Policy <input type="checkbox"/> Service / Function <input type="checkbox"/> Other	
If other, please specify	

2. Names of those involved in the Equality Analysis (Should include minimum of three people) - see page 7 of Equality Screening and Analysis Guidance

Name	Organisation	Role (eg service user, managers, service specialist)
Ben Mitchell	RMBC	National Management Trainee
Tom Smith	RMBC	Assistant Director
Alan Pogorzelec	RMBC	Licensing Manager
Steve Eling	RMBC	Policy Officer

3. What is already known? - see page 10 of Equality Screening and Analysis Guidance

Aim/Scope (who the Policy/Service affects and intended outcomes if known)

This may include a group/s identified by a protected characteristic, others groups or stakeholder/s e.g. service users, employees, partners, members, suppliers etc.)

The Council is responsible for licensing the sale and supply of alcohol; regulated entertainment; and the sale of hot food and drink between 11pm and 5am under the Licensing Act 2003. Such premises are referred to as 'licensed premises'.

These premises have an important role in the borough's economy and can fulfil important social and community roles. There are over 700 premises licensed by the Council under this Act, showing the importance of the trade across the borough.

The Council's Statement of Licensing Policy should strike a balance between encouraging a dynamic entertainment industry, whilst ensuring that health and public disorder are effectively addressed.

There are a number of groups who may be impacted by the revised policy, including service users, licensees, employees and communities.

What equality information is available? (Include any engagement undertaken)

The Council have carried out a full and wide-reaching consultation to the policy, undertaken over twenty weeks between June 2019 and February 2020.

The first stage of consultation focused on broad issues attributable to licensed premises, and the harms that they may pose through health, public order and crime. The Council received 70 responses to the first stage of consultation over twelve weeks, with the majority of respondents concerned about the licensing of alcohol premises. Respondents believed the Council had a role in protecting residents from the harms associated to alcohol.

As well as an online survey, the Council arranged six drop-in sessions in different urban

centres across the borough, to identify any particular areas that may more vulnerable to alcohol-related harms, or where the density of premises was causing a negative impact. Through the consultation, 50% of respondents identified Wickersley as an area where the density of premises was having a negative impact on the community.

The Council drafted a revised policy based on the first stage of consultation, which was then consulted upon for a further eight weeks. A full consultation process was again carried out, which included drop-in sessions across the borough, forums and representative groups, and an online survey.

The second stage of consultation received 44 responses between January and February 2020, as well as formal responses from various statutory consultees. Respondents believed that public health issues and data relating to alcohol-related harm should be assessed when making licensing decisions and that in sensitive areas, the granting of further licenses may have a negative impact. Furthermore, respondents agreed that the licence holders and their staff should have better training to protect vulnerable people and those with protected characteristics from harm, and that DBS checks may be necessary in some scenarios, especially when children are involved.

Although not a protected characteristic, there is clear evidence which states that the harms of alcohol are exacerbated by socio-economic deprivation. The Council must have particular regard for this group when determining their licensing policy to ensure that these people are not indirectly impacted more than other groups by the implementation of the policy.

Are there any gaps in the information that you are aware of?

Although the Council hold equalities data for those people who hold a licence within the borough, there is currently no information regarding the people who are employed in those premises.

Furthermore, there is not any evidence as to the demography of those who use licensed premises, so it is difficult to fully understand the potential impact of the policy on different groups who may use these services.

However, the Council do have access to data surrounding deprivation and health outcomes for the borough, which identifies a clear link between deprivation and alcohol-related harm.

What monitoring arrangements have you made to monitor the impact of the policy or service on communities/groups according to their protected characteristics?

The Council is statutorily obliged to publish a Joint Strategic Needs Assessment (JSNA). This takes into account data and intelligence regarding the current and future health needs of the borough. A part of this assessment is related to alcohol and health behaviours, which assesses all of the data that the Council can access on how alcohol contributes to the health of the borough.

Through the Licensing Act 2003, the Council can review licenses where the Council consider that one or more of the licensing objectives are being undermined. The Council constantly monitor licensed premises and the conditions that they must adhere to, to ensure that the public are continually safeguarded from the harms related to the

consumption of alcohol.	
Engagement undertaken with customers. (date and group(s) consulted and key findings)	A full consultation on the revised policy has been undertaken, totalling twenty weeks of consultation. This has aimed to engage a wide range of stakeholders, including licensees, members of the public and other interest parties.
Engagement undertaken with staff (date and group(s) consulted and key findings)	A full consultation on the revised policy has been undertaken, totalling twenty weeks of consultation. This has aimed to engage a wide range of stakeholders including staff, both that work for the Council and its partner agencies, such as the Police, Fire Authority and colleagues in Public Health.

4. The Analysis - of the actual or likely effect of the Policy or Service (Identify by protected characteristics)

How does the Policy/Service meet the needs of different communities and groups?

(Protected characteristics of Age, Disability, Sex, Gender Reassignment, Race, Religion or Belief, Sexual Orientation, Civil Partnerships and Marriage, Pregnancy and Maternity) - see glossary on page 14 of the Equality Screening and Analysis Guidance)

The adoption of this policy will support the Council and the communities it's represents to have a higher level of confidence in the licensing process. A number of changes will have a positive impact on local communities, such as the creation of a 'Cumulative Impact Policy', which details how the Council can minimise the impact caused by a high density of licensed premises within certain areas.

Furthermore, a number of model conditions have been included in the revised policy which aim to tackle issues relating to gender. The Council have recommended that all premises take part in the 'Ask for Angela' scheme, which provides a discreet way for people who may be vulnerable to leave a premise if they feel uncomfortable or unsafe with the person or persons they are meeting. It is also recommended that employees can discreetly provide details and signposting to domestic abuse support services if they are required by an individual. This helps to improve gender equality within licensed premises, recognising that people may enter a vulnerable situation when in a premise, and gives responsibility to licensees to minimise the risk to these customers.

Within the policy, the Council have included a statement which commits the authority to preventing and tackling all forms of exploitation, and gives information regarding Child Sexual Exploitation and wider forms of Child Exploitation to applicants and licensees to make them more aware of these issues. The Council also encourage applicants to work in partnership with the police and the Council's MASH team in order to sufficiently take into account these issues.

Although not a protected group, the Council have also identified the link between deprivation and alcohol related harm as a key impact of the policy. To support this group

of people, the Council have introduced model conditions relating to the banning of single can sales in some areas, promoting and providing a good range of readily available low-alcohol drinks, and provide discreet information for alcohol abuse support groups.

Public Health, under guidance from Public Health England, have created a 'licensing toolkit', which aims to inform licensing decision-making and allow decisions to be made with contextual information regarding health and health outcomes. This toolkit works at an LSOA level which means that individual communities and neighbourhoods can be targeted, based on the risk rating attached to it. This allows the Council to understand which communities may be at more risk of further licensed premises and may help to address issues regarding deprivation and density of premises.

Does your Policy/Service present any problems or barriers to communities or Groups?

As the policy only interacts with licensees, applicants, or decision makers, there shouldn't be any barriers for particular communities/ groups when accessing the policy. However, the Council do have regard for the fact that the overall aim of the policy is to support those at risk.

Does the Service/Policy provide any positive impact/s including improvements or remove barriers?

The Council hope that the revised policy will have a number of positive impacts, and will remove barriers for particularly vulnerable groups in regards to licensed premises.

By improving the number of model conditions related to domestic abuse, the Council believe that those impacted by domestic abuse may find it easier to access support, or leave situations that could pose an immediate threat.

The improvement in model conditions for single can sales of high strength alcohol, as well as the promotion of low-alcohol alternatives may also provide a positive impact for those at highest risk of alcohol-related harm.

What affect will the Policy/Service have on community relations? (may also need to consider activity which may be perceived as benefiting one group at the expense of another)

When considering community relations, the Council believe that the introduction of a Cumulative Impact Policy could improve relations with communities where there have been issues relating to the licensed premises, or the number of licensed premises, within a specific area. The Council is currently proposing to implement a Cumulative Impact Assessment in Wickersley. It is hoped that this will improve relations between the community and the Council, as well as between residents and members of the licensed trade.

Please list any **actions and targets** that need to be taken as a consequence of this assessment on the action plan below and ensure that they are added into your service plan for monitoring purposes – see page 12 of the Equality Screening and Analysis Guidance.

5. Summary of findings and Equality Analysis Action Plan

If the analysis is done at the right time, i.e. early before decisions are made, changes should be built in before the policy or change is signed off. This will remove the need for remedial actions. Where this is achieved, the only action required will be to monitor the impact of the policy/service/change on communities or groups according to their protected characteristic - See page 11 of the Equality Screening and Analysis guidance

Title of analysis: Licensing Act 2003 Statement of Licensing Policy
Directorate and service area: Regeneration and Environment, Community Safety and Street Scene
Lead Manager: Tom Smith, Assistant Director, Community Safety and Street Scene
Summary of findings:
This assessment has shown the wide-ranging consultation that has been undertaken by the Council in relation to the revised Licensing Act 2003 Statement of Licensing Policy. The Council have introduced new aspects to the policy that aim to have a positive impact on specific protected characteristics, including age and gender. Furthermore, the Council has recognised that socio-economic deprivation has a clear impact on alcohol-related harm and has introduced new parts of the policy that aim to minimise the risks that this group may face from licensed premises. Finally, through the introduction of a Cumulative Impact Policy, the Council believe that community relations between both the Council, and members of the licensed trade, will improve significantly, giving the public more confidence in the licensing process, and the premises that it regulates.

Action/Target	State Protected Characteristics as listed below	Target date (MM/YY)
To further assess communities where Cumulative Impact Assessments may be beneficial when considering the issues and harms related to licensed premises.	O	

*A = Age, D= Disability, S = Sex, GR Gender Reassignment, RE= Race/ Ethnicity, RoB= Religion or Belief, SO= Sexual Orientation, PM= Pregnancy/Maternity, CPM = Civil Partnership or Marriage. C= Carers, O= other groups

6. Governance, ownership and approval

Please state those that have approved the Equality Analysis. Approval should be obtained by the Director and approval sought from DLT and the relevant Cabinet Member.

Name	Job title	Date
Tom Smith	Assistant Director, Community Safety and Street Scene	28/08/20
Paul Woodcock	Strategic Director, Regeneration and Environment	04/03/20

7. Publishing

The Equality Analysis will act as evidence that due regard to equality and diversity has been given.

If this Equality Analysis relates to a **Cabinet, key delegated officer decision, Council, other committee or a significant operational decision** a copy of the completed document should be attached as an appendix and published alongside the relevant report.

A copy should also be sent to equality@rotherham.gov.uk. For record keeping purposes it will be kept on file and also published on the Council's Equality and Diversity Internet page.

Date Equality Analysis completed	27/02/20
Report title and date	Licensing Act 2003 Statement of Licensing Policy
Date report sent for publication	04/03/20
Date Equality Analysis sent to Performance, Intelligence and Improvement equality@rotherham.gov.uk	03/03/20



Rotherham Metropolitan Borough Council Licensing Act 2003 Statement of Licensing Policy

2020 - 2025

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1. Introduction

1.1 Purpose

1.1.1 This Statement of Licensing Policy explains how the licensing authority will carry out its role under the Licensing Act 2003, during the next five years. During this period the licensing authority will keep the policy under review and may make revisions to the document following consultation with the bodies outlined below.

1.1.2 It will also:

- be used as a guide by members of the Licensing Authority in their decision making;
- inform applicants about how applications will be viewed and how a licensed premises is likely to be able to operate within the area of the Licensing Authority, albeit that each application will be examined and considered on an individual basis;
- inform residents and businesses about how applications will be viewed and how their needs will be addressed;
- Be used to support decisions made by the Licensing Authority when these decisions are challenged in a court of law.

1.1.3 This Policy is normally in place for five years but will be kept under review during that five year period.

1.2 Consultation

1.2.1 In developing this Statement, the Licensing Authority has consulted in accordance with section 5 of the Licensing Act 2003. This has included direct consultation with the following:

- South Yorkshire Police,
- South Yorkshire Fire and Rescue Service,
- The authority's Director of Public Health,
- Local responsible authorities identified under the Licensing Act 2003
- Persons/ bodies representative of local premises licence holders,
- Persons/ bodies representative of local club premise certificate holders,
- Persons/ bodies representative of local personal licence holders,
- Persons/ bodies representative of local business and residents,
- Local Town and Parish Councils,
- Local Ward Councillors,
- Local Members of Parliament,
- Members of the general public.

The views and any comments made by the above individuals / organisation have been considered and taken into account in the development of this policy.

1.3 Licensable Activities

1.3.1 The licensable activities are:

- the sale of alcohol by retail;
- the supply of alcohol by or on behalf of a club, or to the order of, a member of the club;
- the provision of late night refreshment, limited to hot food or hot drink, between 23:00 – 05:00;
- the provision of regulated entertainment.

1.3.2 Regulated entertainment requires a licence when it is performed in front of an audience and includes the following:

- a performance of a play;
- an exhibition of a film;
- an indoor sporting event;
- a boxing or wrestling entertainment (indoors and outdoors);
- a performance of live music (not incidental music, i.e. a piano in a restaurant);
- any playing of recorded music;
- A performance of dance and similar types of musical or dance related entertainment.

1.3.3 There are a number of exemptions listed in Schedule 2 to the Act namely:

- Film exhibitions solely for the purpose of demonstrating any product, advertising goods or services or providing information, education or instruction or forming part of an exhibit for any museum or art gallery.
- Live or recorded music which is incidental to some other activity which is not a licensable activity.
- Receipt and playing of live television programmes.
- Entertainment or entertainment facilities for the purpose of or incidental to religious meetings or services, or at a place of public religious worship.
- Entertainment or entertainment facilities at a garden fete or similar which is not promoted with a view to private gain.
- Morris dancing or similar or live unamplified music which is an integral part of such a performance.
- Entertainment or entertainment facilities on board a vehicle which is moving.
- Hot food or drinks which contain alcohol, or are supplied free of charge, or are supplied by a registered charity or person authorised by a registered charity or supplied on a moving vehicle.
- Hot drinks supplied by a vending machine.

1.3.4 As a result of deregulatory changes that have amended the 2003 Act, no licence is required for the following activities:

- Plays: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500.
- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500
- Films: no licence is required for ‘not-for-profit’ film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for an event between 08.00 and 23.00 on any day, provided that those present do not exceed 1000.
- Boxing or wrestling entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- Live music: no licence permission is required for:
 - A performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - A performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that does not have a licence, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.

- Recorded Music: no licence permission is required for:
 - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - any playing of recorded music between 08.00 and 23.00 on any day, at the non- residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
 - Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - Any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - Any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - Any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - Any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.
- 1.3.5 Where de-regulated activities take place on licensed premises, any licence conditions relating to 'live' music or entertainment will be suspended but it is possible to impose new, or reinstate existing, conditions following a review of a premises licence or club premises certificate.
- 1.3.6 When considering whether an activity constitutes 'the provision of Regulated Entertainment', each case will be treated on its own merits.
- 1.3.7 There will inevitably be a degree of judgement as to whether a performance is live music or not, so organisers of events are encouraged to contact the Licensing Authority to discuss whether a licence will be required.

- 1.3.8 It is a criminal offence under section 136 of the 2003 Act to carry on any of the licensable activities listed above other than in accordance with a licence or other authorisation under the 2003 Act. If an unauthorised activity takes place then the Police and local authorities have powers to take action.

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2. Fundamental Principles

2.1. Background

- 2.1.1. This Statement of Licensing Policy is the key document relied upon when delivering the requirements of the Licensing Act 2003. However, all decisions relating to licences will be made on the merits of the individual case, having regard to this policy, including any Cumulative Impact Assessment in place, as part of the decision making process.
- 2.1.2. All applications for new premises licences or variations need to be supported by an operating schedule. The schedule must specify (amongst other things) the steps which the applicant proposes to promote each of the licensing objectives. Each of the licensing objectives is of equal importance; therefore it is important that the applicant gives each of the four objectives paramount consideration.
- 2.1.3. Where appropriate, copies of the application paperwork must be provided to the agencies identified as responsible authorities under the Licensing Act 2003. Details of these agencies can be found in Appendix E to this policy.
- 2.1.4. Any Responsible Authority, or other person, is entitled to make a representation to the Licensing Authority in relation to applications for licenses. Any representation made by these persons must be 'relevant', meaning that the representation must relate to at least one of the licensing objectives and must not be considered frivolous, vexatious or repetitive.
- 2.1.5. It is for the Licensing Authority to determine whether a representation, other than those made by a Responsible Authority, is relevant. The Authority's discretion will be engaged in making this decision as to whether the representation is intending to cause annoyance without reasonable cause or displays a lack of sincerity. Representations can be made in support of, or opposition to, an application and may be made by an individual, body or business that has grounds to do so.
- 2.1.6. Where there are relevant representations against a license being issued, then a hearing before a licensing sub-committee will follow. After the hearing, the sub-committee must, having regard to the representations, take such steps as it considers necessary to promote the licensing objectives. These may include refusing the application or adding to or modifying conditions proposed in the operating schedule.
- 2.1.7. In exercising its discretion, the licensing sub-committee will have regard to (amongst other things) this licensing policy. Therefore, in drawing up their operating schedule, applicants would be well advised to read this policy carefully. Where an operating schedule complies with this policy, it is generally less likely that an interested party or responsible authority will make representations about it. Therefore, compliance with this policy is likely

to assist the applicant to avoid delay and expense of a contested hearing, and the risk of a refusal or the addition of unwanted licence conditions.

- 2.1.8. This is not to say that an application which complies with the policy will necessarily be granted or that an application which does not comply with it will necessarily be refused. Where there have been relevant representations, the licensing authority will always consider the merits of the case, and interfere with the operating schedule only when, and to the extent, necessary to promote the licensing objectives. Nor will blanket or standard conditions be applied without regard to the merits of the individual case. For example, the licensing authority can only interfere with an operating schedule which does not comply with this policy, and where the steps proposed are not sufficient to meet the licensing objectives in the individual circumstances of the case.

2.2. **The Licensing Objectives and Responsible Authorities**

- 2.2.1. Where the licensing authority has discretion to deal with an application for a new licence, variation, transfer or review it will do so on the individual merits of the case and by reference to the four licensing objectives which are:
- the prevention of crime and disorder;
 - public safety;
 - the prevention of public nuisance and
 - the protection of children from harm.
- 2.2.2. Where relevant representations have been made the licensing authority may have no alternative but to refuse an application or to attach further conditions unless adequate proposals for addressing these issues are included in the operating schedule. The licensing authority will, as far as possible, assist applicants on how best to adequately address these matters (if this is possible) or advise where further advice and information can be obtained. The licensing authority wishes to encourage applicants to submit fully completed applications in order to reduce unnecessary delays and costs associated with returning application forms or the attendance at hearings.
- 2.2.3. Various factors need to be considered when addressing licensing objectives and the weight attached to each objective will vary depending on the circumstances. Relevant factors will include the size, facilities, design or state of repair (where this may impact in public safety) of the proposed premises; the type and frequency of entertainment to be provided; the location of the premises and its proximity to such places as offices, schools, religious establishments and residential property; and access to public transport or off street parking (where this may be an issue), although this is not an exhaustive list. Applicants will only be expected to address issues that are in their direct control but encouraged to co-operate with official agencies

in establishing precautions for minimising any disturbance etc. caused by patrons away from licensed premises.

- 2.2.4. In most cases, where the responsible authorities and interested parties do not raise any representations about the application made to the licensing authority, the licensing authority will grant the licence or certificate subject only to conditions that are consistent with the operating schedule or club operating schedule and any mandatory conditions prescribed by the Act.
- 2.2.5. The 2003 Act does not require responsible authorities to make representations about applications for the grant of premises licences or to take any other steps in respect of different licensing processes. However, the licensing authority is able to act in its capacity as a responsible authority when it considers it appropriate to make a representation. Such circumstances may include occasions where other responsible authorities have failed to take action and the licensing authority is aware of relevant grounds to make a representation.
- 2.2.6. Each responsible authority has equal standing under the 2003 Act and may act independently without waiting for representations from any other responsible authority.
- 2.2.7. Although not specifically identified as responsible authorities under the Licensing Act 2003, the licensing authority will circulate certain applications to local Town and Parish Councils and invite their comments where appropriate. Such applications will include applications for the grant or variation of licences for premises situated within the in the Town / Parish Council area. Furthermore, a weekly update will be sent to all Town and Parish Councils within the borough listing all active applications.
- 2.2.8. The licensing authority has produced a series of guidance notes that are designed to assist applicants in relation to the licensing objectives. The guidance notes are attached to this policy as Appendix D.

2.3. **Balance**

- 2.3.1. The licensing authority will also seek to achieve a balance between leisure / entertainment and the needs of residents and other businesses for an acceptable environment and quality of life.
- 2.3.2. This Policy will not undermine the right of any individual to apply for a variety of permissions and to have any such application considered on its individual merits. Nor will it override the right of any person to make representations on an application or seek a review of a licence or where provision has been made for them to do so in the Licensing Act 2003.

2.4. **Relevancy**

- 2.4.1. Licensing is about the control of premises and places being used for licensable activities and the vicinity of those premises and places. The terms and conditions attached to various permissions are focused on relevant matters that are within the control of the holders of those permissions. This means those matters occurring at, and in the immediate vicinity of, the premises, and the direct impact they have on nearby residents and businesses.
- 2.4.2. Licensing law is not a mechanism for the general control of anti-social behaviour by individuals once they are beyond the direct control of the individual, club or business holding the licence, certificate or permission concerned.

3. Cumulative Impact

- 3.1. In support of the Statement of Licensing Policy, the Council is able to identify areas within the Borough where the further granting of licences or variations to licences could impact on the Council's obligations in respect of the Licensing Objectives. This would be through a 'Cumulative Impact Policy'.
- 3.2. This policy can outline Cumulative Impact Zones, where a Cumulative Impact Assessment has taken place, and where the evidence from that assessment shows that the cumulative impact of the licensed premises is having a negative impact one or more of the licensing objectives. A Cumulative Impact Assessment can:

"... limit the number or type of licence applications granted in areas where the number of licensed premises is causing problems. Such problems typically include crime and disorder or public nuisance caused by large numbers of drinkers being concentrated in one area."
- 3.3. The concept of Cumulative Impact has been described in the guidance to Licensing Authorities since the commencement of the Licensing Act 2003. However, the Policing and Crime Act 2017 gave Cumulative Impact Assessments a statutory position within Section 5A of the Licensing Act 2003.
- 3.4. In some areas where the number, type of density of licensed premises is high, serious problems of nuisance and disorder may occur directly outside, or within the vicinity of those premises. These problems generally occur as a result of alcohol, with a large number of people under the influence of alcohol being concentrated in a small area.
- 3.5. A large concentration of vulnerable people may also attract criminal activities such as drug-dealing, pick pocketing and robbery. Local services cannot always meet the demand posed by the concentration of users, such as street cleaning and public transport. This can lead to issues such as littering, public nuisance, street fouling, traffic congestion and parking.
- 3.6. Although these problems are more likely to occur in town centres, they may also occur in other urban centres or suburb, for example smaller high streets with a high concentration of licensed premises.
- 3.7. There are a number of mechanisms for addressing concerns about the behaviour of those individuals within and around licensed premises which are able to work alongside the licensing policy:
 - Planning control and enforcement
 - Licence or pub watch
 - Business Improvement Districts
 - Community Protection Orders
 - The use of CCTV

- Public Space Protection Orders
- Police tasking concerning disorder and anti-social behaviour in specific areas.
- Prosecution for the offence of selling alcohol to a person who is drunk
- Late Night Levy
- Early Morning Restriction Orders
- Other licensing conditions

Cumulative Impact Assessments

- 3.8. A Cumulative Impact Assessment may be published by a licensing authority to limit the number or type of licensed premises granted in a specific area where there is evidence to show that the density of licensed premises is having a cumulative impact and undermining the licensing objectives.
- 3.9. Legislation states that a formal consultation process must take place with the following groups:
- The Chief Officer of Police for the area
 - The Fire and Rescue Authority for the area
 - The local authority's Director of Public Health
 - Representatives of local premises licence holders
 - Representatives of local club premises licence holders
 - Representatives of businesses and residents in its area.
- 3.10. When consulting on a cumulative impact assessment, the persons listed above must be provided with the following information:
- The reasons why the licensing authority is publishing a CIA;
 - a general indication of the part or parts of its area which it is considering describing in the assessment;
 - whether it considers that the assessment will relate to all premises licence and club premises certificate applications and variation applications, or only to those of a particular kind described.
- 3.11. The Council must review any Cumulative Impact Assessment every three years, as required by legislation. The Council is able to review areas more frequently if it considers this necessary.

Cumulative Impact Zones

- 3.12. A Cumulative Impact Assessment has shown that the density of licenced premises granted in the following areas are having a cumulative impact and causing problems in the area which are undermining the licence objectives.

Wickersley

- 3.13. The Council have assessed statistics from the police, ambulance service, environmental health and public health for an area designated in Wickersley, which has determined that the zone is suffering from the cumulative impact of on-licensed, and on and off licensed premises.
- 3.14. The evidence contained within the Cumulative Impact Assessment can be found within the Council's Cumulative Impact Policy, alongside a map showing the exact location of the Cumulative Impact Zone.
- 3.15. In this area, there are problems surrounding anti-social behaviour, low-level crime, public nuisance including noise and ambulance related alcohol call outs in a mainly residential area. These problems are being suffered by the people living within this area.
- 3.16. It would be inconsistent with the Council's duty to promote the licensing objectives to grant new, or variations to, applications for any premises which seeks to apply for an on-premises licence, or on and off premises licence.

Applications within a Cumulative Impact Zone

- 3.17. Publishing a cumulative impact assessment sets a strong statement of intent about the approach that will be taken when considering applications for the grant and variation of premises licenses or club premises certificates in the area described. The Council will have regard to the assessment when determining or revising the Statement of Licensing Policy, as well as when making determinations alongside the Section 182 guidance.
- 3.18. Any cumulative impact assessment does not change the fundamental principles of which licensing decisions are determined and the Council reserves the right to grant an application where it is appropriate and demonstrates through the operating schedule that the applicant would not add to the cumulative impact of the area in which they are applying.
- 3.19. However, the Council would expect an applicant to consider the potential cumulative impact of their licence on local issues when setting out the steps that will be taken to promote the licensing objectives. An applicant must be able to demonstrate to the Council and other responsible authorities that granting a new or varied licence will not add to the cumulative impact already being experienced within the area.
- 3.20. This policy does not create a ban on the grant of licenses within the assessed zone and the Council can only consider cumulative impact to refuse an application if one or more relevant representations are made. Where no representation is received, the Council must grant the licence, as stated in the Licensing Act 2003.

- 3.21. Therefore, a cumulative impact assessment does not reduce the onus placed on responsible authorities, local residents or residents' groups in making representations where they consider this necessary in order to uphold and promote the licensing objectives. This policy gives a basis of information which can be used when making a representation; a representation can be made just on the fact that an assessment has been published. Any person making a representation must be able to demonstrate that the representation withstands the scrutiny which it will be subjected to at a Licensing Committee, or sub-committee meeting.
- 3.22. The obligation to demonstrate that the application is suitable for the area is placed onto the applicant. An applicant must suitably evidence that their proposal will not add to the cumulative impact within the area. To assist this process, the Council recommends early consultation with responsible authorities. This can be achieved separately with each responsible authority, or through the Council's Licensing service.

4. Licensing Hours

- 4.1. In making decisions that relate to the hours for which a premise is licensed, consideration will be given to the licensing objectives of the prevention of crime and disorder and the prevention of public nuisance.
- 4.2. Each case will be decided on its individual merits.
- 4.3. It is recognised that longer licensing hours are important to help to ensure that concentrations of customers leaving licensed premises simultaneously are avoided. In turn this will reduce the potential for disorder at fast food outlets, taxi ranks and other sources of transport.
- 4.4. In relation to shops and other retail outlets supplying alcohol for consumption off the premises, the general policy will be to allow sales of alcohol at all times that the premises is open for business. Any decision not to allow sales of alcohol at particular times will be based on evidence of the need to prevent crime, disorder and public nuisance.
- 4.5. In making decisions in respect of licensing hours, consideration will be given to representations made by residents and businesses in the vicinity of the premises, their representatives, and the police as well as the applicant. This may lead to the imposition of stricter conditions on noise controls in areas having more sensitive residential accommodation such as residential care homes or sheltered housing schemes.
- 4.6. Fixed trading hours will not be set for particular geographical areas. It should be stressed that each case will be decided on its own merits based on whether the licensing objectives can be met.

5. Promotion of the Licensing Objectives

- 5.1. The Licensing Authority is required to carry out its functions so as to promote the licensing objectives. This includes its role in:
 - Granting or refusing applications for licences;
 - Reviewing licences;
 - Imposing conditions;
 - Deciding how to integrate with other strategies of the council.
- 5.2. Licence applications should be accompanied by an operating schedule that includes the steps that the licensee proposes to take to promote the licensing objectives. The Licensing Authority expects that the process of developing the operating schedule will include a thorough risk assessment with regard to the licensing objectives, which will assist in identifying those steps.
- 5.3. Applicants for licences are urged to discuss their proposals with the responsible authorities prior to submitting an application. This will enable them to seek advice on the production of their operating schedule and may avoid the need for a hearing in response to representations made by the authorities. The relevant authorities are:
 - Prevention of Crime and Disorder – South Yorkshire Police, RMBC Trading Standards, Home Office Immigration Enforcement (on behalf of the Secretary of State).
 - Public Safety – South Yorkshire Police, South Yorkshire Fire and Rescue, the Council's Environmental Health Officers with responsibility for Health & Safety
 - Public Nuisance – the Council's Environmental Health Officers with responsibility for Pollution Control
 - Protection of Children from Harm – Children's Safeguarding Board, South Yorkshire Police, Trading Standards, and Public Health.
- 5.4. Further information is provided in the following sections of this policy on a variety of steps to promote the licensing objectives that the Licensing Authority will support. However, the Licensing Authority will not impose them indiscriminately. It is for the applicant to decide which of these are appropriate for inclusion in the operating schedule for the premises, based on the exact circumstances involved. The Licensing Authority will however take this policy into account when undertaking its functions under the 2003 Act.

6. The Prevention of Crime and Disorder

- 6.1. The licensing authority will have regard to the likely effect of the exercise of its licensing function on, and do all it can to prevent crime and disorder throughout the borough. In so doing the licensing authority will have regard to the likely impact of licensing and related crime and disorder in the borough when considering the location, operation and management of all proposed licence applications, reviews and variations, when its discretion has been engaged.
- 6.2. An applicant will be expected to demonstrate in his Operating Schedule how he intends to promote the prevention of crime and disorder. The licensing authority will only expect applicants to take such action or precautions that are in their control, but would normally expect applicants to have taken appropriate advice from the Police before making their application. All applicants are therefore advised to seek advice and guidance from South Yorkshire Police and look to the Police as the main source of advice in relation to Crime and Disorder when addressing these issues. Applicants are also advised to take account of local planning and transport policies, tourism, neighbourhood working, cultural implications and crime prevention strategies. Details of where these policies can be viewed can be found in the Guidance to Applicants.
- 6.3. Crime prevention measures will where appropriate include suitable training of all bar staff and security personnel to prevent the use and supply of drugs and other illegal substances within the licensed premises and to ensure that incidents of crime and disorder in the premises are reduced to a minimum.
- 6.4. Applicants for personal licences will be expected to have both knowledge of the relevant licensing law and also the practical implications of how this relates to their responsibilities.
- 6.5. Applicants for premises licences will be expected to be fully aware of their legal responsibilities for ensuring adequate supervision and management of licensed activities at all times. They will also be expected to consider issues relating to 'designing out' potential problems. These may, where appropriate, include provision of appropriate lighting outside the premises, installation of CCTV cameras, non-shatter glass on windows etc.
- 6.6. All door staff working either under contract for a security company or employed 'in-house' will be required to be registered under the Private Security Industry Act 2001 and regulated by the Security Industry Authority. Door staff are defined as those responsible for security, protection, screening the suitability of persons entering the premises or conflict management in places such as pubs, clubs and other licensed premises open to the public. Further information can be found at <http://www.the-sia.org.uk>.

- 6.7. Applicants are also expected to address the issue of how to anticipate and minimise any potential disorder that might be caused in the vicinity of their premises. Issues concerning liaison with local bus, taxi and private hire companies should be considered both as a means of preventing public nuisance and crime and disorder on departure and also as a way of promoting the safety of their own staff. The licensing authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public living, working or engaged in normal activity in the area concerned when addressing the prevention of crime and disorder in their application. The licensing authority acknowledges that licensing law is not the primary mechanism for general control of nuisance and anti-social behaviour by individuals once they are away from licensed premises and, therefore, beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned, although it is a key aspect of such control.
- 6.8. The licensing authority expects that under normal circumstances the person responsible for any premises where alcohol is available for sale or supply and consumption on those premises will be a member of an appropriate licence watch or similar scheme which is approved by the licensing authority and South Yorkshire Police (where such a scheme exists). A full list of current schemes can be obtained from the Licensing or Police Authority on request. Such schemes are designed to discourage troublemakers from pubs and clubs throughout the borough by information sharing and are a useful body to represent licensees.
- 6.9. The licensing authority expects applicants to state within their Operating Schedule the occasions on which they determine the need to use toughened glass or polycarbonate glasses in their premises to limit sale and supply of bottled drinks to diners at tables. Examples of where the Licensing authority may encourage these measures can be found in Appendix A - Model Conditions.
- 6.10. The licensing authority expects applicants to provide secure storage for used/discard drinks bottles to prevent their use as offensive weapons.
- 6.11. The licensing authority expects a risk assessment to be carried out in relation to dance floors to ensure a safe environment. The risk assessment should normally consider adequate supervision of dancers, a safe location for the DJ or band and use of special effects and lighting.
- 6.12. To further assist in the promotion of the crime prevention objective, further conditions may be attached to a premises licence. Such conditions will normally arise out of the applicant's operating schedule and/or be drawn from the licensing authority's model pool of conditions as may be appropriate for the particular premises.
- 6.13. A significant part of Rotherham town centre is the subject of a Public Spaces Protection Order (PSPO). This is an area where there is a power for the

Police to request someone to refrain from drinking to address nuisance or annoyance. Failure to comply with this request is a criminal offence. To support this, the Licensing Authority considers it appropriate for Rotherham town centre premises to adopt a policy of prohibiting open containers of alcohol being taken from the premises. This approach will also prevent the use of these containers as offensive weapons.

- 6.14. The Licensing Authority will support an approach to the marketing of alcohol and the management of licensed premises that promotes the responsible consumption of alcohol. Irresponsible promotions are against the law and the Policy imposes a mandatory condition that staff must not carry out, arrange or participate in any irresponsible promotions.
- 6.15. Determining whether a drinks promotion is irresponsible or not will require a subjective judgement. The sale of alcohol to persons who are already drunk is an offence under the Act. The incidence of drunken people present at premises may provide an indication that the marketing and sale of alcohol at the premises is not being approached in a responsible way.
- 6.16. There are a wide range of other steps which may be appropriate in particular circumstances including:
 - Prohibiting the sale of alcohol in bottles for consumption on the premises, to prevent their use as weapons
 - Requiring drinking vessels to be plastic or toughened glass
 - Requiring the provision of retail radio's to connect premises supervisors in town centres to the police
 - Appropriate measures to prevent overcrowding in parts of the premises
 - The provision of staff to control admission and to control customers inside the premises.
 - The adoption of an age determination policy such as Challenge 25 to prevent underage sales
- 6.17. The Council also recommend licence holders put in place measures to reduce gender-based violence, intimidation and harassment for all staff and customers. This may include 'Ask for Angela' and/or specific training for staff.

7. Public Safety

- 7.1. The licensing authority recognises that different types of premises will present differing issues of public safety. For example, the safety considerations of public houses, nightclubs, restaurants, hotels (with entertainment), theatres and cinemas will raise issues peculiar to them. However, there are also many common themes. The licensing authority will work with South Yorkshire Fire and Rescue and other agencies to secure consistency and a standardised method of carrying out risk assessments which may be used where appropriate.
- 7.2. However, the prime responsibility for securing the safety and wellbeing of their customers and staff is placed on those providing entertainment, refreshment or events. Operating schedules are therefore expected to identify both the risks and precautions that will need to be taken to minimise or eliminate these. Guidance notes to assist applicants can be found in the appendices to this Policy.
- 7.3. Any conditions the licensing authority may need to attach to licences to address safety issues will seek to secure the most cost effective solution without prejudicing public safety, taking account of the nature of the premises and the scale or type of entertainment to be provided.
- 7.4. The licensing authority recognises that there are five key areas to address in ensuring the environment for a dance event is safe:
 - Prevention of overcrowding
 - Air conditioning and ventilation
 - Availability of drinking water
 - Further measures to combat overheating
 - Overall safety
- 7.5. Applicants who intend to promote dance events are expected to give details of how they intend to address each of the following areas:
 - Prevention of overcrowding
 - Air conditioning and ventilation
 - Availability of drinking water
 - Further measures to combat overheating
 - Overall safety
- 7.6. Further information and advice on dance events can be obtained from the publication “Safer Nightlife”. This guide can be viewed at:
http://newip.safernights.org/pdfs/digital_library/uk_safer_nightlife_guideline.pdf

- 7.7. Applicants are also expected to address positively the need to secure reasonable access and safety for people with disabilities who wish to visit their premises. In this regard licensees are reminded of their obligations under equalities legislation.
- 7.8. Specific types of adjustments licensees should consider in order to comply with their obligations under equalities legislation, depending on the type of premises concerned include:
 - Making adjustments to the premises such as improving access routes and ensuring that they are free of clutter or redecorating part of their premises to provide better contrast to someone with a visual impairment;
 - Providing appropriate or additional training for staff who may come into contact with customers to help them provide services for people with different types of disabilities;
 - Acquiring or using modified equipment, for example a telephone with text display for use by deaf customers; and
 - Making service literature and instructions more accessible for example providing a Braille version for blind customers and ensuring service, reception and payment points are designed to facilitate ease of use by all;
 - Accessible sanitary provisions
- 7.9. Where relevant representations have been received, the licensing authority may require evidence that items in respect of the building structure included have been considered by a suitably qualified person. In order to avoid relevant representations, applicants may consider the provision of relevant safety certificates such as Electrical Safety Certificates, Gas Certificates, Fire Safety Certification, appropriate Risk Assessments and/or policy documentation including safe capacities appropriate for the type of premise and its usage.
- 7.10. The licensing authority encourages adequate numbers of appropriately trained first aid staff to be on the premises. Where first aiders are employed they must be qualified to a standard recognised by a voluntary service organisation such as St Johns Ambulance, if they are to treat members of the public. Arrangements must be in place for ongoing first aid training and adequate medical supplies to be available.
- 7.11. Where its discretion is engaged the licensing authority may attach conditions to licences to promote the Public Safety Objective. These conditions will be based on the applicant's operating schedule and/or drawn from the model pool of conditions relating to this objective.

8. The Prevention of Public Nuisance

- 8.1. The licensing authority will have regard to the likely effect of the exercise of its licensing function on, and all it can do to prevent public nuisance.
- 8.2. The licensing authority accepts that different people may have differing levels of tolerance to the unavoidable ordinary activity involved in the provision of entertainment or refreshment. The licensing authority also acknowledges the role that a vibrant and varied entertainment scene can have in promoting tourism, leisure opportunities, and on the local economy.
- 8.3. The licensing authority will however, look carefully at the impact of licensed premises and events with regards to potential noise and disturbance to nearby local residents or businesses. It is also recognised that the later the entertainment takes place, the greater will be the need to take steps to ensure that activities do not cause unreasonable disturbance.
- 8.4. Applicants are therefore expected to consider such factors as noise insulation, noise attenuation measures, the positioning of amplification equipment etc. Advice on such issues can be obtained from the licensing authority's Community Protection Officers. The licensing authority considers that prevention is better than the cure and it may be possible to design measures for minimising disturbance and therefore complaints about noise pollution.
- 8.5. Applicants will also be expected to address the issue of encouraging orderly conduct of customers leaving their premises. Properly trained door and other staff can assist in this and may be required by condition of licence. Appropriate announcements or reminder notices may also be of assistance. The establishment of good working relationships with transport operators can also often assist in encouraging clientele to leave their premises in an orderly manner.
- 8.6. The licensing authority strongly recommends that operators establish good communication links with the Police to ensure that where difficult situations develop inside premises and are likely to cause disturbances outside, that preventative action can be taken before the problem arises.
- 8.7. Where its discretion is engaged the licensing authority will seek to balance the rights of local residents and others with those wishing to provide entertainment or other activities. Conditions will be attached and, where necessary, tailored to address public nuisance issues that may arise in particular premises.
- 8.8. In determining licence applications where relevant representations have been received, the licensing authority will consider the adequacy of measures proposed to deal with the potential for undue disturbance, public nuisance and / or anti-social behaviour having regard to all the circumstances of the application (including the combinations of licensable

activities). The licensing authority will particularly consider the steps taken or proposed to be taken by the applicant to prevent noise and vibration escaping both from the premises and from external sources under the control of the licensee. Such noise sources may include:

- Amplified and non-amplified levels;
- Singing and speech;
- Disposal to waste and bottle bins;
- Plant and machinery;
- Food preparation, the cleaning of premises and equipment;

8.9. Measures to combat such noise / vibration sources may include the installation / adoption of soundproofing, air conditioning, to allow windows to be kept closed, sound limitation devices, cooling down periods with reduced music levels at the end of the night and adopting hours of operation appropriate to the activities in question and the location.

8.10. The licensing authority will expect applicants and licence holders to have due regard to the following:

- The use of gardens, play areas, car parks, access roads, other open-air areas and temporary structures.
- The steps taken or proposed to be taken by the applicant to prevent disturbance by customers arriving or leaving the premises, including the consideration of the cumulative effect of this might have in areas with other licensed premises nearby. This will be of greater importance between 11 pm and 7 am than at other times of the day.
- The steps taken or proposed by the applicant to prevent queuing (either by pedestrian or vehicles). If some queuing is inevitable then they should be formed away from neighbouring premises or be otherwise managed to prevent disturbance or obstruction, for example, making provision for queuing inside the premises;
- The steps taken or proposed by the applicant to ensure staff leave the premises quietly;
- The arrangements made or proposed for parking by patrons and the effect of parking by patrons on local residents including the slamming of vehicle doors, vehicle horns, vehicle stereos, noise from engines idling, and vehicle exhaust fumes;
- The arrangements for liaising with providers of public transport during the proposed hours of opening (including taxis and private hire vehicle operators);
- Whether the licensed taxi or private hire vehicles serving patrons are likely to disturb local residents and the measures proposed by the applicant to prevent disturbance from this source;
- The installation of any special measures where licensed premises are or are proposed to be located near sensitive premises such as nursing homes, hospitals, hospices or places of worship;

- The suitability of delivery and collection areas and the times, frequency and method of operation, to the extent that these facilities are in the control of the licensee;
 - The location of external lighting (including security lighting that is installed inappropriately) and the siting and operation of internal or external illuminated displays or illuminated advertising;
 - Whether the premises would lead to increased refuse storage or disposal problems, including additional litter (e.g. fly posters, illegal placards, food waste and food packaging, cans, bottles, advertising ‘flyers’) in the vicinity of the premises and the measures proposed by the applicant to control this;
 - The steps taken to prevent the release of odours passing to neighbouring premises.
- 8.11. Where the considerations apply to late-night refreshment premises, they shall only be taken to apply to their operation between the hours of 11 pm and 5 am when a premises licence would be required.
- 8.12. Applicants are advised to seek guidance from a suitably competent noise consultant.
- 8.13. Where its discretion is engaged the licensing authority may attach conditions to licences to prevent public nuisance. These conditions will be based on the applicant’s operating schedule and drawn from the model pool of conditions relating to this objective.

9. The Protection of Children from Harm

9.1. General

- 9.1.1. The Licensing Authority will carry out its responsibilities so as to promote the licensing objective of protection of children from harm. In doing so it will take into account representations made by the Children's Safeguarding Board on each application.
- 9.1.2. The Authority is committed to preventing and tackling all forms of Child Exploitation, including Child Sexual Exploitation (CSE) and Child Criminal Exploitation (CCE). Rotherham's Children Safeguarding Board can give support, advice and training for premise operators and staff. Operators are encouraged to engage with the Safeguarding Board to include appropriate conditions and provide the necessary training to staff, covering how to deal with child protection, or perceived problems relating to children in or around the premise.
- 9.1.3. It is recommended that licence holders are always aware of potential Child Exploitation and report this if they see something that does not look correct. This can be done through making contact with the police, or the Authority's Multi-Agency Safeguarding Hub (MASH). Further information on Child Exploitation awareness is available from both the Police and Licensing Authority's Licensing Services.
- 9.1.4. Licences will be sought from a wide variety of premises including theatres, cinemas, restaurants, concert halls, cafes, late night takeaways, pubs, bars and nightclubs. It is not possible for a licensing policy to anticipate every situation where children are at risk. The Licensing Authority will not therefore impose general conditions that apply to all premises, but will consider how the licensing objectives can be best promoted in each particular case.
- 9.1.5. The Authority have regard to the ambition for Rotherham to be a child-friendly borough, creating a great place to grow up in; where children, young people and their families have fun and enjoy living, learning and working. The licensing policy is just one tool which can be used to influence this and can ensure that all licensed activities within the borough sufficiently take the needs of young people into account.
- 9.1.6. The Licensing Authority will not seek to limit the access of children to licensed premises unless it is necessary to protect children from harm.
- 9.1.7. The following areas would give rise to particular concern in respect of children:
 - Where entertainment or services of an adult or sexual nature are commonly provided;

- Where there have been convictions of members of the current staff at the premises for serving alcohol to minors or with a reputation for underage drinking.
 - Where there has been an association with drug taking or dealing.
 - Where there is a strong element of gambling on the premises (but not, for example, the simple presence of a small number of cash prize gaming machines or of bingo).
- 9.1.8. Conditions will not be imposed that require the admission of children. This will remain a matter for the discretion of the licensee.
- 9.1.9. The range of options available to limit the access of children to licensed premises that may be imposed by the Licensing Authority include:
- Limitations on the hours where children may be present;
 - Age limitations (below 18);
 - Limitations or exclusions when certain activities are taking place;
 - Limitations on the parts of premises to which children might be given access;
 - Requirements for an accompanying adult;
 - In exceptional cases, exclusion of people under the age of 18 from the premises when any licensable activities are taking place.

9.2. Children and Cinemas

- 9.2.1. Licensees will be expected to prevent children from viewing films that are unsuitable because of the age classification of the film that has been imposed by the British Board of Film Classification or other film classification board approved by the licensing authority. Children will not be permitted to view un-certificated films.

9.3. Children and Public Entertainment

- 9.3.1. The Licensing Authority will expect that where a significant number of unaccompanied children will be present during a public entertainment event, the licensee will ensure that an adequate number of adult staff are present to control the access, egress and safety in and around the premises. The licensee should take into account the number of children to be present, the type of entertainment, the age of the children, the characteristics of the premises and any other relevant factor.

9.4. Proof of Age Cards

- 9.4.1. The Licensing Authority supports the adoption of proof of age cards as a means of preventing underage drinking. It recommends that any premises licensed to sell alcohol adopts a policy of requiring proof of age from any

person where there is any doubt as to whether they are over 18. The authority would suggest as best practice, that proof of age could be in the form of a passport, photographic driving licence, or a proof of age card complying with the Proof of Age Standards Scheme (PASS) launched in January 2003 by the British Retail Consortium.

- 9.4.2. The Licensing Authority supports the ‘Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks.’ It will seek to ensure that premises licensed for the sale of alcohol comply with the code.

9.5. Staffing Levels

- 9.5.1. Where any regulated entertainment is taking place, when that entertainment is provided wholly or mainly for children, the number of attendants to assist persons entering or leaving the premises (excluding the licensee and/or the premises supervisor) must be stated in the operating schedule and must be of a level to ensure the safety of those attending the premises. Numbers of attendants required is stated in the Guidance as 1 per area occupied by the children + 1 per exit. In addition the licensing authority would normally expect a minimum ratio of 1 attendant to 30 children or part thereof.
- 9.5.2. The licensing authority may attach conditions to licences to protect children from harm, where its discretion has been engaged. These conditions will be based on the applicant’s operating scheme and / or drawn from the model pool of conditions relating to this objective.

9.6. Staff Training

- 9.6.1. The licensing authority is particularly mindful of the prevalence of Child Sexual Exploitation and the grooming of children. There are apparent links between these activities and licensed premises.
- 9.6.2. As a result, the licensing authority would expect all staff working or present in licensed premises to be aware of the basic principles of child protection and to be able to identify and appropriately respond to any risks to children on or around licensed premises. There is an expectation that licence holders / applicants will make their staff available for appropriate training where this is required, and co-operate with any voluntary schemes promoted by the local authority to safeguard children and vulnerable adults.

10. Public Health Considerations

10.1. National Context

- 10.1.1. The Licensing Authority recognises harms associated with public health, particularly relating to public safety and protection of children from harm.
- 10.1.2. Harms associated with excessive alcohol consumption, obesity and poor diet can impact on individuals, families and wider society, and it is imperative to an effective Statement of Licensing Policy that public health considerations are at the core of the approach taken.
- 10.1.3. It is essential that relevant Public Health advice, data and agendas, are considered as part of licensing applications to ensure that these are informed and relevant to the local and national picture.
- 10.1.4. The Licensing Authority will have regard to the impacts of licensing decisions on Public Health and will actively use Public Health data when making licensing decisions, such as the Public Health Alcohol Toolkit.
- 10.1.5. Reducing harmful drinking is one of seven priority areas for Public Health England where improvement is being sought. Alcohol misuse is the biggest risk factor for death, ill-health and disability among 15-49 year olds in the UK, and the fifth biggest risk factor across all ages. Alcohol is considered a causal factor in more than sixty medical conditions.
- 10.1.6. Alcohol-related harm is determined by the volume of alcohol consumed and the frequency of drinking occasions. In January 2016, the Chief Medical Officer issued revised guidance on alcohol consumption which states that in order to keep a low level of risk of alcohol related harm, adults should not drink in excess of fourteen units of alcohol a week.

10.2. Local Context

- 10.2.1. The following statistics show the wide-ranging impacts that problem drinking has in Rotherham:
 - 129 deaths attributed to alcohol in 2018
 - 1,687 years of life lost (based on premature deaths under 75 years old in 2018)
 - 6,827 hospital admissions related to alcohol in 2018/19
 - 30% of adults drinking over 14 unites of alcohol per week
 - 370 adults were in treatment at specialist alcohol misuse services (2017/18).
- 10.2.2. Of the eight alcohol-related indicators included in the Council's Joint Strategic Needs Assessment (JSNA), three are significantly worse than England for the latest period which are classified as 'a red risk'. These are:

- Admission episodes for alcohol-related conditions (broad)
- Admission episodes for alcoholic liver disease
- Successful completion of alcohol treatment

10.2.3. A further four indicators are broadly similar to the average across England, which are classified as 'an amber risk. These are:

- Adults drinking over 14 units of alcohol per week
- Alcohol-related mortality
- Years of life lost due to alcohol-related conditions
- Mortality from chronic liver disease

10.2.4. One indicator is significantly better than the average across England, which is 'Under 18s admissions for alcohol-specific conditions. This is 'a green rating' in the Council's JSNA.

10.2.5. When comparing Rotherham to nearest neighbouring authorities (based on CIPFA guidance), three indicators are significantly worse than average:

- Adults drinking over 14 units of alcohol per week
- Admission episodes for alcoholic liver disease
- Successful completion of alcohol treatment

10.2.6. When comparing to the borough's nearest neighbours, the other five indicators are better than average, with 'Under 18s admissions for alcohol-specific conditions' second best when compared to 15 similar local authorities.

10.2.7. Data at a ward level indicates that there is a strong link between deprivation and the measures of alcohol harm related hospital admissions. The most deprived seven wards of the borough have the highest values and are all significantly worse than the England average.

11. Special Events in the Open Air or in Temporary Structures

- 11.1. The success of open air events, or those in temporary structures, depends on the quality, levels of safety, and consideration for the rights of people who live or work in the vicinity as well as the standard of facilities for those coming to enjoy the event.
- 11.2. It is essential that a comprehensive event management plan is developed well in advance of any planned event. General guidance on planning such events is available to organisers from the various agencies, and it may be appropriate for the event to be considered by the Rotherham Event Safety Advisory Group (RESAG). The licensing authority would expect the applicant / licence holder to fully engage with RESAG and take into account advice / guidance that is provided by the group.
- 11.3. In particular, the following issues should normally be addressed:
 - A detailed risk assessment identifying all inherent risks concerned with the event and the precautions that will be put in place to address these.
 - A contingency plan to deal with any emergency situations that may arise during the event.
 - A central location for all safety and insurance certificates and other documents relevant to the promotion of the event and equipment used, so that they can be readily produced if required by an authorised officer.
 - Ticketing arrangements and estimation of maximum number of visitors to the event. Appropriate levels of trained stewards and security staff will also to be considered.
 - Detailed planning of sanitary conveniences, first aid provision, temporary structures, temporary road closures, parking arrangements and any banners or signs to be used.
 - At an early stage there should be liaison and discussion with local residents on how to minimise disturbance and disruption to them.
 - Positive proposals for ensuring the access, safety and comfort of people with disabilities who may wish to enjoy the event.
 - Arrangements for reuniting children who may have become separated from their guardians.
 - Properly trained security staff should be used who have been trained and registered in accordance with the Securities Industries Act.
 - Ensure first aid and or medical provision meet minimum requirements laid down in the HSE Guide to Health and Safety and welfare at music and similar events.
- 11.4. Applicants for premises licences are expected to state in their Operating Schedule the precise nature of all entertainment proposed to take place, and to have carried out risk assessments for each entertainment type.

12. Integrating strategies

The Licensing Authority will seek to achieve integration with the strategies set out below and will consult with the appropriate organisations to achieve this.

12.1. Public Health

- 12.1.1. The Licensing Authority recognises the key role that Public Health delivers in respect of Licensing Objectives and in particular those relating to public safety and protection of children from harm in relation to issues relating to alcohol.
- 12.1.2. Public Health has a critical role in providing advice and data in respect of Licensing Objectives, providing essential information upon which to ensure that considerations of harms are enshrined within the approach the Council takes to licensable activities.
- 12.1.3. In considering decisions and the delivery of the Statement of Licensing Policy, the Licensing Authority will consider Public Health objectives, advice and data.

12.2. Safer Rotherham Partnership

- 12.2.1. The Licensing Authority recognises its responsibility to address issues relating to crime and disorder and is committed to working together, with other partners, to make Rotherham a safe and attractive borough.
- 12.2.2. In making decisions, the Licensing Authority will consider the objectives of the Safer Rotherham Partnership, especially relating to:
 - Reducing the opportunities for crime to occur
 - Tackling disorder and anti-social behaviour
 - Reducing the fear of crime
 - Combating the use of drugs

12.3. Planning

- 12.3.1. Applications under the Licensing Act 2003 will be considered separately from other regimes such as planning and building control. This is in order to avoid duplication and inefficiency. Applications for premises licences for permanent commercial premises should normally be from businesses with the appropriate planning consent for the property concerned. However, applications for licences may be made to the Licensing Authority before relevant planning permission has been sought or granted by the planning authority.

12.3.2. The planning and licensing regimes involve consideration of different matters. For example, licensing takes into account the four licensing objectives:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

12.3.3. Whereas planning considers a range of issues such as:

- Public nuisance
- Loss of privacy
- Highway safety
- Design
- Nature conservation
- Adequacy of parking
- Amenity
- Layout & Density
- Sustainability

12.3.4. Where a planning condition restricts usage of a premise to certain hours, and if these hours differ from those permitted on a premises licence, then the premise owner must comply with the more restrictive of the two sets of hours.

12.4. Culture and Tourism

12.4.1. The Council is working to develop and promote Rotherham as a good place to live and work, which means more jobs, a vibrant cultural sector and good quality green spaces.

12.4.2. It is supporting the economic growth and the regeneration of the borough through work with partners to deliver a joined-up culture, sport and tourism offer alongside adopting both the Town Centre Masterplan and the Local Plan.

12.4.3. The International Covenant on Economic, Social and Cultural Rights (ICESCR) which was ratified by the UK in 1976 recognises the right of everyone to take part in cultural life and requires that active steps are taken to develop cultural activity and ensure that everyone can participate in the cultural life of the community.

12.4.4. The strategy in relation to culture and tourism encompasses arts, heritage, museums, parks and green spaces, neighbourhood facilities, markets, festivals and public events, media, libraries and literature, sport, play, faith and worship, tourism, restaurants and bars and creative industries.

12.4.5. This licensing policy will operate in the spirit of the Council's approach to improving the borough's culture and tourism offer and the International Covenant on Economic, Social and Cultural Rights (ICESCR). In doing so, it will seek to maintain a balance between regulation and supporting cultural activity. It will strive to maintain a balance between the need to 'manage' any detrimental impacts of an activity in a community with the many benefits cultural activity brings to communities, in developing personal aspiration and potential, building cohesive communities, providing opportunities for young people, contributing to economic growth and regeneration and the development of sustainable communities.

12.4.6. In order to maintain this balance the Licensing Authority will:

- monitor the impact of licensing on the provision of regulated cultural activities and entertainment, such as live music, theatre, dance and festivals
- create a dialogue with the cultural sector about the impact of the licensing policy and work with our partners to balance different interests
- seek to ensure that conditions attached to licences do not deter live music, festivals, theatre, sporting events etc. by imposing unnecessary restrictions
- seek to ensure that conditions attached to licences do not deter new or small scale groups/ activities in communities by imposing conditions which will lead to a cost disproportionate to the size of the event
- Seek to create an environment which minimises nuisance and anti-social behaviour connected to cultural activity and events but without undermining our commitment to increase access to cultural participation as a fundamental human right.

12.5. **Building Control**

- 12.5.1. The Building Regulation process is a separate system to the licensing regime but complementary in terms of some shared objectives.
- 12.5.2. Where a licence is applied for, or exists, and any Building Regulated work is carried out, either as a material alteration, change of use or new build to a licensed premises, the owner / licensee should ensure that before opening to the public, Building Regulations consent has been granted in full and that completion certificates have been issued.
- 12.5.3. Two separate and distinct certificates are issued on a commercial or work place premises. The first confirms compliance with Building Regulations in general and the second confirms compliance in terms of fire precautions, including means of escape in case of fire. A copy of this second certificate is sent to the Fire Service, which triggers their responsibilities under the Work Place Regulations and enforcement of risk assessments.

12.6. Promotion of Equality

- 12.6.1. In developing this strategy, the Licensing Authority has recognised its responsibility under the Equality Act 2010, to consider the need to eliminate unlawful discrimination, harassment and victimisation and to advance equality of opportunity between different groups and foster good relations between different groups.
- 12.6.2. The Licensing Authority also recognises that this policy should promote equality in a wider sense and has therefore assessed the potential impact on disadvantaged groups in general.
- 12.6.3. The following actions, which have been identified as being necessary to promote equality, and within the scope of the Act and supporting guidance, will be implemented by the Licensing Authority:
 - The Licensing Policy and associated documents will be available on the internet, and in other formats upon request.
 - The licensing objective of protecting children from harm will be promoted.
 - Support will be offered to licence applicants, licence holders and potential objectors who are socially excluded.
 - Account will be taken of the effect of specific applications on community cohesion, including the need to balance the benefits of cultural and community activities with limited local disturbance.
 - Action will be taken to endeavour to ensure the safety of vulnerable people in licensed premises.
 - Action will be taken to ensure that all applications, particularly those for disadvantaged groups, are dealt with fairly.
- 12.6.4. The Licensing Authority is aware that there may be particular sensitivities of certain buildings, for example religious buildings, to certain licensable activities taking place in close proximity. Where this proximity has an impact on the promotion of one of the licensing objectives this is a matter for the Licensing Authority. Where the impact does not affect the promotion of the licensing objectives, there may be other control mechanisms, such as the planning system, that could be applicable.

12.7. Disabled Access

- 12.7.1. The guidance supporting the Act advises that conditions relating to disabled access should not be attached to licences, as this would duplicate existing statutory requirements. The Licensing Authority therefore takes this opportunity to remind operators of premises of their duties under the Equality Act 2010.

12.8. Transport

- 12.8.1. Rotherham's Transport Strategy is set out in the South Yorkshire Local Transport Plan (SYLTP).
- 12.8.2. The SYLTP policies seek to ensure that alternatives to the use of the private car are available; these alternatives include walking, cycling and public transport (bus, rail and taxi). They are operated in conjunction with land use policies to seek to ensure that development takes place in locations where these alternatives can be best provided; the Town Centre is naturally one of these locations, particularly with regard to public transport.
- 12.8.3. A high level of bus services is provided commercially between the hours of 7am and 7pm Monday to Saturday. Lower levels of services are provided up to 11pm and on Sundays, and the transport plan will continue to seek ways of improving the provision of bus services at these times and later at night to assist in getting people away from the Town Centre quickly, safely and efficiently.
- 12.8.4. Licensed vehicles provide a useful role in transporting people, particularly at times when bus services are not well provided. Taxi ranks are provided where demand is identified, and include both 24 hour ranks and ones which operate only at night. The Council's Transport Strategy will continue to seek to ensure that the demand for rank provision is satisfied and that their locations are amended as demand alters, subject to competing demands for use of kerbside space.

13. Duplication

- 13.1. The authority will avoid duplication with other regulatory regimes (e.g. the Health and Safety at Work Act) insofar as attaching conditions to premises licences and club premises certificates.
- 13.2. Conditions will only be attached where they are necessary for the promotion of the licensing objectives. If matters are already provided for in other legislation they cannot be considered necessary in the context of licensing law.
- 13.3. As has been referred to elsewhere in this policy, licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from the licensed premises and, therefore, beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned.
- 13.4. Nonetheless, it is a key aspect of such control and licensing law will always be part of a holistic approach to the management of the evening and night-time economy in Rotherham.

14. Standardised Conditions

14.1. The Licensing Authority will only attach to premises licences, and club premises certificates, those conditions that are tailored to the individual style and characteristics of the premises and the events concerned, and where they are necessary for the achievement of one or more of the four licensing objectives.

14.2. Model Conditions

14.2.1. To aid administration a pool of model conditions is attached to this statement (but not form part of it). The authority may draw appropriate and proportionate conditions from this pool to cover particular circumstances. This is not intended to be an exhaustive list and other specific conditions may be appropriate.

14.2.2. The model conditions will be informed through consultation. There are elements of the model conditions, which are indicated, that will be entirely dependent upon the findings of the consultation.

14.2.3. The pool of model conditions is attached as Appendix A to this policy.

14.3. Mandatory Conditions

14.3.1. A number of conditions are mandatory and are required to be applied to licences.

14.3.2. Mandatory conditions are provided by the 2003 Act, amended by the (Mandatory Licensing Conditions) (Amendment) Order 2014 and should be included in every Licence and/or Club Premises Certificate.

14.3.3. The Mandatory Conditions are attached to this Policy at Appendix B. These need to be adhered to and complied with by the Premises Licence Holder.

14.3.4. For premises with ON sales the Mandatory Conditions will include the following requirements:

- The need for a Designated Premises Supervisor to be registered on the Licence.
- Alcohol needs to be sold or authorised by a Personal Licence Holder.

14.3.5. Mandatory Conditions also refer to:

- Permitted price of alcohol
- Age verification Policy
- Irresponsible promotions
- No drinking games (encouraging people to drink too much or within specific time limits).

- Free access to drinking water
- Measures of alcoholic drink
- Exhibition of films
- Door Supervision

14.3.6. For premises with OFF sales the Mandatory Conditions will include the following requirements:

- The need for a Designated Premises Supervisor to be registered on the Licence.
- Alcohol needs to be sold or authorised by a Personal Licence Holder.

14.3.7. Mandatory Conditions also refer to:

- Permitted price of alcohol
- Age verification Policy

15. Entitlement to work in the UK

- 15.1. Section 36 of and Schedule 4 to the Immigration Act 2016 (the 2016 Act) amended the 2003 Act and introduces immigration safeguards in respect of licensing applications made in England or Wales on or after 6 April 2017. The intention is to prevent illegal working in premises licensed for the sale of alcohol or late night refreshment.
- 15.2. The statutory prevention of crime objective in the 2003 Act includes the prevention of immigration crime and the prevention of illegal working in licensed premises. Licensing authorities should work with the Home Office (Immigration Enforcement) as well as the police, in respect of these matters.
- 15.3. The Home Secretary (in practice Home Office Immigration Enforcement) is added to the list of responsible authorities in the licensing regime, which requires Home Office (Immigration Enforcement) to receive premises licence applications (except regulated entertainment only licences), and in some limited circumstances personal licence applications, and permits Home Office (Immigration Enforcement) to make appropriate representations and objections to the grant of a licence.
- 15.4. Individuals applying for a personal licence and / or a premises licence for the sale of alcohol or late night refreshment must be entitled to work in the UK. This includes applications made by more than one individual applicant. An application made by an individual without the entitlement to work in the UK must be rejected. This applies to applications which include the sale of alcohol and the provisions of late night refreshment, but does not include applications which apply to regulated entertainment only.
- 15.5. Applicants must provide copies of Identification documents to verify their entitlement to work within the UK. The documents, which may be relied on in support of an application demonstrating an entitlement to work in the UK, are the same for the personal licence (see section 13) shown in Appendix C.
- 15.6. Individuals applying for a personal licence must be entitled to work in the UK. The Immigration Act 2016 amended the Licensing Act 2003, with effect from April 6 2017. Applications made on or after this date by someone who is not entitled to work in the UK must be rejected.
- 15.7. Licences must not be issued to people who are illegally present in the UK, who are not permitted to work, or who are permitted to work but are subject to a condition that prohibits them from doing work relating to the carrying on of a licensable activity.
- 15.8. In order to carry out this duty licensing authorities must be satisfied that an applicant has the right to work in the UK. They require applicants to submit an identification document, to show that they have permission to be in the UK and to undertake work in a licensable activity. Acceptable documents are listed in Appendix C to this policy.

16. Personal Licences

- 16.1. The Licensing Authority recognises the important role that personal licence holders have to play in the promotion of the licensing objectives at premises selling alcohol. For this reason personal licence holders are required to have prescribed training and not have relevant convictions that would indicate their unsuitability.
- 16.2. The Policing and Crime Act 2017 gives licensing authorities the power to revoke or suspend personal licences, with effect from 6 April 2017.
- 16.3. When a licensing authority has granted a personal licence and becomes aware that the licence holder has been convicted of a relevant offence or foreign offence or been required to pay an immigration penalty, a licensing authority may revoke the licence or suspend it for a period of up to six months. This applies to convictions received and civil immigration penalties which a person has been required to pay at any time before or after the licence was granted, as long as the conviction was received after 6 April 2017, or the requirement to pay the civil penalty arose after 6 April 2017.
- 16.4. Every sale of alcohol at licensed premises is required to be authorised by a personal licence holder. Because of the importance of their role, the Licensing Authority considers it to be good practice for personal licence holders to have significant operational involvement in the sale of alcohol rather than to undertake a remote, periodic authorisation of other staff. In practical terms this would mean authorisation on at least a daily basis, and to be available on the premises throughout most of the day to deal with circumstances requiring their expertise and authority.
- 16.5. When applying for a personal licence, the Licensing Authority would expect applicants to produce an up to date Disclosure Barring Service certificate. All applicants would also be expected to make a clear statement as to whether or not they have been convicted outside England and Wales of a relevant offence or an equivalent foreign offence.
- 16.6. In accordance with the Secretary of State's advice the Licensing Authority will normally refuse applications where the police have issued an objection notice unless there are, in the opinion of the Licensing Authority, exceptional and compelling reasons which justify granting the application.

17. Temporary Event Notices (TENs)

- 17.1. Part 5 of the Licensing Act allows licensing activities to be carried out in specified circumstances on a temporary basis, subject to a temporary event notice being served on the Licensing Authority, with a copy to the chief officer of police and Environmental Health services for the area no less than ten working days before the event. The chief officer of police or Environmental Health services may object to the event if satisfied that that any of the four licensing objectives would be undermined.
- 17.2. “Late” TENs are intended to assist premises users who are required for reasons outside their control to, for example, change the venue for an event at short notice.
- 17.3. Late TENS can be given at any time as long as the limits specified, within guidance issued under section 182 of the Licensing Act 2003, are not exceeded. Late TENs can be given up to five working days but no earlier than nine working days before the event is due to take place and, unless electronically given to the licensing authority, must also be sent by the premises user to the police and Environmental Health Services. A late TEN given less than five days before the date of the event to which it relates will be returned as void and the activities to which it relates will not be authorised.
- 17.4. The Licensing Authority considers that it is important that the police and Environmental Health services have sufficient time to properly evaluate the likely impact of a temporary event. Where insufficient notice of the event is given this may lead to objections being made that may have been unnecessary if a fuller evaluation had been possible. Equally, if notice of an event is given too far in advance it may be difficult to evaluate because of future uncertainty.
- 17.5. The Licensing Authority would therefore suggest as best practice that a temporary event notice is served between one and two months ahead of the event taking place.

18. Enforcement

- 18.1. The Licensing Authority will carry out its responsibilities for enforcement so as to promote each of the four licensing objectives.
- 18.2. The Licensing Authority will develop and review enforcement protocols in agreement with the police.
- 18.3. Enforcement activities will be targeted in terms of risk and so as best to promote the licensing objectives. In addition account will be taken of the general enforcement policy of the licensing authority, which aims to ensure that enforcement is open, fair, reasonable and proportionate.
- 18.4. Enforcement activities will include operations designed to:
 - Ensure compliance with conditions attached to licences, operating schedules, requirements specified in the this Statement of Policy, and the requirements of the Licensing Act itself;
 - Protect public safety;
 - Prevent nuisance;
 - Prevent crime and disorder;
 - Protect children from harm;
 - Identify unlicensed activities;
 - Respond to complaints and representations from relevant individuals and responsible authorities;
 - Prevent the sale of alcohol to minors
 - Prevent the sale of alcohol to people who are drunk
 - Identify the keeping of smuggled goods
 - Prevent drug misuse

19. Live Music, Dancing, Theatre, Circuses and Street Arts

- 19.1. The Licensing Authority will ensure that when it considers applications for licences for entertainment involving live music, dancing, theatre, circuses and street arts it will act so as to promote the licensing objective of preventing public nuisance.
- 19.2. The Licensing Authority recognises that there is a need to encourage and promote a broad range of entertainment, particularly those activities identified above, because of the wider cultural benefits to communities. The potential for limited disturbance will therefore be balanced against these wider benefits.

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20. Wholesale of alcohol

- 20.1. Since 1 April 2017, businesses which sell alcohol (for example, retailers of alcohol and trade buyers) need to ensure that the UK wholesalers that they buy alcohol from have been approved by HMRC under the Alcohol Wholesaler Registration Scheme (AWRS). They will need to check their wholesalers Unique Registration Number (URN) against the HMRC online database. This is an ongoing obligation and if a business is found to have bought alcohol from an unapproved wholesaler, they may be liable to a penalty or could even face criminal prosecution and their alcohol stock may be seized. Any trader who buys alcohol from a wholesaler for onward sale to the general public (known as a 'trade buyer') does not need to register unless they sell alcohol to other businesses.
- 20.2. Examples of trade buyers would be pubs, clubs, restaurants, cafes, retailers and hotels. However, they will need to check that the wholesaler they purchase alcohol from is registered with HMRC. Further information may be found at: [https://www.gov.uk/guidance/the-alcohol-wholesalerregistration-scheme-awrs](https://www.gov.uk/guidance/the-alcohol-wholesaler-registration-scheme-awrs)

21. Delegation of Functions

- 21.1. The following matters will be determined by either the Licensing Committee or one of its sub-committees:
- Application for a personal licence where there are relevant unspent convictions;
 - The review of a premises licence or club premises certificate;
 - Decision to object when the local authority is the consultee and not the relevant authority considering the application;
 - Determination of a police objection to a temporary event notice.
- 21.2. The following matters will be determined by either the Licensing Committee or one of its sub-committees where a relevant representation has been made:
- Application for a personal licence;
 - Application for a premises licence or club premises certificate;
 - Application for a provisional statement;
 - Application for variation to a premises licence or club premises certificate;
 - Application to vary a designated premises supervisor
 - Application for transfer of a premises licence
 - Application for interim authority
 - Determination of a temporary event notice.
- 21.3. The Licensing Manager will determine all other matters.
- 21.4. Variations to premises licences or club premises certificates that could not impact adversely on the licensing objectives are subject to a simplified ‘minor variations’ process. There is clear guidance as to what constitutes a “minor variation” contained on the Government’s website.
- 21.5. Councillors are now considered as “interested parties” and can make representations on any application as such, even if they do not live in the vicinity, or may represent persons living or working in the vicinity of the premises in question.

22. Period of Validity & Review

- 22.1. This statement of licensing policy will come into force on 1st May 2020 and be valid until 2025. The policy will then be reviewed and reissued for a period of 5 years.
- 22.2. The policy will be kept under review during the period of validity and if necessary amendments made.
- 22.3. Before a new policy is adopted or amendments made to the existing one the Licensing Authority will undertake consultation in accordance with Section 5 of the Licensing Act 2003.

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Appendix A

Licensing Act 2003 Statement of Licensing Policy 2020-2025

Pool of Model Conditions

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Introduction:

When deciding to grant or vary a premises licence under the Licensing Act 2003, the Licensing Authority may do so subject to conditions which it considers are appropriate in promoting the licensing objectives.

Conditions should be individual to a premise and tailored to meet the individual circumstances of the premise, area and other contextual factors. Standardised conditions often do not reflect the individual aspects of applications and should be avoided.

Conditions which are appropriate to promote the licensing objectives should emerge from the application process and form part of the operating schedule of the premise. The Pool of Model Conditions has been produced to assist applicants to consider and promote the licensing objectives, within the context of their application.

Rotherham consists of a variety of neighbourhoods and communities and the Council encourage applicants to use model conditions, or alternative measures, to ensure that the Licensing Objectives are being promoted, whilst minimising any impact that could be caused by a licensed premise. Applicants should have an understanding of the area where their application is based and should tailor their application to consider any issues that are apparent in that area; model conditions are just one way to do this.

The Pool of Model Conditions is also available to assist any Responsible Authority, and other person, who may consider making a representation to the applicant. These conditions should form a consistent approach in proposing conditions on a premises licence.

The Pool of Model Conditions is not an exhaustive list and it does not restrict applicants, responsible authorities or other persons from proposing alternative conditions. It also does not restrict any reasonable condition on a licence being imposed where it considers it appropriate for the promotion of the licensing objectives.

Whilst it is not a Licensing Objective, Public Health is also considered to be a key issue within Rotherham when determining licensing matters and the Council consider it good practice for Public Health to be taken into account when applications are being made. Applicants are encouraged to take into account any relevant data regarding Public Health and amend their application accordingly.

CONDITIONS RELATING TO PREVENTION OF CRIME AND DISORDER

It should be noted that certain matters are offences under the Licensing Act 2003. For example it is an offence to be party to the following:-

- Selling or supplying alcohol to a person who is drunk
- Knowingly allow disorderly conduct on licensed premises
- Being the holder of a premises licence or a designated premises supervisor to knowingly keep or to allow to be kept on licensed premises any good that have been imported without payment of duty or which have otherwise been unlawfully imported
- Sale of alcohol to under 18's
- Allowing the presence of children under 16 who are not accompanied by an adult between midnight and 5am at any premises licensed for the sale of alcohol for consumption on the premises, and at any time in premises used exclusively or primarily for the sale and consumption of alcohol.

Conditions dealing with these matters are therefore not necessary and will not be attached to licences. Applicants should note that the absence of such conditions on any licence does not authorise the commission of such acts as a defence to such offences.

General

Communication between premises

Communication devices, connecting premises licence holders, designated premises supervisor's, managers of premises and clubs to local police can provide for rapid response by the police to situations of disorder which may be endangering the customers and staff on the premises.

Such devices could provide two-way communication, enabling licence holders, managers, designated premises supervisors and clubs to report incidents to the police, and enabling the police to warn those operating a large number of other premises of potential trouble makers or individuals suspected of criminal behaviour that are about in a particular area. Licence holders, door supervisors, managers, designated premises supervisors and clubs can warn each other of the presence in an area of such people where these systems are used.

Where a condition requiring the text/radio pager which links the police is attached to a licence it will include the following:-

- The text/pager equipment is kept in working order at all times;
- The pager link is activated, made available to and monitored by a designated premises supervisor or by a responsible member of staff at all times that the premises are open to the public;
- Any police instructions/directions are complied with whenever given; and

- All instances of crime and disorder are reported via the text/radio [ager link by the DPS or responsible member of staff agreed to an agreed police contact point.

In relevant circumstances conditions may be imposed requiring the use and maintenance of such systems.

Door Supervisors

Conditions relating to the provision of door supervisors and security teams may be valuable in:

- Preventing the admission and ensuring the departure from the premises of the drunk and disorderly, without causing further disorder;
- Keeping out excluded individuals (subject to court bans or imposed by the licence holder);
- Searching and excluding those suspected of carrying illegal drugs, or carrying offensive weapons; and
- Maintaining orderly queuing outside of venues prone to such queuing.

Where door supervisors conducting security activities are required as a condition of licence, they are required to be registered with the Security Industry Authority, and conditions will also be imposed dealing with the number of such supervisors, the displaying of name badges, the carrying of proof of registration, where and at what times door staff should be stationed on the premises, and whether at least one female supervisor should be available (for example, if female customers are to be the subject of body searches).

Door supervisors also have a role to play in ensuring public safety.

Training of licence holders, door supervisors, and other workers

The Council requires that all persons employed on licensed premises are trained and made aware of their responsibilities in relation to the Act, especially the offences under the Act, and the conditions of the licence.

The Council consider it good practice for license holders, door supervisors and other staff to take part in a variety of training sessions, which could include but is not limited to:

- Safeguarding Children
- Safeguarding Vulnerable Adults
- Crowd Safety
- Counter-terrorism

Licensed premises will be required to document any training undertaken by staff. Such records will be kept for a minimum of one year and will be made available for inspection on request by an authorised officer or the police.

Sexual Violence and Vulnerability

All premises are highly recommended to engage with South Yorkshire Police and the Council to implement the 'Ask for Angela' scheme. Appropriate training should be given to staff on the way in which this will be delivered at a premise level.

It is also recommended that licensed premises are able to provide information and signposting to local domestic abuse support services in a discrete and supportive way to those who may need this.

Single Can Sales

Single Can Sales can contribute to the harms relating to alcohol misuse, and particularly contribute to the harm caused to children and young people. Conditions may therefore be necessary to prevent sales of single cans of alcoholic drinks in areas where risk of harm is identified to be high.

Bottle bans

Bottle may be used as weapons inflicting more serious harm during incidents of disorder. Conditions may therefore be necessary to prevent sales of drinks in their bottles for consumption on the premises. However, the Council notes evidence that many women consider that drinking from bottles to be safer as it is easier for them to prevent the possible spiking of drinks with drugs in bottles the openings of which may be readily covered. These issues will therefore need to be carefully balanced when specifying such conditions.

Plastic containers and Toughened Glass

Glasses containing drinks may be used as weapons during incidents of disorder and can cause serious injuries. Consideration should therefore be given to conditions requiring either the use of plastic containers or toughened glass, that inflict less severe injuries. The location and style of the venue and the activities carried on there will be particularly considered in assessing whether such a condition is necessary. For example, the use of glass containers on the terraces of outdoor sports grounds may obviously be of concern, but similar concerns may also apply to indoor sports events such as boxing matches. Similarly, the use of such plastic containers or toughened glass during the televising of live sporting events, such as international football matches, when high states of excitement and emotion fuelled by alcohol might arise, may be a necessary condition. The use of plastic or paper drinks containers may also be relevant as measures to promote public safety.

CCTV

The presence of closed circuit television cameras can be an important means of deterring and detecting crime at and immediately outside licensed premises. Where such conditions are necessary there will also requirement to maintain cameras in working order, and to retain recordings for an appropriate period time. The approval of the police will be required as to the type and positioning of the equipment to be used.

Open containers not to be taken from the premises

Drinks purchased in licensed premises or clubs may be taken from those premises for consumption elsewhere. Where premises are licensed for the sale of alcohol for consumption off the premises that would be entirely lawful. However, consideration may be given to a condition preventing the taking of alcoholic and other drinks from the premises in open containers (e.g. glasses and opened bottles). This may be necessary to prevent the use of these containers as offensive weapons in surrounding streets after individuals have left the premises.

Restrictions on taking open containers from the premises may also be a relevant necessary measure to prevent public nuisance.

Restrictions on drinking areas

It may be necessary to restrict the areas where alcoholic drinks may be consumed in the premises after they have been purchased from the bar. An example would be a sports ground where it may be necessary to prevent the consumption of alcohol on the terracing of sports grounds during particular sports events. Such conditions will not only specify these areas, but indicate the circumstances in which the ban would apply and times at which it should be complied with.

Restrictions on drinking areas may also be relevant necessary measures to prevent public nuisance.

Capacity limits

Although most commonly considered as a condition of a licence on public safety grounds, consideration may also be given to conditions that set capacity limits for licensed premises or clubs where it may be necessary to prevent overcrowding which can lead to disorder and violence. Where such a condition is considered necessary, consideration may also be given to appropriate door supervisors needed to ensure that the numbers are appropriately controlled.

Proof of Age Cards

It is unlawful for children under 18 to attempt to buy alcohol just as it is unlawful to sell or supply alcohol to them. To prevent such crimes, it may be necessary to require a policy to be applied at certain licensed premises requiring the production of "proof of age" before such sales are made. Such a condition may also make provision for the production of other proof, such as photo-driving licences, student cards and passports to be acceptable.

The wording of any condition requires careful thought. For example many premises have adopted the "Challenge 21" or "Challenge 25" or other similar initiatives. Under Challenge 21/Challenge 25 those premises selling or supplying alcohol require sight of evidence of age from any person appearing to be under the age of 21/25 and who is attempting to buy alcohol.

Proof of age may also be relevant and necessary to protect children from harm.

Crime prevention notices

It may be necessary at some premises for notices to be displayed that warn customers of the prevalence of crime that may target them. For example, in certain areas, a condition attached to a premises licence or club premises certificate might require the displaying of notices at the premises which warn customers about the need to be aware of pickpockets or bag snatchers, and to guard their property. Similarly, it may be necessary for notices to be displayed, which advise customers not to leave bags unattended because of concerns about terrorism. Consideration may also be given to a condition requiring a notice to display the name of a contact for customers if they wish to report concerns.

Drinks promotions

Standard conditions will not be attached to premises licence or club premises certificates which promote fixed prices for alcoholic drinks. Conditions tailored to the individual circumstances of particular premises, which address irresponsible drinks promotions, may be considered where it is considered this is necessary for the promotion of the licensing objectives.

Irresponsible promotions are addressed through mandatory licensing conditions. The licensing authority however will be objective when considering whether a promotion is responsible or irresponsible within the context of the licensing objectives.

Signage

It may be necessary for the normal hours under the terms of the premises licence or club premises certificate at which licensable activities are permitted to take place.

Similarly, it may be necessary for any restrictions on the admission of children to be displayed on or immediately outside the premises so that the consequences of breaches of these conditions would also be clear and to deter those who might seek admission in breach of those conditions.

Furthermore, signage promoting the responsible consumption of alcohol is encouraged to be added across the venue. For example, Drink Aware publicity material would be encouraged across a venue to promote responsible drinking habits.

Large Capacity Venues used exclusively or primarily for the “vertical” consumption of alcohol (HVVDs)

Large capacity “vertical drinking” premises, sometimes called High Volume Drinking Establishments (HVVDs) are premises which have exceptionally high capacities, used primarily or exclusively for the sale and consumption of alcohol and little or no seating for patrons.

Where necessary and appropriate conditions can be attached to licences for these premises which require adherence to:

- A prescribed capacity

- An appropriate ratio of tables and chairs to customers based on the capacity; and
- The presence of security staff holding the appropriate SIA licence or exemption to control entry for the purpose of compliance with the capacity limit.

CONDITIONS RELATING TO PUBLIC SAFETY

General

The following options will be considered as measures that, if necessary, would promote public safety. It should be recognised however that special issues might arise in connection with outdoor and large-scale events.

Whether or not any risk assessment shows any of the measures to be necessary in the individual circumstances of any premises will depend on a range of factors including the nature and style of the venue, the activities being conducted there, the location of the premises and the anticipated clientele of the business involved.

Necessary conditions of the licence or certificate will also depend on local knowledge of the character and vicinity of the premises.

In addition, to considering the points made in this Annex, those preparing operating schedules or club operating schedules, and responsible authorities should consider:

- Model National and Standard Conditions for Place of Public Entertainment and Associated Guidance ISBN 1 904031 11 0 (Entertainment Technology Press – ABTT Publications)
- The Event Safety Guide – A guide to health, safety and welfare at music and similar events (HSE 1999) (“The Purple Book”) ISBN 0717624536
- Managing Crowds Safely (HSE 2000) ISBN 9780717618347
- Guide to Safety at Sports Grounds (The Stationery Office, 2008) (“The Green Guide 5th Edition”) ISBN 978 0 11 702074 0
- Safety Guidance for Street Arts, Carnival, Processions and Large Scale Performances published by the Independent Street Arts Network, copies of which may be obtained through <http://www.streetartsnetwork.org.uk/>
- Fire Safety Risk Assessment – Small and Medium Places of Assembly ISBN 978185112820-4
- Fire Safety Risk Assessment – Large Places of Assembly ISBN 978185112821-1
- The Fire Safety (Regulatory Reform) Order 2005
- The following British Standards should also be considered:
 - BS 9999 : 2008
 - BS 5839 : Part 1 : 2002 (Fire Detection/Fire Alarms)
 - BS 5266 : Part 1 : 2005 (Emergency Lighting)

Harms associated to alcohol

It is well evidenced that the excessive consumption of alcohol can have significant harms on individuals and that licensees have an important role in promoting responsible drinking. Consideration will be given to conditions which ensure that:

- Premises promote a good range of low-alcohol or alcohol-free drinks to enable customers to choose drinks with a lower alcohol volume. These should be readily available and of a similar price to alcoholic equivalents.
- The premise does not promote any reduced drink price through a promotion, to promote responsible drinking.
- A premise has a process to provide details of local alcohol support services to customers in a discrete and supportive way.

Disabled People

Consideration will also be given to conditions that ensure that:

- When disabled people are present, adequate arrangements exist to enable their safe evacuation in the event of an emergency; and
- Disabled people and all employed staff on the premises are made aware of those arrangements.

Escape routes

It may be necessary to include conditions relating to the maintenance of all escape routes and exits including external exists. These might be expressed in terms of the need to ensure that such exits are kept unobstructed, in good order with non-slippery and even surfaces, free of trip hazards and clearly identified. In restaurants and other premises where chairs and tables are provided this might also include ensuring that internal gangways are kept unobstructed.

In certain premises where existing legislation does not provide adequately for the safety of the public, consideration might also be given to conditions that ensure that:

- All exits doors are easily opened without the use of a key, card, code or similar means;
- Doors at such exits are regularly checked to ensure that they function satisfactorily and a record of the check kept;
- Any security fastenings are removed prior to the premises being open to the public;
- All fire doors are maintained effectively self-closing and shall not be held open;

- Fire resisting doors to ducts, service shafts, and cupboards shall be kept locked shut; and
- The edges of the treads of steps and stairways are maintained so as to be conspicuous.

Safety checks

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:

- Safety checks are carried out before the admission of the public; and
- Details of such checks are kept in a Log Book.

Curtains, hangings, decorations and upholstery

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:

- Hangings, curtains and temporary decorations are maintained in a flame-retardant condition;
- Any upholstered seating meets on a continuous basis the pass criteria for smouldering ignition source 0, flaming ignition source 1 and crib ignition source 5 when tested in accordance with section 5 of BS 5852:1990;
- Curtains, hangings and temporary decorations are arranged so as not to obstruct exits, fire safety signs or fire-fighting equipment; and
- Temporary decorations are not used without the prior written consent of the licensing authority.

Accommodation limits

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that:

- Arrangements are made to ensure that any capacity limit imposed under the premises licence or club premises certificate are not exceeded; and
- The licence holder, a club official, manager or designated premises supervisor are aware of the number of people on the premises and required to inform any authorised person on request.

Fire action notices

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that:

- Notices detailing the actions to be taken in the event of fire or other emergencies, including how the fire brigade should be summoned, are prominently displayed and protected from damage and deterioration.

Outbreaks of fire

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that:

- The fire brigade service must be called at once to any outbreak of fire, however slight, and the details recorded in a Fire Log-book.

Loss of water

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that:

- The local Fire Control Centre are notified as soon as possible if the water supply to any hydrant, hose reel, sprinkler, drencher or other fire extinguishing installation is cut off or restricted.

Access for emergency vehicles

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that:

- Access for emergency vehicles is kept clear and free from obstruction.

First Aid

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that:

- Adequate and appropriate supply of first aid equipment and materials is available on the premises.
- If necessary, at least one suitably trained first aider shall be on duty when the public are present; and if more than one suitably trained first aider that their respective duties are clearly defined.

Lighting

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that:

- In the absence of adequate daylight, the lighting in any area accessible to the public, members or guests shall be fully in operation when they are present.
- Fire safety signs are adequately illuminated.
- Emergency lighting is not to be altered without the written consent of the licensing authority
- Emergency lighting batteries are fully charged before the admission of the public, members or guests.
- In the event of the failure of normal lighting, where the emergency lighting battery has a capacity of one hour, arrangements are in place to ensure that the public, members or guests leave the premises within 20 minutes unless within that time normal lighting has been restored and the battery is being recharged; and if the emergency lighting battery has a capacity of three hours, the appropriate period by the end of which the public should have left the premises is one hour.

Temporary electrical installations

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that:

- Temporary electrical wiring and distribution systems are not provided without notification to the licensing authority at least ten working days before the commencement of the work.
- Temporary electrical wiring and distribution systems shall comply with the recommendations of BS 7671 or where applicable BS 7909.
- Temporary electrical wiring and distribution systems are inspected and certified by a competent qualified person before they are put to use.

Ventilation

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that:

- The premises are effectively ventilated and verified as such by the licensing authority.

- Where the ventilation system is designed to maintain positive air pressure within part of the premises, that pressure is maintained whenever the public, member or guests are present in that part of the premises.
- Ventilation ducting is kept clean.
- Air filters are periodically cleaned and replaced to maintain air supply.

Indoor Sports Entertainments

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that:

- If necessary, an appropriately qualified medical practitioner is present throughout a sports entertainment involving boxing, wrestling, judo, karate or other sports entertainment of a similar nature.
- Where a ring is involved, it is constructed and supported to the satisfaction of the licensing authority and any material used to form the skirt around the ring is flame-retardant.
- At any wrestling or other entertainments of a similar nature members of the public do not occupy any seat within 2.5 meters of the ring.
- At water sports entertainments, staff adequately trained in rescue and life safety procedures are stationed and remain within the vicinity of the water at all material times (see also *Managing Health and Safety in Swimming Pools* issued jointly by the Health and Safety Commission and Sport England)

Conditions Relating to Theatres and Cinemas

In addition to the points made above, there are particular matters in the context of public safety and fire safety, which should be considered in connection with theatres and cinemas. The points, which follow, are examples of the types of specialised conditions that may be necessary for these premises.

Premises used for Closely Seated Audiences

Attendants

- a) The number of attendants on each floor in a closely seated auditorium be required in accordance with the following formula:

Number of members of the audience present on a floor	Minimum number of attendants required to be present on that floor
1 – 100	One
101 – 250	Two
251 – 500	Three

201 – 750	Four
751 – 1000	Five
And one additional attendant for each additional 250 persons (or part thereof)	

- b) Attendants shall not be engaged in any duties that would hinder the prompt discharge of their duties in the event of an emergency or entail their absence from that floor or auditorium where they are on duty.
- c) Any attendant shall be readily identifiable to the audience (but this need not entail the wearing of a uniform).
- d) The premises shall not be used for a closely seated audience except in accordance with seating plan(s), a copy of which is available at the premises and shall be shown to any authorised person on request.
- e) No article shall be attached to the back of any seat, which would reduce the clear width of gangways or cause a tripping hazard or obstruction.
- f) A copy of any certificate relating to the design, construction and loading of any temporary seating shall be kept available at the premises and shall be shown to any authorised person on request.

Standing and Sitting in Gangways etc

- a) Sitting on floors shall not be permitted except where authorised in the premises licence or club premises certificate.
- b) Waiting or standing shall not be permitted except in areas designated in the premises licence or club premises certificate.
- c) In no circumstances shall anyone be permitted to
 - i) sit in any gangway
 - ii) stand or sit in front of any exit; or
 - iii) stand or sit on any staircase including any landings

Drinks

Except as authorised by the premises licence or club premises certificate, no drinks shall be sold to or be consumed by a closely seated audience except in plastic and paper containers.

Balcony Fronts

Clothing or other objects shall not be placed over balcony rails or upon balcony fronts.

Special effects

Any special effects or mechanical installation should be arranged and stored so as to minimise any risk to the safety of the audience, the performers and staff. Special effects include:

- Dry ice machines and cryogenic fog
- Smoke machines and fog generators
- Pyrotechnics, including fireworks
- Real flame
- Firearms
- Motor vehicles
- Strobe lighting
- Lasers (see HSE Guide Safety of lasers used for display purposes [HS(G)95] and BS EN 60825: Safety of laser products)
- Explosives and highly flammable substances

In certain circumstances, it may be necessary to require that certain special effects may only be used with the prior consent of the licensing authority.

Scenery

Any scenery should be maintained flame-retardant.

Safety Curtain

Where a safety curtain is necessary, it should be arranged so as to protect the audience from the effects of fire or smoke on stage for sufficient time to enable the safe evacuation of the auditorium.

Where a stage with a proscenium arch is not equipped with a safety curtain, any curtains provided between the stage and the auditorium should be heavyweight and be made of non combustible material or inherently or durably treated flame-retarded fabric.

Ceilings

All ceilings in those parts of the premises to which the audience are admitted should be inspected by a suitably qualified person every five years and a certificate concerning the condition of the ceilings forwarded to the licensing authority.

Seating

Where the potential audience exceeds 250 all seats in the auditorium should, except in boxes accommodating not more than 8 persons, be either securely fixed to the floor or battened together in lengths of not fewer than four or more than twelve.

Premises used for Film Exhibitions

Attendants – premises without a staff alerting system

Where the premises are not equipped with a staff alerting system the number of attendants present should be as set out in the table below:

Number of members of the audience present on the premises	Minimum number of attendants required to be on duty
1 – 250	Two
And one additional attendant for each additional 250 members of the audience present (or part thereof)	
Where there are more than 150 members of an audience in any auditorium or any floor	At least one attendant shall be present in any auditorium or on any floor

Attendants – with a staff alerting system

- a) Where premises are equipped with a staff alerting system the number of attendants present should be as set out in the table below:

Number of members of the audience present on the premises	Minimum number of attendants required to be on duty	Minimum number of staff on the premises who are available to assist in the event of an emergency
1 – 500	Two	One
501 – 1000	Three	Two
1001 – 1500	Four	Four
1501 or more	Five plus one for every 500 (or part thereof) persons over 2000 on the premises	Five plus one for every 500 (or part thereof) persons over 2000 on the premises

- b) Staff shall not be considered as being available to assist in the event of an emergency if they are:
- i) the holder of the premises licence or the manager on duty at the premises; or
 - ii) a member of staff whose normal duties or responsibilities are likely to significantly affect or delay his response in an emergency situation; or
 - iii) a member of staff whose usual location when on duty is more than 60 metres from the location to which he is required to go on being alerted to an emergency situation.
- c) Attendants shall as far as reasonably practicable be evenly distributed throughout all parts of the premises to which the public have access and keep under observation all parts of the premises to which the audience have access.
- d) The staff alerting system shall be maintained in working order.

Minimum Lighting

The level of lighting in the auditorium should be as great as possible consistent with the effective presentation of the film; and the level of illumination maintained in the auditorium during the showing of films would normally be regarded as satisfactory if it complies with the standards specified in BS CP 1007: Maintained Lighting for Cinemas.

Flammable films

No flammable films should be allowed on the premises without the consent of the licensing authority.

CONDITIONS RELATING TO THE PREVENTION OF PUBLIC NUISANCE

It should be noted that provisions of the Environmental Protection Act 1990 and the Noises Act 1996 provide some protection to the general public from the effects of noise nuisance. In addition, the provisions in Part 8 of the Licensing Act 2003 enable a senior police officer to close down instantly for up to 24 hours licensed premises and premises carrying on permitted temporary activities that are causing noise nuisance resulting from noise emanating from the premises. These matters will be considered before deciding whether or not conditions are necessary for the prevention of public nuisance.

General

When applicants for premises licences or club premises certificates are preparing their operating schedules or club operating schedules and responsible authorities are considering such applications the Council, as licensing authority is considering following the receipt of relevant representations from a responsible authority or interested party, the following options may be considered as necessary, would promote the prevention of public nuisance.

Whether or not any risk assessment shows them to be necessary in the individual circumstances of any premises will depend on a range of factors including the nature and style of the venue, the activities being conducted there, the location of the premises and the anticipated clientele of the business involved.

Necessary conditions for licences and certificates will also depend on local knowledge of the character and the vicinity of the premises.

Hours

The hours during which the premises are permitted to be open to the public or to members and their guests may be restricted (other than where they are protected by the transitional provisions of the Licensing Act 2003) to less than those applied for by the imposing of conditions of a premises licence or a club premises certificate for the prevention of public nuisance. But this will be balanced by the potential impact on disorder that could result from artificially early fixed closing times.

Restrictions may be necessary on the times when certain licensable activities take place even though the premises may be open to the public at such times. For example, the playing of recorded music after a certain time might be prohibited, even though other licensable activities are permitted to continue.

Restrictions may be necessary on the parts of premises that might be used for certain licensable activities at certain times. For example, while the provision of regulated entertainment might be permitted while the premises is open to the public or members and their guests, regulated entertainment might not be permitted in garden areas of the premises after a certain time.

Noise and vibration

In certain premises where existing legislation does not provide adequately for the prevention of public nuisance, consideration may be given to conditions that ensure that:

- Noise or vibration does not emanate from the premises so as to cause a nuisance to nearby properties. This might be achieved by a requirement to keep doors and windows at the premises closed, or to use noise limiters on amplification equipment used at the premises.
- Prominent clear and legible notices are displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly.
- The use of explosives, pyrotechnics and fireworks of a similar nature which could cause disturbance in surrounding areas being restricted or prohibited.
- The placing of refuse – such as bottles – into receptacles outside the premises takes place at times that will minimise the disturbance to nearby properties.

Noxious smells

In certain premises where existing legislation does not provide adequately for the prevention of public nuisance, consideration may be given to conditions that ensure that:

- Noxious smells from licensed premises are not permitted so as to cause a nuisance to nearby properties and the premises are properly vented.

Light pollution

In certain premises where existing legislation does not provide adequately for the prevention of public nuisance, consideration may be given to conditions that ensure that:

- Flashing or particularly bright lights on or outside licensed premises do not cause a nuisance to nearby properties. The need for any such condition will be balanced against the benefits to the prevention of crime and disorder of bright lighting in certain places.

Litter

In certain premises where existing legislation does not provide adequately for the prevention of public nuisance, consideration may be given to conditions that ensure that:

- Litter is properly controlled through a waste management strategy agreed with the licensing authority, and that conditions to prevent unlawful advertising in relation to those premises are imposed.

CONDITIONS RELATING TO THE PROTECTION OF CHILDREN FROM HARM

It should be noted that it is unlawful under the 2003 Act to permit unaccompanied children under the age of 16 to be present on premises exclusively or primarily used for the supply of alcohol for consumption on those premises under the authorisation of a premises licences, club premises certificates or a temporary event notice when open for the purposes of being used for the supply of alcohol for consumption there.

In addition, it is an offence to permit the presence of children under 16 who are not accompanied by an adult between midnight and 5am at all premises supplying alcohol for consumption on those premises under the authorisation of any premises licence, club premises certificate or temporary event notice. Conditions duplicating these provisions are therefore unnecessary.

Requirements for safeguarding measures relevant to licence holders and workers

It is strongly recommended that persons employed on licensed premises, in particular those providing facilities and or entertainment for children and youths, or late night takeaways that attract young people, receive appropriate training covering the safeguarding of children and other vulnerable groups and, if appropriate, have the necessary DBS checks.

Access for children to licensed premises – in general

Restrictions on the access of children under 18 to premises where licensable activities are being carried on will be considered where it is necessary to protect children from harm.

For any premises with known associations (having been presented with evidence at a hearing) with underage drinking, drugs, significant gambling, or any activity or entertainment (whether regulated entertainment or not) of a clearly adult or sexual nature, there will be a strong presumption against permitting any access at all for children less than 18 years.

Applicants wishing to allow access for children to premises where these associations may be relevant, when preparing operating schedules or club operating schedules or variations of those schedules for the purposes of obtaining or varying a premises licence or club premises certificate should:

- Explain their reasons; and
- Outline in detail the steps that they intend to take to protect children from harm on such premises.

For any premises, not serving alcohol for consumption on the premises, but where the public are allowed on the premises after 10pm in the evening, there will be a presumption against the presence of children under the age of 12 unaccompanied by adults after that time.

Applicants wishing to allow access when preparing operating schedules or variations of those schedules or club operating schedules for the purposes of obtaining or varying a premises licence or club premises certificate should:

- Explain their reasons; and
- Outline in detail the steps that they intend to take to protect children from harm on such premises.

In any other case, subject to the premises licence holder or club's discretion, the expectation would be for unrestricted access for children of any age to premises. Where an applicant intends to exclude children totally from the premises then this should be made clear on the operating schedule.

The Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks

The Portman Group operates on behalf of the alcohol industry a Code of Practice on the naming, packaging and promotion of alcoholic drinks. The code seeks to ensure that drinks are packaged and promoted in a socially responsible manner and only to those who are 18 years or older. Complaints about products under the code are considered by the Independent Complaints Panel and the Panels decisions are published on the Portman Groups website, in the trade press and in annual report. If products packaging or point of sale advertising is found to be in breach of the Code the Portman Group may issue a Retailer Alert Bulletin to notify retailers of the decision and ask them not to replenish stocks of any such product until the decision has been complied with. The Code is an important mechanism in protecting children from harm because it addresses the naming, marketing and promotion of alcoholic products sold in licensed premises in a manner which may appeal to or attract minors.

Consideration may be given to attaching conditions to premises licences and club premises certificates that require compliance with the Portman Groups Retailer Alert Bulletins.

Age Restrictions – specific

Under the 2003 Act a wide variety of licensable activities could take place at various types of premises and at different times of the day and night. It may be appropriate to allow children unrestricted access at particular times and when certain activities are not taking place. However, following representations made by responsible authorities and interested parties it may be necessary to consider a range of conditions that are tailored to the particular premises and their activities where these are necessary. The following will b expected to be considered:

- The times of during when age restrictions should and should not apply. For example, the fact that adult entertainment may be presented at premises after 8pm does not mean that it would be necessary to impose age restrictions for earlier parts of the day. Any conditions imposed would clarify the position.
- Types of event or activity in respect of which no age restrictions may be needed, for example;

- Family entertainment; or
- Non-alcohol events for young age groups such as under 18s dances
- Similarly, types of event or activity which give rise to a more acute need for age restrictions than normal, for example;
 - During “Happy Hours” or on drinks promotion nights
 - During activities outlined above.

Age Restrictions – cinemas

The Secretary of State considers that, in addition to the mandatory condition imposed by virtue of section 20, (requiring the admission of children to films to be restricted in accordance with recommendations given either by a body designated under section 4 of the Video Recordings Act 1984 or by the licensing authority itself), conditions restricting the admission of children to film exhibitions should include:

- A condition that where the licensing authority itself is to make recommendations on the admission of children to films, the cinema or venue operator must submit any film to the authority that it intends to exhibit 28 days before it is proposed to show it. This is to allow the authority time to classify it so that the premises licence holder is able to adhere to any age restrictions then imposed.
- A condition that when films are classified, by either the film classification body as specified in the licence or the licensing authority, they should be classified in the following way;
 - U Universal – suitable for audiences aged four years and over
 - PG – Parental Guidance – some scenes may be unsuitable for young children
 - 12A – Passed only for viewing by persons aged 12 years or older or persons younger than 12 when accompanied by an adult
 - 15 – Passed only for viewing by persons aged 15 years and over
 - 18 – Passed only for viewing by persons aged 18 years and over.
- That conditions specify that immediately before each exhibition at the premises of a film passed by the British Board of Film Classification there shall be exhibited on screen for at least five seconds in such a manner as to be easily read by all persons in the auditorium a reproduction of the certificate of the Board or, as regards a trailer advertising a film, of the statement approved by the Board indicating the classification of the film.
- A condition that when a licensing authority has made a recommendation on the restriction of admission of children to a film, notices are required to be displayed both inside and outside the premises so that persons entering can readily be made aware of the classification attached to any film or trailer. Such a condition might be expressed in the following terms:

"Where a programme includes a film recommended by the licensing authority as falling into the 12, 12A, 15 or 18 category no person appearing to be under the age of 12, under 12 and unaccompanied, 15 or 18 as appropriate shall be admitted to any part of the programme; and the licence holder shall display in a conspicuous position at each entrance to the premises a notice in the following terms –

**PERSONS UNDER THE AGE OF [INSERT APPROPRIATE AGE]
CANNOT BE ADMITTED TO ANY PART OF THE PROGRAMME**

Where films of different categories form part of the same programme, the notice shall refer to the oldest age restriction.

This condition does not apply to members of staff under the relevant age provided that the prior written consent of the person's parents or legal guardian has first been obtained".

Theatres

The admission of children to theatres, as with other licensed premises, is not expected to normally be restricted unless it is necessary to promote the licensing objective of the protection of children from harm. However, theatres may be the venue for a wide range of activities.

The admission of children to the performance of a play is normally expected to be at the licence holder and no condition restricting the access of children to plays should be attached. However, theatres may also present entertainment including, for example, variety shows, incorporating adult entertainment. A condition restricting the admission of children in such circumstances may be necessary. Entertainment may also be presented at theatres specifically for children (see below).

In this circumstance consideration will be given to whether a condition should be attached to premises licences, which requires the presence of a sufficient number of adult staff on the premises to ensure the wellbeing of children present on the premises during any emergency.

Entertainment especially for children

Where performances are presented especially for children in theatres, cinemas or other places of entertainment (e.g. children's disco) conditions are anticipated to be needed which require:

- An attendant to be stationed in the area(s) occupied by the children, in the vicinity of each exit, provided that on each level occupied by children the minimum number of attendants on duty should be one attendant per 50 children or part thereof.

The licensing authority will, having regard to any representations made by the responsible authorities on the issue, also consider whether or not standing should be

allowed. For example, there may be reduced risk for children in the stalls than at other levels or areas in the building.

Children in performances

There are many productions each year that are one-off shows where the cast is made up almost entirely of children. They may be taking part as individuals or as part of a drama club, stage school or school group. The age of those involved may range from 5 to 18.

The Children (Performances) regulations 1968 as amended set out requirements for children performing in a show. Conditions will not duplicate those regulations. However, if it is necessary to consider imposing conditions, in addition to these requirements, for the promotion of the protection of children from harm then the matters outlined below will be considered:

- Venue – the backstage facilities should be large enough to accommodate safely the number of children taking part in any performance.
- Fire safety – all chaperones and production crew on the show should receive instruction on the fire procedures applicable to the venue prior to the arrival of the children.
- Special effects – it may be inappropriate to use certain special effects, including smoke, dry ice, rapid pulsating or flashing lights, which may trigger adverse reactions especially with regard to children.
- Care of children – theatres, concert halls and similar places are places of work and may contain a lot of potentially dangerous equipment. It is therefore important that children performing at such premises are kept under adult supervision at all times including transfer from stage to dressing room and anywhere else on the premises. It is also important that the children can be accounted for at all times in case of an evacuation or emergency.

Appendix B

Licensing Act 2003 Statement of Licensing Policy 2020-2025

Mandatory Conditions

Mandatory Conditions applicable to all Premises Licences & Club Premises Certificates under the Licensing Act 2003

Supply of Alcohol

1. No supply of alcohol may be made under the premises licence:
 - (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
 - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

Exhibition of Films

3. Where a premises licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with this section.

4. Where the film classification body is specified in the licence, unless subsection (3)(b) applies, admission of children must be restricted in accordance with any recommendation made by that body.

5. Where-

- (a) The film classification body is not specified in the licence, or
 - (b) The relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question, admission of children must be restricted in accordance with any recommendation made by that licensing authority.

6. In this section "Children" - means persons aged under 18; and "Film classification body" means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (c.39) (authority to determine suitability of video works for classification).

Door Supervision

7. Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, that licence must include a condition that each such individual must:

- (a) Be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001;
 - (b) Be entitled to carry out activity by virtue of section 4 of the Act.

8. But nothing in subsection (1) requires such a condition to be imposed:

- (a) In respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c.12) (premises with premises licences authorising plays or films); or

(b) In respect of premises in relation to:

- (i) Any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or
- (ii) Any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).

9. For the purposes of this section:

(a) “Security activity” means an activity to which paragraph 2(1)(a) of that Schedule applies, and which is licensable conduct for the purposes of that Act.

(b) Paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

Age Verification

10. The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

11. The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

12. The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either:

- (a) a holographic mark, or
- (b) an ultraviolet feature.

Permitted Price

13. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

14. For the purpose of this condition set out in paragraph 1:

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979(a);

(b) "permitted price" is the price found by applying the formula

$$P = D + (D \times V)$$

Where:

(i) P is the permitted price,

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) 'relevant person' means, in relation to premises in respect of which there is in force a premises licence -

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994(b).

15. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

16. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Irresponsible Drink Promotions (applicable to 'on' & 'off' sales)

17. The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

18. In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises:

- (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to:
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise).
- (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
- (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
- (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

19. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

Alcoholic Drink Measures

20. The responsible person must ensure that:

- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: $\frac{1}{2}$ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.”

Appendix C

Licensing Act 2003 Statement of Licensing Policy 2020-2025

**Immigration Act 2016: Entitlement
to Work Identification
Documentation**

Immigration Act 2016- Entitlement to Work Identification Documentation

Applicants may be asked to demonstrate that they have the right to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They can do this by providing with their application, copies or scanned copies of the documents listed below (which do not need to be certified). The documents that demonstrate an entitlement to work in the licensing regime are based on existing prescribed document lists for checks undertaken by employers. They are set out in the following regulations: The Immigration (Restrictions on Employment) Order 2007 and the Immigration (Restrictions on Employment) (Codes of Practice and Amendment) Order 2014.

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK. See note below about which sections of the passport must be provided.
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of an European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A current Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A current passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A current Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, when produced in combination with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A full birth or adoption certificate issued in the UK which includes the name(s) of at least one of the holder's parents or adoptive parents, when produced in combination with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland, when produced in combination with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, when produced in combination with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A current passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.
- A current Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relating to the carrying on of a licensable activity.
- A current Residence Card issued by the Home Office to a person who is not a national of an European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- A current Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity, when produced in combination with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, less than 6 months old, issued by the Home Office under regulation 17(3) or 18A(2) of the Immigration (European Economic Area) Regulations 2006, to a person who is not a national of an European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office, such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.

- Reasonable evidence that a person who is not a national of an European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:
 - evidence of the applicant's own identity – such as a passport,
 - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
 - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
 - a) working e.g. employment contract, wage slips, letter from the employer,
 - b) self-employed e.g. contracts, invoices, or audited accounts with a bank,
 - c) studying e.g. letter from the school, college or university and evidence of sufficient funds, or
 - d) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

Original documents must not be sent to licensing authorities.

If the document copied is a passport, a copy of the following pages should be provided:-

- any page containing the holder's personal details including nationality;
- any page containing the holder's photograph;
- any page containing the holder's signature;
- any page containing the date of expiry; and
- any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

If the document is not a passport, a copy of the whole document should be provided.

APPENDIX D – Guidance Notes for Applicants

Licensing Act 2003 Statement of Licensing Policy 2020-2025

GUIDANCE FOR APPLICANTS

Guidance notes on when a licence is needed and how to make an application are available from the Licensing Office on request.

PUBLIC SAFETY GUIDANCE NOTE

Applicants are required to satisfy the Council that appropriate measures have been taken to ensure the safety of the public whilst on the premises. Details of the steps taken to achieve this objective must be contained within the operating schedule submitted with the application for a premises licence.

Public safety issues to be considered in drawing up operating schedules will vary according to the types of activities to be held on the premises but will generally include the following matters:

- Fire safety issues including:
- Means of escape in case of fire
- Travel distances
- Alarms
- Detection capabilities
- Emergency lighting
- Fire suppressing systems
- First aid/fire fighting equipment
- Enclosure of escape routes
- Fire doors
- Exit signage
- Facilities for disabled evacuation
- Layouts for temporary seating
- Access and facilities for fire fighting
- Fire resisting enclosures to high risk rooms
- Operation of fire safety systems within the premises
- Surface spread of flames ratings to walls and ceilings
- Fire retardant treatments for drapes, furnishings and decorations etc
- General fire precautions

Management arrangements including:

- Personal emergency and evacuation plans and disabled evacuation
- Evacuation procedures
- Entry/egress control
- Staff training
- Equipment testing and records
- General housekeeping
- Incident logs
- Checking availability of exit routes and final exit doors prior to occupation of the building

General structural safety including:

- Stability of external and internal walls
- Condition of floors, roof members, beams, mezzanine floors, stairs, lintels, ceilings and any other structural elements.

Fire resistance of the same

Safety of fixed appliances:

- Guarding to fires in public places

- Boiler flues and combustion air

Safety of stairs, ramps etc:

- Guarding to stairs, landings, ramps and changes in level
- Robustness of guarding to areas subject to crowd loading
- Condition of stairs and ramps
- Headroom to stairs, ramps and escape routes
- Steepness of stairs – rise and going of treads
- Clear indication of floor surfaces
- General condition of floor surfaces (e.g. trip hazards, non slip surfaces)
- Provision of safety glazing in critical locations

Access and facilities for disabled people, elderly/infirm, parents with children:

- Provision of reasonable access
- Provision of reasonable facilities
- Adequate signage, lighting contrasts
- Provision of communication

Certification by a suitably qualified person may be required in respect of any of the above items.

HEALTH AND SAFETY GUIDANCE

Licensing Applications

Applicants are required by law to protect the health and safety of their employees and anyone on their premises. The following information has been produced to help you to fulfil your duties. Leaflets providing further detailed guidance are enclosed. A list of useful further reference guides is provided overleaf.

- As an employer or self-employed person you are responsible for carrying out a risk assessment. This involves identifying any hazards in your workplace that may affect anyone (e.g. members of the public, visitors and employees) and taking suitable precautions to prevent them causing harm. The enclosed leaflet gives guidance on the five steps to carrying out a suitable risk assessment.

Where you have five or more employees, you are required to record the findings of your risk assessment.

You must consider all hazards in your risk assessment, including those affecting public safety. The following are examples of issues that should be considered as part of your risk assessment if they are applicable to your premises/work activities:

- Adequate guarding to stairs, landings, ramps and changes in level
- The provision of handrails to staircases
- Non-slip coverings to floors, stairs and ramps
- Floor coverings, stairs, external grounds and ramps in good condition
- Adequate headroom to stairs, ramps and escape routes
- Steepness of stairs
- Clear indication in changes in floor level and changes in floor coverings
- Provision of safety glazing where appropriate
- Safety and maintenance of electrical installations and appliances
- Guarding to fires in public places
- First aid and accidents

FACT: Slips and trips are one of the most common causes of injuries in work places and you must do all you can to prevent them (see enclosed leaflet).

- If you will be holding events at your premises, a risk assessment must be carried out for each event. The Health and Safety Executive produces a guidance document on Event Safety (see references).
- If you have five employees or more you are required by law to produce a written health and safety policy statement. The organisation and arrangements for carrying out the policy should be included in the statement and it must be brought to the attention of all employees. A guidance leaflet is enclosed.

Useful Free Information leaflets

An introduction to Health and Safety (INDG259)

Take a fresh look at Health and Safety (INDG385)

1 Steps to Risk Assessment (INDG163)

Managing Health and Safety – 5 Steps to Success (INDG275)

Starting your business – Guidance on preparing Health and Safety Policy Document for small firms (INDG324)

Electrical Safety and You (INDG231)

Electrical Safety for Entertainers (INDG247)

Gas Appliances – Get them checked – Keep them safe (INDG238)

Preventing Slips and Trips at Work (INDG225(rev1))

Getting to grips with manual handling (INDG143(rev2))

Other Useful Guidance: The following publications can be obtained from HSE Books, PO Box 1999, Sudbury, Suffolk, CO10 2WA (Tel: 01787 881165).

The Event Safety Guide (HSG95) ISBN: 0 7176 2453 60

Working Together on Firework Displays (HSG123) ISBN: 0 7176 2478 1

Giving your own Firework Display (HSG124) ISBN: 0 7176 0836 0

Managing Crowds Safely (HSG154) ISBN: 0 7176 1834 X

Electrical Safety at Places of Entertainment (GS50) ISBN: 0 7176 1387 9

The Radiation Safety of Lasers used for Display Purposes (HSG95) ISBN: 0 7176 0691 0

Essentials of Health and Safety at Work ISBN: 0 7176 0716 X

Guidance on writing a Health and Safety Policy for the Licensed Trade is available from Federation of Licensed Victuallers Associations, Brighouse, 01484 710534

GUIDANCE NOTE FOR APPLICANTS IN RELATION TO NOISE FROM LICENSED PREMISES

These notes should be read in conjunction with Rotherham Council's Licensing Policy.

What is noise? Noise is, quite simply, unwanted sound. What is music to one person may be noise to another. Music and sound being played and generated in your premises may be enjoyed by your customers but is unlikely to be enjoyed by your neighbours.

Why do I need to be concerned about noise? Because the prevention of public nuisance is one of the objectives of the Licensing Policy and the minimisation of noise transmission from any licensed premises is fundamental to this objective.

Do I need the services of a Noise Consultant? Under normal circumstances no, however where noise control has been a problem in the past or is likely to be, and the solution to the problem is not easily resolved, you may require expert help and advice. Officers for the Community Protection Team will be able to undertake a comprehensive assessment of the problem. In situations where substantial changes or new build is being undertaken, it is recommended that a consultant be employed at the design stage.

The following issues should be considered when making an application for a licence.

The type of structure in which the entertainment is performed. If, for example, amplified music from either a live band or recorded music played by a DJ or karaoke is proposed, then it will be more intrusive to neighbours if residential properties or other noise sensitive properties, are attached or in close proximity. Sound is transmitted both through the air and via the structure of buildings, so if buildings are attached to your premise then noise may be transmitted by both these paths. If you occupy a public house in a row of terraced properties and wish to play amplified music it is highly likely your neighbours will be affected by the noise and consideration will have to be given to reducing the noise level, location of the speakers, and restriction of the hours of entertainment. Whereas if you occupy a public house which is detached and has no properties in the immediate vicinity you may not have to impose as many restrictions.

Doors and windows. Open doors and windows can be a particular problem in warmer weather when they are opened for ventilation. Windows may have to be kept closed when entertainment is taking place and an alternative form of ventilation such as air conditioning may have to be considered. Alarms may be fitted to windows to warn of customers opening windows. Secondary glazing may have to be installed, particularly if windows face noise sensitive property. Premises which have conservatories can be problematic where amplified music is played and consideration may have to be given to the provision of patio doors to the access to reduce noise emission. External doors may have to be provided with a lobby and a second set of doors to minimise noise emissions.

Extractor fan outlets and air bricks. Any holes in the fabric of the building can transmit noise and consideration needs to be given to the location of ventilation ducts and air grates in relation to noise sensitive properties. Silencers may have to be fitted to the outlets of ventilation ducts and acoustic louvers may have to be fitted to air grates.

Location and orientation of speakers. Speakers should be located away from party walls and orientated away from neighbouring properties. Where noise is transmitted to the structure, the speakers could be placed on a foam mat, or if they are suspended, hanging the speakers on spring hangers.

Level of the music. Music being played too loud is the most common reason for complaint with regard to entertainment. If the music is reduced to a level, which cannot be heard in

adjacent premises, then it will not be a problem. Sound limiting devices can be installed in premises to prevent the sound level within premises to prevent the sound level within premises exceeding a pre-determined level.

Restricting the hours of entertainment. There may be some events, which give rise to noise levels which can be heard in adjacent properties. These are likely to be the one off events, held infrequently and in outdoor locations, such as pop concerts. In these circumstances, as well as reducing the noise level to an acceptable level, restricting the hours of entertainment will be necessary.

Outdoor sources of noise. The hours of use of outdoor children's play areas, garden areas, balcony areas which are adjacent noise sensitive properties, may have to be restricted in the evening, to prevent undue disturbance. Use of such areas after 21.00 is not recommended.

Useful documents

Good Practice Guide on Control of Noise from Pubs and Clubs – Institute of Acoustics 2003.

Code of Practice on Environmental Noise at Concerts – Noise Council 1995.

PROTECTION OF CHILDREN FROM HARM

Example Risk Factors and Potential Control Measures Table

Risk Factors	Potential Control Measures
1. Any entertainment or services (regulated or otherwise) that are/include that of an adult or sexual nature.	<ul style="list-style-type: none"> • People under 18 not admitted or taking part in the entertainment/services (including staff if under 18). • Action to be taken if a person under 18 is discovered on the premises, which help ensure their protection from harm. • Measures for ensuring non-admission such as door supervision, age checks (including staff). • Sufficient screening of the relevant entertainment/services from view of those under 18 (including staff) e.g. smoked windows, doors closed. • Clear signage that entertainment/services are occurring which are not suitable for under 18s. • Specify type of entertainment that will be provided (e.g. Lap Dancing Clubs)
2. Entertainment or services include strong and offensive language.	<ul style="list-style-type: none"> • People under 18 not admitted (including staff). • People under 18 not within hearing distance. Soundproofing may be required. • Measure for ensuring non-admission such as door supervision, age checks (including staff). • Clear signage that entertainment/services are occurring which are not suitable for under 18s.
3. Convictions for underage sales of alcohol	<ul style="list-style-type: none"> • People under 18 not admitted (including staff). • Evidence of suitable staff training and age identification scheme in place and followed. • Signs provided informing customers that sales will not be made to under 18s and that age identification may be required.
4. Known reputation for underage drinking.	<ul style="list-style-type: none"> • People under 18 not admitted (including staff). • Evidence of suitable staff training and age identification scheme in place and followed. • Signs provided informing customers that sales will not be made to under 18s and that age identification may be required.

		required.
5.	Known association with drug taking or dealing.	<ul style="list-style-type: none"> • People under 18 not admitted (including staff). • Evidence of measures taken to prevent drug taking and dealing.
6.	Strong element of gambling on the premises.	<ul style="list-style-type: none"> • People under 18 not admitted (including staff). • Measures to screen the gambling activity off from children.
7.	Children and performances	<ul style="list-style-type: none"> • Suitability and number of supervisors including care of children as they move from stage to dressing room etc. and to ensure that all children can be accounted for in case of an evacuation or emergency. • Suitability of the venue, for example, to ensure it can accommodate safely the numbers of children intended. • Fire safety, for example, that all chaperones and crew receive instruction on the fire procedures applicable to the venue prior to the arrival of the children. • Special effects, as some may be inappropriate and may trigger adverse reactions in children, particularly e.g. flashing lights, dry ice, smoke, etc. • Note: See The Children (Performances) Regulations 1968 as amended, but do not duplicate provisions.
8.	Entertainment aimed at children	<ul style="list-style-type: none"> • Suitability and number of supervisors (see Statutory Guidance Annex F and also Appendix D of this document). • Measures to ensure that seating/standing arrangements for children are suitable.
9.	Concerns regarding admitting children to films that have been classified as beyond suitability for children's age.	<ul style="list-style-type: none"> • Staff training and age identification procedures. • Signage to explain that children will not be admitted to film showings which are not suitable for their age group, and that adults should not purchase tickets on children's behalf in this respect (see Appendix D of this document).
10.	Previous known concerns about danger to children at the premises.	<ul style="list-style-type: none"> • Measures to counter these specific dangers. • State whether there have been any previous concerns about danger to

		<p>children on your premises and specify these concerns.</p> <ul style="list-style-type: none"> • What action have you taken to counteract them.
11.	Child-orientated premises located close to adult-orientated premises.	<ul style="list-style-type: none"> • Identification of any risks and control measures in place.
12.	History of lack of suitability of age-identification procedures used on the premises.	<ul style="list-style-type: none"> • People under 18 not admitted. • Evidence of suitable staff training and age identification scheme in place and followed. • Signs provided informing customers that sales will not be made to under 18s and that age identification may be required.
13.	Potential concerns regarding proposed staff customer and/or staff: children ratios.	<ul style="list-style-type: none"> • Measure to address these concerns
14.	Potential concerns regarding qualifications of staff employed to look after children.	<ul style="list-style-type: none"> • Requirement for Criminal Records Bureau (CRB) checks for staff employed to look after children. • Evidence of suitable training/experience.
15.	Risk of children visiting the premises unaccompanied.	<ul style="list-style-type: none"> • Evidence of training and procedures to deal with such situations where they are deemed to be of potential harm to children.
16.	Living accommodation for children on the premises.	<ul style="list-style-type: none"> • Assessment of potential risks and control measures in place.
17.	Likelihood of premises attracting extremes of age groups.	<ul style="list-style-type: none"> • Assessment of potential risks and control measures in place.
18.	Close proximity of premises to 'child sensitive' properties.	<ul style="list-style-type: none"> • Assessment of potential risks and control measures in place.
19.	Lack of appropriate welfare facilities for children on premises (e.g. First Aid, toilets)	<ul style="list-style-type: none"> • Welfare facilities provided.
Risk Factors		Potential Control Measures
20.	There is a risk of physical, moral or psychological harm to children.	<ul style="list-style-type: none"> • Assessment of potential risks and control measures in place.
21.	Children under 18 employed on premises where there is evidence of binge/underage drinking, drug dealing/taking, significant gambling or entertainment/services of an adult/sexual nature provided.	<ul style="list-style-type: none"> • Restriction of that employment • Persons under 18 not admitted.
22.	Concerns regarding child abuse on premises.	<ul style="list-style-type: none"> • Staff are familiar with reporting concerns to line manager who in turn should (if appropriate) contact The Children's Social Care Access Team on 01709 823987.

APPENDIX E – Useful Contacts

Licensing Act 2003 Statement of Licensing Policy 2020-2025

USEFUL CONTACTS

General Contact for Licensing matters and address for all applications:

Rotherham MBC – Licensing Service
Community Safety and Street Scene
Riverside House
Main Street
Rotherham
S60 1AE

Email: licensing@rotherham.gov.uk
Website: www.rotherham.gov.uk

Responsible Authorities

Please ensure you send a full & complete copy of all your forms and documents, including any premises licence already held, to all the Responsible Authorities when you make any type of application.

If you fail to submit a correct application to the Responsible Authority they may consider the application to be incorrectly served and the application may not be accepted. In this case the process including the payment of all fees may need to be re-started.

South Yorkshire Police
Police Licensing Department
Force Headquarters
Carbrook House
5, Carbrook Hall Road
Sheffield
S9 2EH

Telephone : 0114 252 3948 or 0114 252 3617
Fax: 0114 252 3688
Email: rotherham_licensing@southyorks.pnn.police.uk

South Yorkshire Fire and Rescue
Business Fire Safety
Barnsley Fire Station
Broadway
Barnsley
S70 6RA

Email: Tfs.cs@syfire.gov.uk

Health and Safety

The Principal Officer for Food Health and Safety
Rotherham MBC Neighbourhood Standards

Floor 3 Wing A
Riverside House
Main Street
Rotherham
S61 1AE

Email: food.health&safety@rotherham.gov.uk

Planning

The Principal Planning Officer
Rotherham MBC Planning
Riverside House
Main Street
Rotherham
S60 1AE

Email: DevelopmentControl@rotherham.gov.uk

Environmental Health

Community Protection
Rotherham MBC
Riverside House
Floor 2 Wing B
Main Street
Rotherham
S60 1AE

Email: Env.Health@rotherham.gov.uk

Child Protection

The Operations Manager
Rotherham Safeguarding Children Board
Rotherham MBC Child Protection Unit
2nd Floor Wing A
Riverside House
Main Street
Rotherham
S61 1AE

Email: childprotection@rotherham.gov.uk

Weights and Measures

Trading Standards Team
Rotherham MBC Neighbourhood Standards
Floor 2 Wing A
Riverside House
Main Street
Rotherham
S60 1AE

Email: trading.standards@rotherham.gov.uk

Rotherham Public Health

Director of Public Health
Rotherham Metropolitan Borough Council
Riverside House
Main Street
Rotherham
South Yorkshire
S60 1AE
Telephone: 01709 255840
Fax: 01709 255795

Email: publichealthadmin@rotherham.gov.uk

Home Office

Alcohol Licensing Team
Lunar House
40 Wellesley Road
Croydon
CR9 2BY

Email: alcohol@homeoffice.gsi.gov.uk

Rotherham Metropolitan Borough Council
Cumulative Impact Policy 2020-2023

Licensing Act 2003

Background

The concept of Cumulative Impact has been included within Section 182 Licensing Guidance issued by the Home Office since the implementation of the Licensing Act 2003.

The Licensing Act regulates the sale of alcohol, late night refreshment and the provision of entertainment. Section 5 of the Act requires licensing authorities to publish a Statement of Licensing Policy every five years (amended by the Police Reform and Social Responsibility Act). This Statement of Policy sets out the Council's framework in regulating the trade.

The Council's Statement of Licensing Policy has been reviewed and consulted upon between June 2019 and March 2020. A reviewed policy was introduced subsequently in March 2020.

The Policing and Crime Act 2017 gave Cumulative Impact a statutory basis and this is now included in primary legislation. A licensing authority may publish a 'cumulative impact assessment' stating that it considers that the number of premises licenses or club premises certificates is at such a level that it would be inconsistent with the promotion of the licensing objectives to grant any further licences or certificates in that area and restrict changes to licensable activities of existing licenses.

The inclusion of cumulative impact within primary legislation gives licensing authorities a prescribed method for implementing cumulative impact assessments and provides guidance for the level of evidence required for an assessment to be successfully included and upheld. This part of the Act was commenced in April 2018, alongside revised Section 182 Guidance issues to licensing authorities.

Prior to this change in legislation, the Council had not published a Cumulative Impact Policy. However, as this is now part of primary legislation, the Council believes this is the correct time to identify any areas that may benefit from the introduction of a Cumulative Impact Assessment.

Any cumulative impact assessment must set out the evidence for the authority's opinion, must be consulted upon before it is published, must be reviewed every three years as a minimum, and any review must be consulted upon and any revisions must be published alongside an evidence base.

Implementing a Cumulative Impact Assessment

Publishing a cumulative impact assessment sets a strong statement of intent about the approach that will be taken when considering applications for the grant and variation of premises licenses or club premises certificates in the area described. The Council will have regard to the assessment when determining or revising the Statement of Licensing Policy, as well as when making determinations alongside the Section 182 guidance.

Any cumulative impact assessment does not change the fundamental principles of which licensing decisions are determined and the Council reserves the right to grant an application where it is appropriate and demonstrates through the operating schedule that the applicant would not add to the cumulative impact of the area in which they are applying.

However, the Council would expect an applicant to consider the potential cumulative impact of their licence on local issues when setting out the steps that will be taken to promote the licensing objectives. An applicant must be able to demonstrate to the Council and other responsible authorities that granting a new or varied licence will not add to the cumulative impact already being experienced within the area.

This policy does not create a ban on the grant of licenses within the assessed zone and the Council can only consider cumulative impact to refuse an application if one or more relevant representations are made. Where no representation is received, the Council must grant the licence, as stated in the Licensing Act 2003.

Therefore, a cumulative impact assessment does not reduce the onus placed on responsible authorities, local residents or residents' groups in making representations where they consider this necessary in order to uphold and promote the licensing objectives. This policy gives a basis of information which can be used when making a representation; a representation can be made just on the fact that an assessment has been published. Any person making a representation must be able to demonstrate that the representation withstands the scrutiny which it will be subjected to at a Licensing Committee, or sub-committee meeting.

The obligation to demonstrate that the application is suitable for the area is placed onto the applicant. An applicant must suitably evidence that their proposal will not add to the cumulative impact within the area. To assist this process, the Council recommends early consultation with responsible authorities. This can be achieved separately with each responsible authority, or through the Council's Licensing service.

Evidencing a Cumulative Impact Assessment

This Cumulative Impact Assessment has been carried out in accordance with Section 5a of the Licensing Act 2003.

A large variety of data has been included for analysis within this policy, to evidence the need for a Cumulative Impact Assessment. The following methods and data have been included in this policy:

Public Health Licensing Toolkit:

As a responsible authority, Public Health has a meaningful contribution to make to licensing decisions. However, as health is not explicitly mentioned as part of any licensing objective, it is challenging for Public Health to fully engage with licensing decision making. However, the Council believe that Public Health has an important role to play within Licensing and should be encouraged to influence the process, within the boundaries of the legislation.

One way in which Public Health are now able to input into licensing decisions is through a 'toolkit', which uses a wide range of data from responsible authorities, including public health. This toolkit has created a rating system of each Lower Super Output Area (LSOA) within the borough to inform decision makers of the 'risk rating' associated to the location of any application.

The data sources included have been chosen due to their relevance to the licensing objectives, alongside contextual factors such as health data which allows decision-makers to understand the wider implications of granting an application within certain areas. All responsible authorities, as well as the public, will have access to this toolkit and can use it when deciding to make a representation against a licence, or when negotiating appropriate licensing conditions.

This toolkit is in-line with recommendations made by Public Health England.

Police and Crime Data:

South Yorkshire Police publish crime data monthly through the police data portal (data.police.gov.uk). This data has been used alongside confidential intelligence reports shared between the police and its partner agencies, including the Council. These reports focus on specific areas and give further information and analysis around particular areas and its associated crime.

All crime data records offence type, location, date and time which has been used to analyse crime statistics within the borough. Although a borough-wide assessment

has been undertaken, only relevant information to the Cumulative Impact Assessments undertaken has been included within this report. This is partly due to the sensitive nature of some crime statistics and some of these are not able to be published. Further information is available through the Licensing Service if needed.

Community Protection and Regulation Data:

Data provided by the Community Protection and Regulation service was focused on noise complaints which are recorded by the Environmental Health unit. This data stores information regarding every noise complaint which is sent to the Council, alongside the case information which is updated as and when the Council assess the complaint received.

Public Consultation:

In June 2019, the Cabinet took the decision to undertake a two-stage consultation process in reviewing the Licensing Act 2003 Statement of Licensing Policy. The first stage of this consultation focused on broad issues to help guide the focus of the revised policy and gauge the local position in terms of licensing issues.

As part of the first stage of consultation, members of the public were invited to engage with the Council to highlight particular areas where the number or density of licensed premises were causing an issue which may undermine the licensing objectives. Officers also attended six drop-in sessions across the borough in areas where there are a high number of premises and statistically, higher levels of issues associated to licensed premises such as anti-social behaviour. This consultation survey received 70 responses whilst approximately 50 residents attended drop-in sessions, although 80% of those residents attended the session in Wickersley.

A further consultation period occurred between January and February 2020 which asked specific questions regarding Cumulative Impact Assessments and the issues associated to a large number of licensed premises. The survey received 41 responses whilst approximately 40 residents attended drop-in sessions, although all but two of these residents attended the session in Wickersley.

The data above brought to attention two main areas of interest in regards to Cumulative Impact. These are:

1. Rotherham Town Centre
2. Wickersley

These became areas of focus after the first stage of consultation and other areas should be considered out of scope for the remainder of this policy. However, this could be reviewed at a later stage if further evidence became apparent.

Town Centre:

Rotherham Town Centre is the largest urban centre within the borough.

The data provided through the consultation process shows that crime, anti-social behaviour and environmental health rates are at their highest in this area and that there could be links between these statistics and licensed premises, although this does reflect the town centre being the largest urban centre in the borough.

The Council is looking to encourage responsible licensable activity within the Town Centre to create a thriving and bustling historic market town as part of its ambition set out in the Town Centre Masterplan. This vision relies on diversifying the offer within the Town Centre, creating new leisure and entertainment venues incorporating places to eat out, as well as bars and cafes. Currently, the density of licensed premises in the centre is decreasing, meaning that CIA may have very little use.

The focus on improving licensed premises in the town centre should focus on those premises that are already licensed. There are a number of measures in place to improve the centre, including a Public Space Protection Order, alongside significant resource deployed by responsible authorities.

Currently, the Council believe that the Town Centre would not benefit from a Cumulative Impact Zone. Taking a decision to implement a zone may detract from the overarching ambition of regenerating the Town Centre and attracting new businesses, increasing footfall and diversifying the current offer. However, this decision will be regularly reviewed and amended if the licensing objectives are being undermined within the town centre.

The Town Centre Masterplan also focuses on improving the residential offer which could mean that a Cumulative Impact Assessment may be relevant in the future.

Wickersley:

Wickersley is a village which is situated on the urban fringe of Rotherham town centre. Although the village is well served by road, with direct links to the M1, M18 and A1(M) motorways, it is a settled, residential community with distinct heritage and associated characteristics. It has a population of approximately 8,000 people, with 23% of people aged over 65 (compared to an average of 19.4%), whilst having significantly less young people than the borough average, at just 26% aged under 24, compared to an average of 29.2%.

There are currently nineteen premises within Wickersley. In total, sixteen premises are located along a 300 metre section of Bawtry Road, with all nineteen located within a 350 metre radius of one another. Of these nineteen premises, ten are on-licensed drinking establishments.

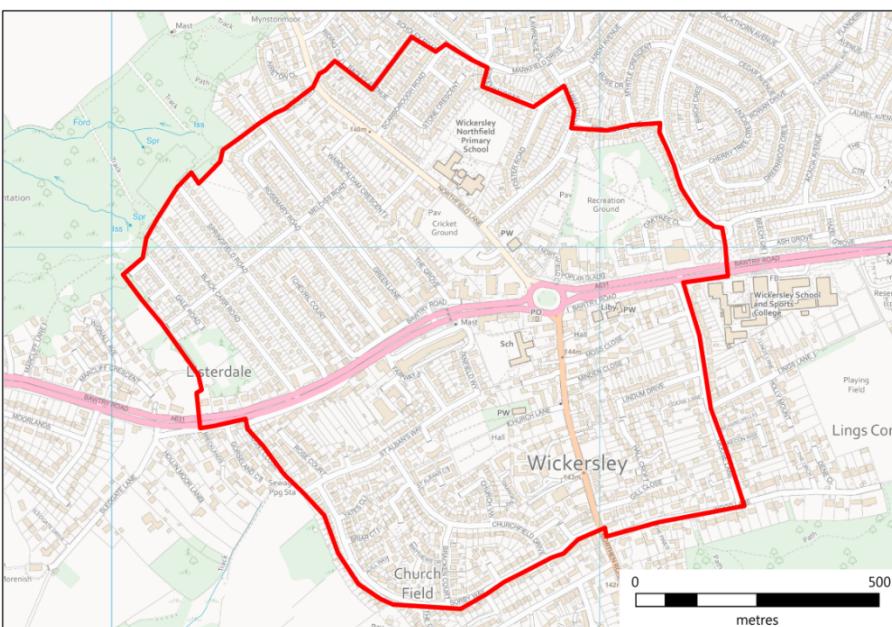
In recent years, Wickersley has become an urban centre with a significantly increased range and number of licensed premises. The area attracts a large amount of people from across the borough and surrounding areas of South Yorkshire. Currently, the density of premises within Wickersley West LSOA is 37.6 premises per square kilometre (pkm^2). Across the broader Middle Super Output Area (MSOA) of Bramley and Wickersley, the average density is 12.7 pkm^2 , whilst the average across the borough is 2.2 pkm^2 . The MSOA covering Rotherham Town Centre has a density of 23.6 pkm^2 , which suggests that proportionately, Wickersley's evening economy is the busiest within Rotherham.

However, the centre does not have the required infrastructure to deal with a large and sustained night-time economy, and the current number of licensed premises is negatively impacting the largely residential properties that are in close proximity to designated retail space.

There are less resources designated to Wickersley currently by the responsible authorities to deal with the impacts of licensed premises, which maximises the impact of these premises on those who live there.

The Council believes that the number of licensed premises within Wickersley is at such a level that it would be inconsistent with the promotion of the licensing objectives to grant any further licenses or certificates in the area, and restrict any changes to licensable activities of existing licences.

Wickersley Cumulative Impact Assessment



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The Wickersley Cumulative Impact Zone (CIZ) is situated in the centre of Wickersley and covers parts of both the Wickersley and Hellaby wards. Bawtry Road acts as a boundary between the two wards and this runs throughout the zone. The CIZ is related to the sale of alcohol for consumption on, or on and off the premises, including premises such as, but not limited to, pubs, bars, late night opening restaurants and clubs. The CIZ is saturated with premises of these types.

This zone has been selected by overlaying current premises, LSOA boundaries, local plan data, crime, anti-social behaviour, noise complaints and areas which were raised by residents through consultation. The zone is the outcome of this analysis.

Whilst each individual premise may comply with their licence conditions, and where problems are found they can be dealt with through action plans, or subsequently a review of the licence, this particular zone has become saturated as new businesses open, or existing businesses vary the use of a particular premise.

The Council considers the number of premises licences or club premises certificates is at such a level that it would be inconsistent with the promotion of the licensing objectives to grant any further licences or certificates in the Wickersley Cumulative Impact Zone, and to restrict changes to licensable activities of existing licenses.

Therefore, it is the Council's policy on receipt of relevant representations that applications for the sale of alcohol for consumption on, or on and off, the premises will be refused, unless the applicant can show that their licensed premise would not increase the impact of such premises on the zone, as described in this assessment.

To set out the Council's opinion, evidence has been gathered from the responsible authorities and residents. This data has been divided into the four licensing objectives.

1. Public Safety

The Public Safety licensing objective concerns the physical safety of people whilst within the vicinity of licensed premises. This includes both the prevention of accidents and the immediate harms that can result from alcohol consumption, such as alcohol poisoning.

Alcohol-related ambulance call-outs are ranked a 'medium' risk within Wickersley West LSOA (where 16 of the 19 licensed premises within Wickersley are located). Between 2016 and 2018, there were 50 ambulance call-outs which were directly related to alcohol. The high level of alcohol-related call outs indicates that those who come to the area can drink excessive amounts, sometimes across a number of premises which leads to a medical emergency such as alcohol poisoning. Wickersley West is in the top quartile of LSOAs across Yorkshire and the Humber which does not reflect the demography of the area.

Furthermore, the Council believe that the setting of Wickersley centre on either side of the A631 (Bawtry Road) should also be considered when assessing public safety, as this is a busy road which links the M1 and M18, as well as Rotherham town centre with outlying urban areas. The density of premises within the area often leads to people, who may be intoxicated, walking between multiple premises within an evening, which is dangerous due to the proximity of this A-road. Between 2018 and 2019, three road traffic collisions were recorded within the Cumulative Impact Zone. Two of these incidents happened at a weekend whilst the other occurred at 22:15, which broadly matches what would be expected from a night-time economy.

Public safety also concerns the safe departure of those using the premises. Currently, there is one agreement in place between a licensed premise and a private hire operator, which has an operator base within its car park. Apart from this, there are not any permanent transport options in Wickersley which would meet the demand of a night-time economy such as a taxi rank, late night bus network or railway station. Although individual premises may advertise private hire companies to their customers, as well as a small number of Hackney Carriages who may ply for hire on side streets, this does not give an adequate and sustainable capacity to move people from the area when premises close. This correlates to the temporal analysis of crime which shows a peak between the hours of 2300-0200. This trend, especially when dealing with offences categorised as anti-social behaviour, suggests that when people are leaving premises, they are not leaving the area immediately, which may be due, in part, to a lack of suitable transport.

2. Prevention of public nuisance

When considering the licensing objectives, the Council and responsible authorities should focus on the effect of licensable activities on any person living and working in the area around the premises, which may be considered disproportionate and unreasonable. This will usually concern noise nuisance, light pollution, noxious smells and litter.

Although not given a statutory definition in the Licensing Act 2003, it covers anything which may be considered to reduce the living and working amenity and environment of persons living and working in the proximity of premises. It may also cover the impacts of licensed premises where they are prejudicial to the health of residents.

Within Wickersley, there are two key areas of concern which fall under this licensing objective. Many residents cited noise nuisance from premises as a key issue in the area, alongside issues with street scene such as broken glass, fouling and vomiting.

The Council's Environmental Health team record noise complaints and those concerning licensed premises within Wickersley between January 2016 and present have been analysed below:

Complaint Month	Number of Complaints
January	1
February	1
March	3
April	2
May	7
June	3
July	3
August	19
September	1
October	0
November	2
December	0
Total	42

Complaint Type	Number of Complaints
Bank Holiday	4
Music	27
Noise	11
Total	42

Complaint Day	Number of Complaints
Monday	4
Tuesday	1
Wednesday	1
Thursday	0
Friday	4
Saturday	15
Sunday	2
Total	27

From 2016, forty-two noise complaints were made about licensed premises within Wickersley. Of these, twenty-seven related to a particular date, of which twenty-one occurred between Friday night and Sunday night. A further four issues were identified on a Bank Holiday Monday. The number of complaints was highest in summer months, with August being the peak month for reports of noise nuisance.

Levels of noise complaints have decreased between 2016 and 2019. 2016 saw a peak of complaints (17), followed by two static years (11, 11). However, complaints decreased sharply in 2019 (3). Although this clearly shows that some premises are dealing with real concerns from residents, it also reflects that residents do not feel empowered to report noise complaints against licensed premises as they do not feel

as though these complaints have been remedied in the past. This view was aired multiple times through meetings with residents, who believed that their concerns were not being dealt with seriously.

In a resident's session in October 2019, noise was still the largest concern of residents, but many said that they did not feel that the current systems in place could deal with noise issues from premises. Residents cited three main areas of concern:

1. Outside drinking and live music in gardens and terraced areas in summer months
2. Noise from customers leaving premises and staying in the area after licensed times
3. Noise from premises staff after licensed hours, such as continuing to play loud music or emptying glass bins outside.

Although the Council understand that these issues are not breaching individual licence conditions, the impact of the noise of several premises to residential properties within close proximity has a detrimental and consistent negative impact. This is intensified in summer months when multiple events happen in the same evening, or when multiple premises clean the outside of premises after licensable hours. This means that residents are not only being impacted to the early hours of the morning by the noise of a licensed premise, but also by other activities related to the running of a licensed premise through the night.

Another key issue raised under this licensing objective is the negative impact of licensed premises on the overall cleanliness and appearance of the community. Residents are very concerned at the amount of litter that is left in and around premises, which often includes broken glass. Further concern was raised around urine and vomit being present on streets, especially at a weekend, both of which are clearly linked to the use of licensed premises.

The Parish Council litter pick the centre of Wickersley daily and have been doing this for many years. Two 'handymen' are employed directly by the Parish to maintain the village and although they cover the whole Parish, work is concentrated on the Tanyard area. Overall, three commercial waste bins are filled weekly.

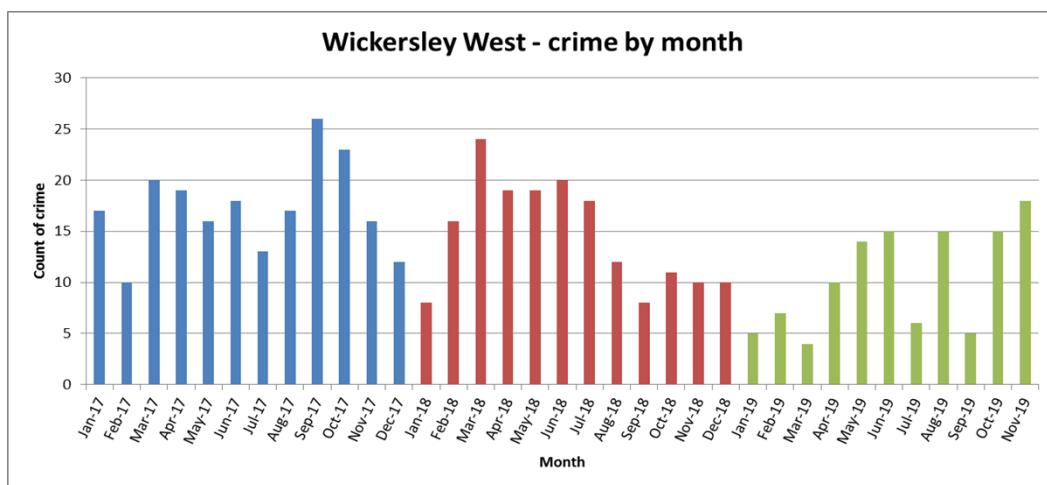
"There is a lot of waste which is particularly noticeable at the weekend. Our personnel work seven days a week and although they have been in post for several years, more litter has certainly been noticed in recent years"

Wickersley Parish Council Clerk

Nine residents of Wickersley cited litter, especially glass, as their largest concern and stated that "glass bottles or glasses are always left on walls outside" and that "establishments do not think they are responsible for picking up broken glass in the environment around them". One resident cited that glass had been "thrown at their house and driveway by drinkers".

3. Prevention of Crime and Disorder

This licensing objective relates to any disorder which takes place on or around premises, including offences such as anti-social behaviour, drug-dealing, theft and assault. South Yorkshire Police is the main partner agency who advises on these matters, although the Council also have teams in place to deal with anti-social behaviour and community protection. Data from both of these sources has been used when evidencing this section.



The previous three years of crime data for Wickersley West LSOA indicates that crime rates were consistently high in both 2017 and 2018. September 2017 had the highest number of crimes recorded within a month (26), followed by March 2018. There were sixteen months across the three year period where more than fifteen crimes were committed. In the six month period between February-July 2018, the crime rate stayed above this level continuously. On average, spring and summer months have higher levels of recorded crime across the period, although July 2019 does not correlate with this pattern. Winter months have much lower crime rates with January recording the lowest rate of crime in 2018, and second lowest in 2019. However, in 2017, this was not the case.

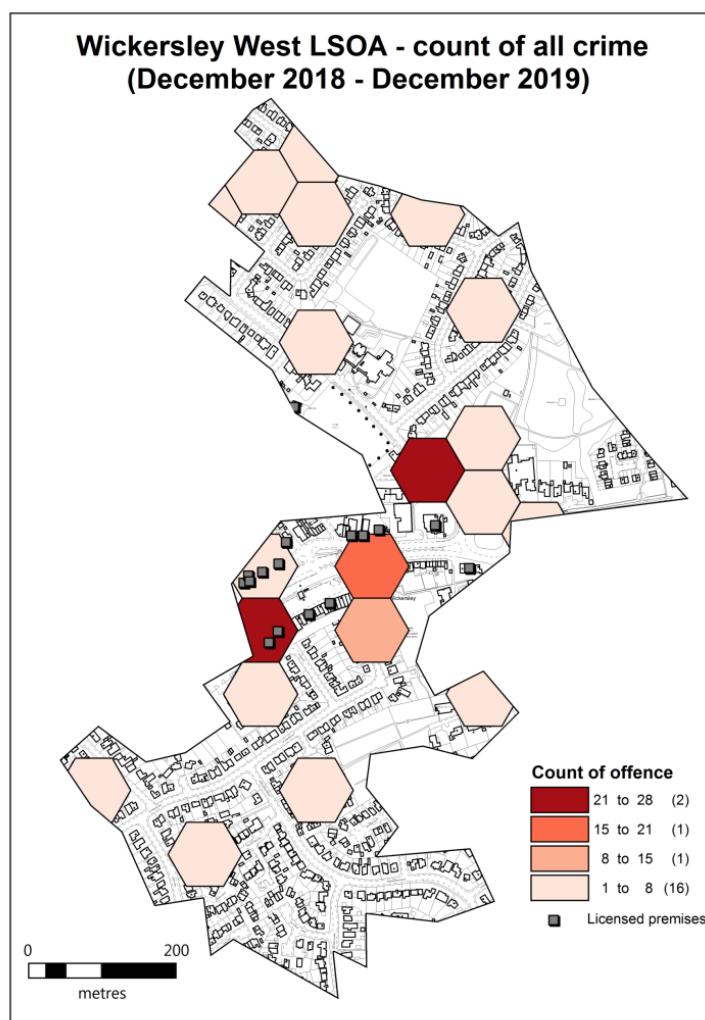
It is also of note that October and November 2019 have recorded significantly higher levels of crime than the same months in 2018 and that crime levels has increased since September, which has not been seen previously over the period.

The most common crime committed between December 2018 and December 2019 were offences of a violent or sexual nature, which includes offences such as violence against the person, grievous bodily harm and sexual assault. This was followed by anti-social behaviour which consists of personal and environmental issues, as well as nuisance behaviour. Both of these offence types have a clear link to a night-time economy, or to those people who have visited a licensed premise before committing an offence.

Offence	Count
Violence and sexual offences	33
Anti-social behaviour	23
Shoplifting	14
Other theft	11
Criminal damage and arson	10
Public order	10
Vehicle crime	10
Burglary	8
Drugs	2
Other crime	1
Robbery	1
Theft from the person	1

Other offences listed which could be associated to a night-time economy are theft, public order, drugs and theft from the person. Taking all of these offences into account, 65% of all crime recorded in Wickersley West could be linked to the night-time economy within the area.

Further analysis of these crimes looks at the temporal and spatial distribution within Wickersley West, which is shown below.



The hexagonal map divides the LSOA into 50 metre segments. There are three segments where more than fifteen offences took place within the past calendar year (December 2018 – December 2019). These are all situated alongside Bawtry Road within close proximity to licensed premises. The most prevalent hotspot is located just north of the junction where Northfield Lane joins Bawtry Road, where a total of 28 offences took place. There is a licensed premise located on this junction which may signify that a number of these offences were attributable to this premise.

Location	Count
On or near Willow Court	28
On or near Supermarket	24
On or near Pedestrian	
Subway	15
On or near Tanfield Way	12

To assess the spatial distribution of offences further, street level data has been provided by the police. This shows that Willow Court, a large, age restricted housing scheme, located directly behind the largest capacity premises within the centre, has the highest recorded level of crime within the area. Each of the three other streets which had a count higher than 10 are all located on or perpendicular to Bawtry Road and are all within 75 metres of a licensed premise.

Hour	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Total
0000	7	2	3	6	3	6	8	35
0100	2	1	2	0	1	2	5	13
0200	2	2	0	1	2	4	2	13
0300	1	0	2	0	1	1	0	5
0400	0	1	0	0	0	0	0	1
0500	0	0	0	0	0	1	1	2
0600	1	0	0	2	0	1	0	4
0700	1	0	0	0	0	0	1	2
0800	1	2	0	1	0	1	0	5
0900	2	4	4	2	1	0	1	14
1000	3	2	1	2	1	2	2	13
1100	0	1	3	2	4	0	11	21
1200	5	2	4	6	5	2	1	25
1300	4	5	0	5	5	1	2	22
1400	1	3	0	3	2	3	1	13
1500	1	3	1	5	4	7	3	24
1600	5	8	2	3	1	4	1	24
1700	1	3	6	1	3	3	4	21
1800	3	3	4	4	1	2	4	21
1900	1	4	2	5	2	3	4	21
2000	2	4	1	2	1	1	3	14
2100	7	1	5	1	3	5	2	24
2200	3	4	7	2	5	4	2	27

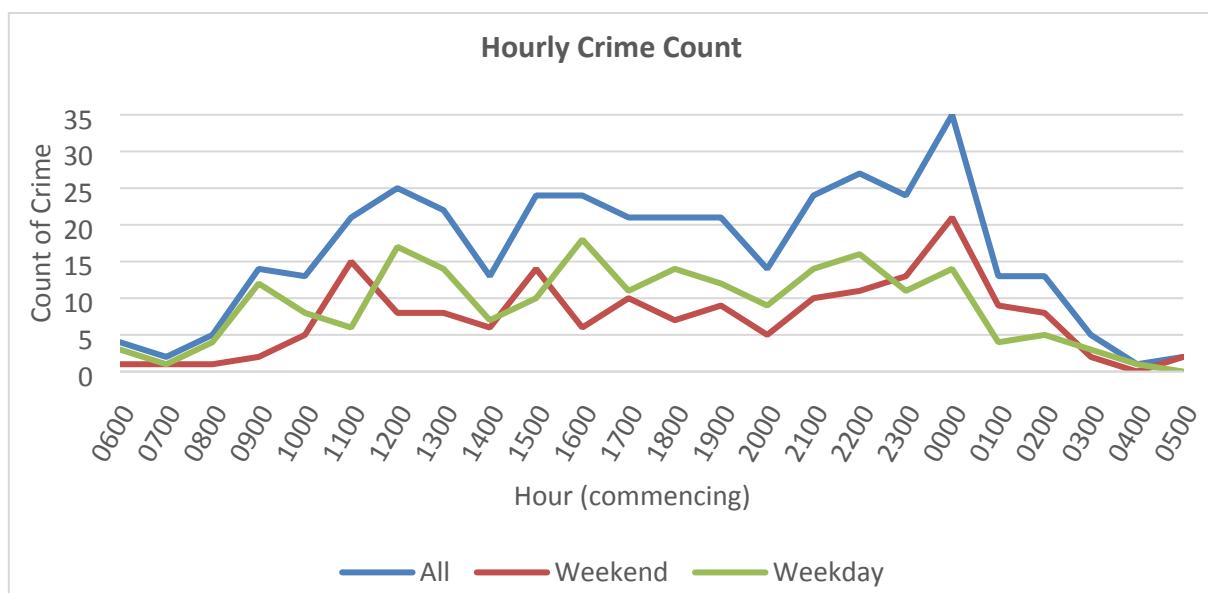
2300	6	1	1	3	2	1	10	24	
Total	59	56	48	56	47	54	68	388	

Temporal Analysis: Crime figures for Wickersley West and Wickersley South between January 2016 and December 2019. Included with the permission of South Yorkshire Police.

Highest risk	
Moderately high risk	
Moderate risk	
Low Risk	

The temporal analysis above also shows a clear correlation to the night-time economy in Wickersley, with the main peak of offences taking place between 2100-0100. Within this four hour period, 28.3% of all crimes occurred. An increase of crime during these hours is common within an area that has a large night-time economy and coincides with the variety of licensing hours within the centre. Furthermore, the peak seen between these hours is magnified over the weekend (Friday 0600 – Monday 0600) which sees higher and more consistent peaks between 00:00 and 01:00, with a slower return to a base level, which takes until 03:00. The graph below demonstrates this point.

Seven of the eight 'highest risk' hours identified by the police are either between 2100-0100, or at a weekend. This also shows the impact of licensed premises and can be apportioned, at least in part, to the number of drinking establishments within the centre of the area.



The temporal analysis undertaken only includes reported crimes. Although unaudited, ASB data was also made available to the Council by the police which further exacerbated the peaks seen over the weekend, with peak levels of offending occurring again between 2100-0100 across the weekend. Although this data cannot be made available in this document, further information can be requested from the Licensing Service if required.

Although the Council recognise that crime levels have decreased in 2019, offences can have a disproportionate impact on the residents of Wickersley due to the large amount of residential areas within very close proximity to licensed premises. Furthermore, the demographic of Wickersley shows that there are more people aged 65 and older compared to the borough average, which increases the impact felt by residents due to crime and anti-social behaviour, especially for disturbance that takes place within the hours of a night-time economy.

The concerns of residents were expressed through an online survey and residents meeting and some of these responses focused on feeling unsafe in the area where they live.

“People of all ages are scared to go out in the evening due to the amount of people drinking outside”.

“I would never go into the village from late-afternoon onwards. I do not feel safe”.

Furthermore, in its formal written response to the consultation, Wickersley Parish Council expressed a number of concerns, including the perception that residents are excluded from the night-time economy, partly due to crime.

“Wickersley has become out-of-bounds for many residents at weekends”.

4. Protection of Children from Harm

There is no evidence to show that this licensing objective is being undermined within the Cumulative Impact Zone.

Conclusion

The assessment has been carried out in accordance with Section 5(a) of the Licensing Act 2003. The assessment has been published as the Council believe that the number of licensed premises within the area described in the assessment is such that granting any further licences, or varying existing licenses, would be inconsistent with the Council's duty under the Act to promote the licensing objectives.

Factors considered when granting applications in a Cumulative Impact Zone

When considering the presumption against grant in a CIZ, the Council must be satisfied that the applicant will not impact any further on the cumulative impact of existing licensed premises.

Applicants may suggest measures which they believe will demonstrate there will be no further impact from their premise. Examples that the Council may consider as demonstrating that there will be no further impact include:

- Small premises who operate outside of the peak hours of disruption, as described in the CIA.
- Premises which are not alcohol-led and operate during the day-time economy.
- Instances where a business is relocating to a new premise but retaining the same style of business.
- Conditions which ensure the premise will operate in a particular manner, such as a minimum number of waiting staff to secure a food-led premise.

Examples of factors the Council will not consider include:

- That the premise will be well managed and well run.
- That the premise will be constructed to a high specification
- That the applicant operates similar premises in other areas without complaint.

Any representation made which supports the grant of a licence within a Cumulative Impact Zone will also be taken into account by the Council.

Appendix 4

Summary of Consultation responses

Breakdown of consultation responses

Online Survey:

- Members of the public: 38
- Landlord/ licence holder: 2
- Member of staff within a licensed premise: 4
- Total: 44

The Council received responses from the following groups:

- Health and Wellbeing Board
- Licensing Committee
- Public Health
- South Yorkshire Fire and Rescue

Three drop-in sessions were planned across the borough for licensees and members of the public. Three licensees attended these meetings to ask specific questions about the impact of the new policy on their licence. No comments were received on the changes to the policy itself.

The following sections outline the response to the consultation for each question asked on the online consultation. A brief summary of the written responses is then outlined below.

1. Cumulative Impact

The consultation asked for a response to the statement:

There is a need for Cumulative Impact Assessments in a part, or parts, of the borough

Row Labels	Need for CIA	%
Strongly agree	24	55
Agree	9	20
Disagree	1	2
Strongly disagree	3	7
Unsure	7	16
Grand Total	44	100

If a respondent agreed, or strongly agreed, the consultation asked for a further response to the following question:

Which area, or areas, of the borough would benefit from a Cumulative Impact Assessment?

Area	Total	%
Anston and Woodsetts	1	3
Boston Castle	2	6
Brinsworth and Catcliffe	2	6
Rotherham East	1	3
Rotherham West	1	3
Sitwell	1	3
Wath	1	3
Wickersley	23	72
Total	32	100

All respondents were asked the following statement:

The number of licensed premises in Wickersley have a negative impact on the area, including higher levels of crime, disorder and anti-social behaviour.

Row Labels	Count	%
Strongly agree	15	36%
Agree	7	17%
Disagree	10	24%
Strongly disagree	5	12%
Don't know	5	12%
Total	42	100%

Public Health: With respect to whether Wickersley would benefit from a Cumulative Impact Assessment, it appears clear that residents have raised significant concerns particularly in respect to public nuisance and crime and disorder that require addressing. I support a Cumulative Impact Zone covering the appropriate area and continued work with existing license holders to try to resolve the issues raised by residents.

In addition, whilst I acknowledge that a Cumulative Impact Zone might hinder the desired redevelopment of the Town Centre, given the high risk rating of this area flagged by the Alcohol tool, I suggest that some consideration is given to the process by which Town Centre license applications are considered. This should include consideration about whether the venue type is in-keeping with the desired vision for the Town Centre.

Finally, although other localities of concern have not been raised by residents to the same extent as Wickersley, it is important to be mindful of the impact of alcohol harms on health inequalities. Lower socioeconomic status is associated with higher mortality for alcohol related causes, despite lower socioeconomic groups often reporting lower levels of alcohol consumption. This is described as the alcohol harm paradox. Given a number of studies have found areas of greater deprivation to have greater concentrations of alcohol outlets, it will be important to keep open the option of further Cumulative Impact Zones in areas of higher deprivation so as to reduce the potential to further exacerbate alcohol-related harm in deprived neighbourhoods.

Health and Wellbeing Board: One of the biggest priorities of the Health and Wellbeing Board is reducing health inequalities between our most and least deprived neighbourhoods. The board would therefore, support health inequalities being taken into consideration as part of the cumulative impact assessment process.

Licensing Committee: The Committee were in favour of such an inclusion in the Statement to prevent certain areas being adversely affected and any new applications needing to be proactive in providing supporting information. The Committee were mindful this would not mean new applications in a Cumulative Impact Zone would be refused, but any valid objections considered. They supported Wickersley being a designated Cumulative Impact Zone. As this is a new initiative the Committee will seek training about this issue. The Committee welcomed further guidance around the issue and asked that further training be provided.

2. Additional Model Conditions

Respondents were asked to respond to the following statements:

Public Health issues such as alcohol-related harms and obesity are important when making licensing decisions

Row Labels	Count
Strongly agree	12
Agree	15
Disagree	7
Strongly disagree	5
Unsure	4
Grand Total	43

Licensing Committee: The Committee welcomed the idea of a 'Public Health Licensing Toolkit, as this would enable Licensing Officers to assess the prevalence of alcohol related problems in local areas and to advise Licensing Committee as to the potential health impacts of a licensing decision on a local area. The Committee were in full support of using the Public Health toolkit.

Public Health: I am pleased to note that the Council are proposing some new requirements through this policy such as using public health data to assess licensing decisions, and expanding the Council's model conditions to include the prevention of single can sales in some areas, accredited training for door staff and annual training for licensees and employees.

I can confirm that a Public Health Alcohol Licensing tool will be available on the Rotherham Data Hub site as part of the Rotherham Joint Strategic Needs Assessment1. This tool will be annually updated with any data more recently available and expanded should further indicators become available.

Licensing officers should assess the prevalence of alcohol related problems (such as crime and disorder, noise, antisocial behaviour, etc.) in a community when considering an alcohol-related licensing application

Row Labels	Count
Strongly agree	21
Agree	18
Disagree	2
Strongly disagree	2
Grand Total	43

In sensitive locations, granting further licences might have a negative impact on the area

Row Labels	Count
Strongly agree	19
Agree	14
Disagree	4
Strongly disagree	4
Unsure	3
Grand Total	44

Restricting the sale of single cans of alcohol would reduce related harm and nuisance

Row Labels	Count
Strongly agree	8
Agree	13
Disagree	3
Strongly disagree	6
Unsure	13
Grand Total	43

Public Health: As well as restricting sales of single cans, I suggest that other best practice model conditions could be suggested for license holders who would like to demonstrate their intent to promote responsible drinking, such as through commitments to not promote reduced price drinks, offer a good range of low alcohol and alcohol-free drinks, and to discretely provide details of local alcohol support services.

Licence holders, door supervisors and staff should undertook training such as counter-terrorism, protecting vulnerable people from harm and children's safeguarding

Row Labels	Count
Strongly agree	24
Agree	11
Disagree	2
Strongly disagree	1
Unsure	6
Grand Total	44

Safeguarding measures relevant to the premises should be required for license holders and staff, such as criminal record checks any appropriate training

Row Labels	Count
Strongly agree	25
Agree	16
Disagree	2
Strongly disagree	1
Grand Total	44

Health and Wellbeing Board: The board are particularly supportive of:

- Greater use of public health data to inform licensing decisions;
- The prevention of single can sales of alcohol and the acknowledgment that this may contribute towards alcohol-related harm, particularly for children and young people;
- That persons employed on licensed premises receive appropriate training covering safeguarding of children and vulnerable adults and, if appropriate, have the necessary DBS checks.



Public Report
Cabinet

Committee Name and Date of Committee Meeting

Cabinet – 23 March 2020

Report Title

Hackney Carriage and Private Hire Licensing Policy Review

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

Yes

Strategic Director Approving Submission of the Report

Paul Woodcock, Strategic Director of Regeneration and Environment

Report Author(s)

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Ward(s) Affected

Borough-Wide

Report Summary

In July 2015, the Council introduced a revised Hackney Carriage and Private Hire Licensing Policy. This policy is now widely seen to be setting the standard for other Local Authorities to benchmark against in relation to Taxi and Private Hire licensing.

This policy is now due for review and the Council have widely consulted on a number of proposed changes to ensure the standard of licensed drivers, vehicles and operators in Rotherham continues to be of the highest quality.

This report outlines the final changes that have been included in a proposed revised policy based on consultation, and seeks approval from Cabinet to adopt this policy.

Recommendations

1. That the revised Hackney Carriage and Private Hire Licensing Policy 2020-2023 be adopted.
2. That approval be given to further public consultation regarding changes to the issuing of vehicle plates, as described in Section 2.11.

List of Appendices Included

- Appendix 1 Equality Impact Assessment
- Appendix 2 Hackney Carriage and Private Hire Licensing Policy 2020-2023
 - Appendix A: Private Hire and Hackney Carriage Drivers Application Procedure
 - Appendix B: Disclosure and Barring Service (DBS) Application Procedure
 - Appendix C: Relevance of Previous Convictions Policy
 - Appendix D: Private Hire / Hackney Carriage Driver Conditions of Licence
 - Appendix E: Hackney Carriage Byelaws
 - Appendix F: Dress Code
 - Appendix G: Code of Conduct when working with vulnerable persons
 - Appendix H: Hackney Carriage & Private Hire Vehicle Licensing Application Procedures
 - Appendix I: Vehicle Age and Emissions Policy
 - Appendix J: Specification of Private Hire Vehicles
 - Appendix K: Specification of Hackney Carriages
 - Appendix L: Private Hire Vehicle Conditions
 - Appendix M: Hackney Carriage Vehicle Conditions
 - Appendix N: Private Hire and Hackney Carriage vehicle examination and testing requirements
 - Appendix O: Advertisements Policy
 - Appendix P: Private Hire Operator Conditions
 - Appendix Q: Taxi Camera Requirements
- Appendix 3 Summary of Consultation responses
- Appendix 4 Implementation Policy

Background Papers

Taxi and Private Hire Vehicle Licensing: Protecting Users. Statutory Guidance for Licensing Authorities (February 2019)

Rotherham Metropolitan Borough Council Hackney Carriage & Private Hire Licensing Policy, https://www.rotherham.gov.uk/downloads/file/2473/rotherham_mbc_taxi_and_hackney_carriage_policy

Cabinet Report, 23rd December 2019, Review of Hackney Carriage and Private Hire Licensing Policy

Council Approval Required

No

Exempt from the Press and Public

No

Hackney Carriage and Private Hire Licensing Policy Review

1. Background

- 1.1 In July 2015, the Council published a revised policy that set out the Council's approach to Hackney Carriage and Private Hire licensing. This policy set what are generally accepted as being the highest standards with regard to taxi and private hire licensing in the UK. Many of the standards have subsequently been adopted by other local licensing authorities and been included in revised national guidance.
- 1.2 The Council is striving to build on the foundation created by the policy, and maintain the position of the Council as being recognised as one of the leading authorities nationwide in relation to Hackney Carriage and Private Hire licensing.
- 1.3 The current policy is clear that periodic review is essential to ensuring its continued success. A review process was set out in the policy that ensured it was reviewed twelve months after its introduction, followed by a formal policy review three years subsequently. The initial twelve month review was completed in July 2016.
- 1.4 The policy introduced in 2015 brought significant improvement in the regulation of the taxi and private hire trade. It has ensured that drivers, vehicles and operators are of the highest standard.
- 1.5 Despite being confident in the standards of the policy, a formal review is now necessary to ensure that the Council is still driving standards at a national level. Changes in national guidance, feedback from the public, and from the licensed trade, has given options to further improve the policy and ensure the calibre of licence holder in Rotherham remains at the very highest level.
- 1.6 A report was submitted to Cabinet in December 2019, which recommended consulting on the draft Policy. Cabinet authorised officers to commence consultation as outlined in that report.

2. Key Issues

- 2.1 The Council developed a number of proposals that were included in a drafted revised policy, alongside asking for ideas and suggestions from a wide range of groups. Following significant consultation (see Appendix 3), the following changes have been included in the final policy:
 - 2.2 **Public Sector Equality Duty**
The Equality Act 2010 places a duty on the Council to have due regard to:
 - eliminate unlawful discrimination;
 - advance equality of opportunity between people who share a protected characteristic and those who don't;
 - foster or encourage good relations between people who share a protected characteristic and those who don't.

Although private organisations and individuals are not legally required to comply with this duty, those licensed by the Council should be seen to act in accordance with this duty. The Council propose that clauses should be added to the 'Fitness and Propriety' requirements for both drivers and operators.

Through the online consultation, 85% of respondents agreed or strongly agreed that drivers and operators should have to comply with the duty, as well as it being used to protect drivers from unfair discrimination. All forums visited were also supportive of this change.

2.3 Driver Medical Assessments

Applicants and drivers are required to satisfy the Council's prescribed medical assessment, which follows the requirements of DVLA Group 2 Medical Standards. Currently, drivers must have a medical examination from their registered GP. However, feedback from trade representatives suggested that some drivers were having difficulty in booking a medical examination.

Through consultation, the Council asked whether drivers had ever had any difficulty in booking a medical at their registered GP. 67% of drivers stated that they had previously had an issue.

Drivers were also asked if the proposal to allow another registered GP to carry out a medical in exceptional circumstances, and with permission from the Licensing Service, would solve this issues that they faced. 90% of drivers agreed that this proposal would be suitable and would solve the problems faced.

Concerns were raised by the Rotherham Safeguarding Adults Board, as well as from members of the Clinical Commissioning Group (CCG) about allowing GPs that were not the registered practitioner to carry out medical assessments, as the Council requires that the examining doctor has full access to the medical record, which can normally only be accessed by an individual's registered GP.

However, other licensing authorities, as well as Government agencies, allow other GPs to undertake these assessments in some circumstances, and request written declaration from the provider that the full medical record has been viewed and assessed.

Therefore, the Council propose that when a medical is required, applicants shall provide a completed medical assessment form supplied by the Council and completed by their own General Practitioner's practice. However, in exceptional circumstances, and with prior agreement from the Licensing Manager, a medical assessment can be carried out by another registered GP. This GP must provide a written declaration to the Licensing Manager that the full medical history of the applicant has been viewed and assessed.

2.4 Ancillary Operator Staff

Operators are required to obtain a Basic Level DBS check before a licence is granted. This is the only check that can be carried out on an operator as an enhanced check can only be requested for those people who work in particular professions. Taxi and Private Hire Drivers are subject to an enhanced DBS check.

Although Operators are checked, individuals that work in certain roles within operator bases who have access to significant amounts of sensitive and personal information, are not currently subject to any checks. The benefits of background checks on these ‘ancillary’ staff is clear to the Council. This amendment is also recommended as part of the new national statutory guidance to Licensing Authorities.

Through consultation, 67% of respondents agreed that ‘ancillary’ staff should have these checks carried out. The trade raised concerns in two areas regarding these checks:

1. It should be the decision of the Operator to hire any employee, regardless of the convictions that may appear on a DBS certificate. The Council accept this principle but believe that the decision to hire somebody with convictions listed on the Council’s ‘Conviction Policy’, may call into question the fitness and propriety of that Operator to hold a licence.
2. There should be further clarity on how this will be enforced on all operators. Larger operators may employ or use services from people outside of the borough, and sometimes in other countries. In this instance, the Council could not require a DBS check for these individuals. Therefore, the trade believe that this condition may place an extra burden on local operators, whilst not being enforced on larger companies.

Based on the response to the consultation, the Council believe that a slight amendment to the original proposed policy is needed to implement this change. Operators would therefore be required to obtain a Basic Level DBS check for all staff that work in ‘ancillary’ roles, which the Council defines as having access to a booking or telephony system. These records should be maintained by the Operator and made available to the Council on request.

Where a DBS check cannot be carried out on a member of staff that meets the criteria listed above (for example, the employee resides outside of the UK), the operator must first prove that a DBS check cannot be provided for an individual, and then outline the steps they have taken to demonstrate how they are satisfied that an individual in an ‘ancillary’ role is a fit and proper person. The evidence provided by the employer would be presented to the Licensing Board in order to confirm that these checks are equivalent to a basic level DBS.

2.5 Refresher Training

All applicants are required to pass a safeguarding awareness course, a driver knowledge test and an advanced driving assessment before they are issued with their licence. These assessments include a practical driving test, modules on topographical knowledge, routes, disability awareness and customer services, as well as protecting children and vulnerable adults from harm.

Once a driver has passed these requirements, there is currently no further requirement for training to be updated or ‘refreshed’. The draft policy proposed that all training requirements should be required every three years, which is the standard duration of a licence.

Through consultation, there is clear agreement that safeguarding training should be regularly reviewed as taxi drivers have a clear role to play in safeguarding children and vulnerable adults. 60% of the public believed that this training should be regularly refreshed, alongside 25% of the trade.

However, both the trade and members of the public disagreed that drivers should have to re-sit knowledge tests and advanced driving assessments every three years. 80% of respondents disagreed that drivers should have to undertake periodic re-assessment of their practical driving skills, believing this should only be required for drivers who receive complaints against them. Licensing Board sub-committee are already able to mandate a practical driving assessment if appropriate.

Based on the response, it is recommended that the proposal is changed to provide a ‘refresher course’ for drivers, which would be undertaken every three years. This would focus on current safeguarding issues and elements of the driver knowledge course, such as disability awareness and customer services. This course would be completed in the three months before a driver renews their licence. It is proposed that an advanced driving assessment is not required at licence renewal, unless there are specific concerns raised during the licence period and this is mandated by Licensing Board.

2.6 Driver Identification

Legislation states that all drivers must identify themselves by “wearing a badge in such a position and manner as to be plainly visible”. This means that a driver must ‘wear’ their badge upon their body, which is currently mandated to drivers through a clip or lanyard.

Feedback from the trade suggested that this should be reviewed to broaden the ways that drivers can wear their badge and still be legally compliant. The original proposal was to extend how a badge could be displayed, allowing an armband with a transparent pouch, to be worn on their left arm, where their badge can be clearly seen by all passengers within the vehicle.

65% of drivers cited issues with the current badge. Feedback through the drop-in sessions and trade representative meetings was that an armband was seen a positive alternative to wearing a clip badge. The 428 drivers who did raise concerns were predominately focused on the size of the current badge, which they believe is too large. However, the size of the badge is not stated in the policy, so this is considered out of scope for this review. These comments will be addressed within the service, in consultation with the trade.

Therefore, the Council believe the original proposal is sufficient to address this issue and should be unchanged in the final policy.

2.7 Vehicle Signage

The current policy mandates nine conditions for vehicle signage which applies to all vehicles licensed by the Council. However, with approval from Commissioners, only four of these conditions were actively introduced and the permanency of signage was suspended, allowing signage to be removed by the driver when the car was parked outside of their home address.

Through consultation, the Council asked whether the current signage on vehicles is sufficient, or whether the nine conditions should be introduced in full. 78% of respondents thought that additional signage was not needed.

Further information from the trade and community groups suggests that more, and permanently fixed, signage may intensify current issues with anti-social behaviour and hate crime incidents against taxi drivers. A key theme from the consultation responses was that signage should only be needed on a vehicle when it is being used for hire and reward. Although the Council recognise the issues that some drivers face, a licenced vehicle should be clearly signed to show it as such, in order to maintain public safety. Therefore, the Council do not believe that signage should be removed when the vehicle is being used for any purpose other than hire and reward, but do propose to allow drivers to remove signage when the vehicle is stationery outside of their permanent residential address.

One of the five existing conditions which is not in place is a notice identifying the current driver of the vehicle. A notice on the dashboard which is clearly visible to all passengers was raised as a recommendation through the driver identification section of the consultation.

The public were also asked if the audio activation button which is fitted to all Rotherham vehicles is clearly signed. 34% of respondents were unaware of audio recording within vehicles which clearly shows that further signage needs to be included to make this more visible.

Finally, members of the trade and community groups raised that the Council could include a notice which informed customers that abuse towards drivers will not be tolerated. Therefore, the notice which is displayed in the rear window of a vehicle will be redesigned to give information to passengers inside, as well as outside of the vehicle. This will include a statement of this nature, alongside the licence number of the vehicle to ensure that this is visible to all passengers.

Therefore, the Council believe that the four existing signage requirements are sufficient to identify a Rotherham licensed vehicle. The existing requirement to identify the driver of the vehicle through a notice, clearly visible to all passengers within a vehicle, will also be made compulsory, alongside a new requirement for a sticker which fits around the audio activation button. It is therefore proposed to remove all other signage requirements, which are not currently imposed, from the policy.

References to permanent signage will be removed from the policy, and the Council will allow drivers to remove exterior signage from their vehicle when parked outside of their permanent residential address. However, the requirement to display signage on the vehicle at all other times, is proposed to remain.

To ensure a vehicle licensed by Rotherham is distinct and clearly visible, a separate piece of work will take place to redesign the current vehicle plate and door sign template, in consultation with the trade.

2.8 Camera Storage

The current policy requires that a vehicle camera system must be capable of storing fourteen twenty-four hour periods of footage (336 operational hours) at a specified quality.

The Council originally proposed to extend this to twenty-one twenty-four hour periods (504 operational hours) based on analysis of complaints data which shows that on average, a complaint takes 9.2 days to reach the Council.

Although a question was not asked on this within the online consultation, members of the trade have raised concerns that extending this requirement will bear a cost implication for drivers who use certain camera systems. However, this will be a small number of drivers and the cost incurred will only include the installation of a larger hard drive.

Other forums such as Youth Cabinet and Licensing Board believed that twenty-one days was not sufficient to ensure the safety of the public and recommended a twenty-eight day period was mandated. However, when deciding a future policy, the Council should also take into account the concern of drivers around the cost of further storage, as well as issues surrounding data retention.

Based on the evidence available, the Council believe that the original proposal of twenty-one periods of twenty-four hours is therefore a reasonable balance between the two positions. Drivers will be given a transitional period to meet this requirement which is detailed in Appendix 4 of this report.

2.9 Ultra Low Emissions Vehicles (ULEV)

As part of the proposals for a Clean Air Zone in Rotherham, the Council has proposed, through its Outline Business Case to government agreed by Cabinet in December 2018, to support licensed drivers to invest in ULEVs. It is recognised that these cars are currently more expensive than traditional petrol or diesel vehicles but deliver significant benefits to the environment within Rotherham and the wider area, as well as reducing carbon emissions.

However, significant concerns have been raised through the consultation by the trade regarding the availability of current technology, charging infrastructure and cost. Although many drivers agree in principle that ULEVs would be beneficial to both themselves and the environment, there is a belief that the current technology does not provide the range needed for a driver to undertake their job, and the charging infrastructure across the borough is not currently sufficient for the number of licensed vehicles; although it was acknowledged that infrastructure was improving rapidly.

Overall, 27% of drivers were unsure if they thought the Council should incentivise drivers, with a further 34% believing that the Council should not provide any incentives at this time.

Based on this information, it is proposed that a statement is placed in the policy which recognises the importance of ULEVs and the Council's responsibility in further improving a fleet which is already of high quality in terms of both age and emissions. It is then proposed that further work would take place through the Council's annual Fees and Charges process to assess the potential for incentives and allow the Council to consider varying licensing fees for ULEVs if appropriate and financially viable. This would also allow for an annual review of the position, recognising the pace of change within this sector.

- 2.10** Through the consultation process, other issues have been brought to the Council's attention, which were not proposed in the initial consultation. These are described in the following paragraphs.

2.11 Vehicle Plate Duration

Through the consultation, drivers, trade representatives and the Licensing Board have requested a change to the administrative process of issuing licences.

Under the current policy, all licensed vehicles must undergo regular compliance checks, the number of which are determined by the age of the vehicle, with a maximum of three compliance checks per year for a vehicle over five years of age. Currently, licence plates are issued for the duration of a compliance check, meaning that 237 vehicles are issued two licence plates per year and 639 vehicles are issued three licence plates per year. This decision was taken to ensure that all vehicles attended their compliance checks and gave a visible reminder to drivers that their test was due.

Respondents to the consultation believe that this requirement may no longer be necessary due to changes in the administration of the Licensing service. The Council is now able to send out automatic reminders to drivers that their compliance check is due, and to report on whether a vehicle has attended their compliance check. With these safeguards in place, it is possible to issue just one plate a year.

This would create significant efficiencies within the Licensing service, reducing the number of face-to-face interactions in Riverside House per year by 1,515, reducing the cost and time of printing plates which is undertaken by the Licensing service, and reducing the cost to the trade by £28,785 per annum. Furthermore, the Council are required to dispose of all expired plates which are non-recyclable, putting the equivalent of 112 square metres of plastic into landfill annually.

The Council's Licensing Board also raised this issue, as the board responsible for determining and issuing licenses, and stated that "...the board were sympathetic to this [vehicle plate issue] and felt there were no advantages of issuing plates more frequently. There would be a cost saving for both drivers and the Council in terms of administration".

There is a risk that non-compliance may arise if only one plate is issued. It is also the case that, whilst this proposal has been raised by both the trade and Licensing Board during the consultation process, no public consultation has taken place.

The Council therefore proposes to undertake a further consultation on this aspect of the Policy and to report back to Cabinet with a proposal for agreement, later in 2020. If Cabinet approve a change, it could be implemented from 1st January 2021.

2.12 First Aid Kits and Fire Extinguishers

The conditions currently attached to all vehicle licences require that a fire extinguisher and first aid kit are fitted within the vehicle. This is a common condition applied to licences across the country. However, the trade believe that this is an onerous condition which is costly to drivers, without giving any benefit, as drivers are not trained in first aid or dealing with fires. Therefore, the trade has requested that these conditions be removed from the revised policy.

Although drivers do not have first aid training, having the necessary materials in a vehicle means that a passenger or driver can administer first aid on themselves if required. The local CCG also believe this condition should be required, as off-duty medical staff could be able to use the first aid kit in an emergency. Furthermore, the Council considers that the Health and Safety at Work Act 1974 may also be applicable to drivers, which states that all employees have to take reasonable care for the health and safety of themselves or other persons who may be affected by their acts at work.

The Council also recognise that drivers have a duty to protect themselves and passengers from fire in the first instance, and this should be the priority of every driver if a fire breaks out. However, having a fire extinguisher present may aide drivers in some circumstances. South Yorkshire Fire and Rescue agreed with this position and gave examples of minor cases of fire where an extinguisher could be used by a driver to prevent a more serious incident.

The Council therefore propose that both of these conditions will remain in the policy and that the current conditions will not change.

2.13 Compliance Testing

The trade has raised issues regarding the frequency of compliance testing. Currently, the Council require one compliance test per year for a vehicle aged under three years, two tests for a vehicle aged between three to five years, and three tests for vehicles aged over five years.

The trade believes that assessing the number of compliance tests needed based solely on the age of the vehicle is not best practice and instead, the condition and test history of the vehicle should be considered. This could include the number of faults recorded on a vehicle test, the current mileage of the vehicle and its service history.

The Council believe that the current approach is adequate and that the age of the vehicle is the key factor when assessing the risk of a vehicle not complying with the Council's policy. A risk based approach to compliance testing would create a significant administrative burden for the Licensing service and require a vehicle assessor to report and evidence the proposed next compliance test date for every vehicle on an individual basis. This would add significant cost to the current process.

On balance therefore, whilst the Council has taken on board the responses received, it is proposed that the current process for compliance testing should remain unchanged.

3. Options considered and recommended proposal

- 3.1 In December 2019, Cabinet agreed for Officers to undertake a consultation about the Council's Hackney Carriage and Private Hire Licensing Policy. This set out a number of proposed changes which were included in a draft revised policy. Through consultation, a number of changes have been made to the original proposals, which are detailed in Section 2. Cabinet have a number of options to consider:
- 3.2 **Option 1:** The Council could decide to not make any changes to the current policy and implement the same policy that is currently used within Rotherham.
- 3.3 **Option 2:** The Council could agree to the proposed changes outlined in this report and formally adopt the policy attached as Appendix 2.

3.4 The preferred option is Option 2. This option takes into account all of the consultation responses that were received, as well as the views of the forums, groups and boards that were attended by officers through the consultation process. The proposed changes reflect the views of the public, the trade, the Council and its partners, and would form a policy that continued to drive standards across the country.

4. **Consultation on proposal**

4.1 The Council carried out an in-depth consultation in January and February 2020, focussed on eight proposed changes to the policy. These changes were formed from the initial views of the trade, Elected Members, and members of the public, alongside changes to statutory guidance.

4.2 Through the consultation, a number of other changes were brought forward by members of the trade, elected members and partner agencies. Some of these proposals have been adopted into the revised policy attached to this report and are outlined in Section 2.

4.3 The consultation comprised three key areas:

1. Online Consultation
2. Meetings and Forums
3. Drop-in sessions

4.4 The online consultation received 964 responses; 651 from the trade and 313 from members of the public. The responses to the consultation have been considered in Section 2 of the report. A full summary of the consultation responses can be found in Appendix 3.

4.5 The Council also consulted with the following forums, committees and groups:

- Licensing Board
- Safer Rotherham Partnership Board
- Rotherham Adult Safeguarding Board
- Rotherham Children's Safeguarding Board
- Youth Cabinet
- Older People's Forum
- Taxi Trade Liaison Committee
- Community Reference Group
- Madrasa session at Jamia Masjid, College Road, Masbrough
- Women's Forum at the Unity Centre.

4.6 Three drop-in sessions were also arranged for taxi drivers and members of the public. Across these sessions, approximately forty drivers attended. There was not any attendance from members of public.

5. **Timetable and Accountability for Implementing this Decision**

5.1 Should Cabinet approve this policy, it will be implemented following the standard call-in period. It is expected that the new policy will take effect on Friday 1st May.

5.2 However, a number of elements of the new policy will require transitional arrangements to be in place. An implementation scheme is attached as Appendix 4, outlining the length of time that existing drivers, vehicle owners and operators will be given to comply with specific changes to the policy.

6. **Financial and Procurement Advice and Implications**

6.1 There are no direct procurement implications arising from the recommendations detailed in this report.

6.2 The costs of the Council carrying out its statutory duties as a Hackney Carriage and Private Hire licensing authority, and the subsequent enforcement of these functions, of which the Policy forms part, are contained within the Council's approved Licensing revenue budget, the costs of which are met by fees.

6.3 Fee levels are set at the discretion of the Council for the areas covered by this Act. A further public consultation on the issuing of licence plates may allow for cost reductions which will go toward balancing the overall Licensing account, subject to all approvals.

7. **Legal Advice and Implications**

7.1 The Council is responsible for the regulation of Hackney Carriage and Private Hire licensing in the Borough. There is no legal requirement to have a policy in place; however, such a policy is necessary to ensure proper regulation of the trade and ensure that high standards are established and maintained. In order for such a policy to be fit for purpose, it needs to be regularly reviewed and amended to reflect change, so that regulation of the trade is consistent and remains effective. Regulation is essential to ensure effective safeguarding in the Borough.

7.2 Failure of the Council to properly regulate Hackney Carriage and Private Hire licensing in the Borough and the failure to maintain a policy that is fit for purpose leaves the Council and any decisions made in relation to licensing open to legal challenge. Any such challenge carries both financial and reputational risk for the Council.

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

7.4 The Council must have regard to all relevant legislation and ensure that the consultation responses are conscientiously considered when deciding on the content of the policy, in order to minimise the risk of any legal challenge.

7.5 Any decisions made by the Council in relation to the changes to the policy must be rational, considering all relevant factors. Failure to do so could open up the policy to legal challenge on the grounds of unreasonableness.

8. **Human Resources Advice and Implications**

8.1 There are no direct human resources implications arising from this report.

9. Implications for Children and Young People and Vulnerable Adults

- 9.1 Both the Jay report into Child Sexual Exploitation (CSE) in Rotherham and the subsequent Corporate Governance Inspection led by Louise Casey CBE identified issues, amongst which was the importance of having an effective taxi licensing service.
- 9.2 At the heart of the policy 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.
- 9.3 Since the publication of the report, the licensing service 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 Licensing 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).
- 9.4 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 Licensing Service at the weekly CSE / CCE 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 multi-agency 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.
- 9.5 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.

10. Equalities and Human Rights Advice and Implications

- 10.1 In undertaking its licensing function, the Council comply with relevant legislative requirements including the Human Rights Act 1998.
- 10.2 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.

- 10.3 When making licensing decisions, the Council and its officers ensure that all decisions are equally applied 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.
- 10.4 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.
- 10.5 A full Equalities Impact Assessment has been completed and is attached as Appendix 1 to this report.

11. Implications for Ward Priorities

- 11.1 This policy will be applied directly and equally to all wards within the borough.

12. Implications for Partners

- 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 The Hackney Carriage and Private Hire Licensing Policy 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.
- 13.2 Responsibility for ensuring compliance with the policy rests with team and service management, with appropriate overview and scrutiny by the Cabinet Member for Waste, Roads and Community Safety and members of the Licensing Board.
- 13.3 Failure of the Council to effectively discharge its licensing enforcement functions may compromise public safety.
- 13.4 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 Officers

Paul Woodcock, Strategic Director of Regeneration and Environment
Tom Smith, Assistant Director of Community Safety and Street Scene.

Approvals obtained on behalf of Statutory Officers:-

	Named Officer	Date
Chief Executive	Sharon Kemp	09/03/20
Strategic Director of Finance & Customer Services (S.151 Officer)	Judith Badger	05/03/20
Head of Legal Services (Monitoring Officer)	Bal Nahal	05/03/20

Report Author: Alan Pogorzelec, Licensing Manager
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This report is published on the Council's [website](#).

PART B – Equality Analysis Form

As a public authority we need to ensure that all our strategies, policies, service and functions, both current and proposed have given proper consideration to equality and diversity.

This form:

- Can be used to prompt discussions, ensure that due regard has been given and remove or minimise disadvantage for an individual or group with a protected characteristic
- Involves looking at what steps can be taken to advance and maximise equality as well as eliminate discrimination and negative consequences
- Should be completed before decisions are made, this will remove the need for remedial actions.

Note – An Initial Equality Screening Assessment (Part A) should be completed prior to this form.

When completing this form consider the Equality Act 2010 protected characteristics Age, Disability, Sex, Gender Reassignment, Race, Religion or Belief, Sexual Orientation, Civil Partnerships and Marriage, Pregnancy and Maternity and other socio-economic groups e.g. parents, single parents and guardians, carers, looked after children, unemployed and people on low incomes, ex-offenders, victims of domestic violence, homeless people etc. – see page 11 of Equality Screening and Analysis Guidance.

1. Title	
Equality Analysis title: Hackney Carriage and Private Hire Licensing Policy 2020-2023	
Date of Equality Analysis (EA): 27 th February 2020	
Directorate: Regeneration and Environment	Service area: Community Safety and Street Scene
Lead Manager: Tom Smith	Contact number: 01709 822025
Is this a: <input checked="" type="checkbox"/> Strategy / Policy <input type="checkbox"/> Service / Function <input type="checkbox"/> Other	
If other, please specify	

2. Names of those involved in the Equality Analysis (Should include minimum of three people) - see page 7 of Equality Screening and Analysis Guidance

Name	Organisation	Role (eg service user, managers, service specialist)
Ben Mitchell	RMBC	National Management Trainee
Tom Smith	RMBC	Assistant Director
Alan Pogorzelec	RMBC	Licensing Manager
Jackie Mould	RMBC	Head of Policy, Performance and Intelligence

3. What is already known? - see page 10 of Equality Screening and Analysis Guidance

Aim/Scope (who the Policy/Service affects and intended outcomes if known)

This may include a group/s identified by a protected characteristic, others groups or stakeholder/s e.g. service users, employees, partners, members, suppliers etc.)

The aim of the Hackney Carriage and Private Hire Licensing Policy (the policy) is to protect the public and promote public safety. The Council will carry out its functions under the policy to promote the following:

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

The Council has an overall responsibility to licence holders and to the safety and well-being of service users and the wider public.

To promote these objectives, the Council expects that licence holders and applicants demonstrate that they meet or exceed the standards set by the Council in the policy.

The Council currently licence approximately 1,200 Hackney Carriage and/or Private Hire drivers. As part of the application process, the Council request the ethnicity and/or country of birth of an individual. As with all equality screening data, this is not a compulsory question. 82% of drivers have disclosed their ethnicity to the Council, which is detailed below:

Disclosed ethnicity	Number of drivers	Percentage
White UK	166	15.1%
White Other	5	0.5%
Black African	5	0.5%
Indian	5	0.5%
Pakistani	559	50.7%
Kashmiri	98	8.9%
Bangladeshi	3	0.3%
Other	66	6.0%
Not disclosed	195	17.7%
Total	1102	100.0%

The Council must have due regard to race, religion and belief when implementing this policy, ensuring that the policy ensures equality amongst different groups once implemented.

What equality information is available? (Include any engagement undertaken)

As shown above, there is a diverse range of drivers who are licensed in Rotherham. The majority of drivers come from BAME backgrounds, with the majority of these drivers having Pakistani or Kashmiri heritage.

The consultation needed to be accessible and as engaging as possible. This included meeting various informal groups, as well as representative forums. Drop-in sessions were arranged across the borough at various times and days. One of these sessions took place in Boston Castle ward, which has the highest BAME population in the borough.

It was agreed that the majority of the consultation should be conducted face-to-face, with officers attending as many groups and forums as possible. The Council attended the following sessions to engage with a wide range of communities:

Community Reference Group

This group is representative of all communities in Rotherham and can be used as a platform to disseminate information to communities. The proposed changes to the policy were well received by this group who understood the Council's role in the protecting the public.

Women's Forum

Two officers attended a women's forum at the Unity Centre, Eastwood to consult directly with family members of licensed drivers from BAME backgrounds. This session was well attended and a number of concerns were raised, which formed part of the consultation and was considered when writing the final policy.

Madrasa Session at Jamia Masjid, Masbrough

Two officers also attended an educational class to consult directly with children from BAME backgrounds. 26 children were in attendance at this session and gave some very good suggestions as to how the drafted policy could be improved. The group were very supportive of setting conditions on operators to follow the Public Sector Equality Duty, but

also gave constructive comments regarding vehicle signage and driver identification.

Rotherham East Ward surgery

Officers attended a ward surgery on request of two ward councillors in Rotherham East. This ward has the second highest BAME population in the borough. Two drivers attended this session to raise their concerns regarding the policy, and officers noted these concerns which were fed into the final policy. Both drivers were also encouraged to complete the online consultation.

Taxi Trade Liaison Committee

The Council has a formal committee where representatives of the taxi trade are invited to present the views and opinions of those drivers that they represent. This also gives the Council the opportunity to disseminate messages to a large number of drivers who decide to be represented in this way.

Overall, officers spent over 50 hours in face-to-face sessions during the consultation.

Online consultation

A total of 963 responses were received to the online consultation. This included 651 members of the taxi trade, alongside 312 members of the public. A large number of the public responses came from family members of drivers and some of these responses stated that they were responding based on a session that they have attended. This shows that the way in which the Council consulted did reach a large cross-section of the borough.

Letters

Finally, a letter was sent to all licensed drivers, vehicle owners and operators in the borough to inform them of the consultation and encourage them to take part in the consultation, either through the drop-in sessions and online consultation, through a trade representative, or to directly contact the Licensing Service. Over 1400 letters were sent out through this process.

Are there any gaps in the information that you are aware of?

The Council was unable to provide translation services through the consultation, and the online consultation on the Council's website was only available in English, although the Council recognise that those who prefer to access the internet in different languages often do this through software packages, rather than translating individual webpages.

Furthermore, all drivers licensed by Rotherham must have an assessed level of English competency, meaning that their verbal English should be of a required standard. Although this does not take into account members of the public, drivers would have been able to understand the consultation and disseminate this to their family members, friends and wider communities.

The Council did endeavour to engage with as many communities and groups as possible, and where potential barriers to those groups were identified, the Council strived to engage with community representatives through various forums to request that these representatives distribute this information to members of the community.

What monitoring arrangements have you made to monitor the impact of the policy or service on communities/groups according to their protected characteristics?

Currently, the Council monitor equality through the decision making powers of the policy, which are delegated functions of the Licensing Board. This information can be reported

upon at request. The preceding three years of revocations, split by ethnicity, is provided below:

White UK	6	9.1%
Black African	1	1.5%
Pakistani	43	65.2%
Kashmiri	3	4.5%
Other	7	10.6%
Not disclosed	6	9.1%
Total	66	

The Council recognises that this monitoring could be improved and reported more frequently, which will be incorporated into the Equality Impact Action Plan.

Engagement undertaken with customers. (date and group(s) consulted and key findings)	<p>Online consultation. There is no requirement to consult under the Local Government (Miscellaneous Provision) Act 1976, although the Council recognise the importance of a wide-reaching consultation and actively wanted the views of customers and those impacted by the policy, to ensure that the Council are driving standards and protecting the public and drivers in the most appropriate way.</p> <p>Specific customer groups such as older people and young adults have been consulted with through representative forums, as well as through the online consultation which was available to all.</p>
Engagement undertaken with staff (date and group(s)consulted and key findings)	<p>Staff and partner agencies were consulted with to ensure that their views were also heard. Members of the Safer Rotherham Partnership were requested to respond to the consultation. Licensing Board, which is responsible for determining licence applications, also provided a formal response. The borough's adult's and children's safeguarding boards also provided a response to the consultation after officers presented to these independently chaired panels.</p>

4. The Analysis - of the actual or likely effect of the Policy or Service (Identify by protected characteristics)

How does the Policy/Service meet the needs of different communities and groups?
 (Protected characteristics of Age, Disability, Sex, Gender Reassignment, Race, Religion or Belief, Sexual Orientation, Civil Partnerships and Marriage, Pregnancy and Maternity) - see glossary on page 14 of the Equality Screening and Analysis Guidance)

The overall aim of this policy is to protect the public and apply the conditions within the policy in a fair and transparent way, to ensure that the public have equal access to services.

The Council recognises that many users of licensed vehicles will have protected characteristics. Within the policy, certain protected characteristics are addressed, such as disability. All drivers must complete training about protecting vulnerable passengers, which includes a module on disability awareness. The Council are recommending that drivers should refresh this training every three years, to ensure that drivers have the most up-to-date information available. Furthermore, the Council have recently added a module to this course on hate crime awareness, at the request of members of the trade. This shows the Council's commitment to reducing hate crime, and protecting drivers and service users based on their race, religion or beliefs.

Through consultation, many service users and members of the trade have commented on the added protection that taxi camera systems give. Although this part of the policy has not changed through the policy review, many groups commented on the importance of these cameras to protect the public, as well as drivers, from all forms of discrimination and abuse. The Council are clear in the policy that footage from these cameras can be provided to the police in all instances of crime, discrimination and abuse. Specifically, the Women's Forum at the Unity Centre, Youth Cabinet and the Older People's Forum were extremely supportive of the protection that these systems give to potentially vulnerable groups.

Furthermore, the Council have also recognised through the consultation that a number of groups would benefit from improved signage on licensed vehicles. Although the Council are not proposing to change the amount of signage, this will be redesigned to better identify a licensed vehicle to potentially vulnerable groups. This was a recommendation that came from the Older People's Forum and Youth Cabinet. As well as improved exterior signage, interior signage will also be redesigned to mark the audio activation button more clearly. This will help to protect vulnerable passengers who may not have been aware of this button, giving them added security when using a taxi.

These changes ensure that the policy will enable all groups, communities and those with protected characteristics to have equal access to licensed vehicles and will feel safe and confident when using them.

Does your Policy/Service present any problems or barriers to communities or Groups?

All drivers will be subject to the same changes that are proposed to be included in the revised policy. The higher prevalence of taxi drivers of Pakistani and Kashmiri origin than in the general Rotherham population does mean that residents from these communities are more likely than the general population to be affected by the policy.

The only proposal that has been identified as a potential problem for a protected group is the requirement for vehicle signage to be present on the vehicle at all times, unless the vehicle is parked outside the driver's permanently registered home address. Through the consultation, a number of drivers and trade representatives raised concerns about the need for vehicle signage when the car is being used for family purposes. Concerns were raised that drivers of certain groups were being targeted because of the signage on the vehicle, which reduces the safety of drivers and their families. The Council have had confirmation from the police of stone throwing in some areas of the borough.

The Council recognise this issue and have an important role to play in protecting drivers and reducing the impact of hate crime on residents in the borough. However, the Council must also balance this issue with the requirements of the legislation that it must adhere to, as well as the main objective of the policy which is to protect the public. Under legislation, a vehicle is always licensed, and therefore, must be identifiable as a licensed vehicle at all times, in order to maintain public safety.

If signage was not required on the vehicle except for when being used for hire and reward, it would be much more difficult for a member of the public, as well as enforcement authorities, to identify a licensed vehicle, which could undermine the Council's policy and put the public at risk. This position is consistent with neighbouring authorities. However, in acknowledgment of the issues that some drivers in Rotherham have faced, the Council have sought to be as flexible as possible, whilst still ensuring compliance with the law. This is detailed in the 'Vehicle Signage' section below.

Does the Service/Policy provide any positive impact/s including improvements or remove barriers?

A number of changes to the policy will have positive impacts on protected groups and equality.

Public Sector Equality Duty

A key change within the policy is that the Council are proposing that all operators should have due regard to the Public Sector Equality Duty. Those businesses licensed by the Council should be seen to act in accordance with this duty. Those who fail to comply could be seen to no longer be 'fit and proper' and have their licence reviewed.

This duty could also be applied to drivers who discriminate against protected groups, or do not foster or encourage good relation between those who share a protected characteristic and those who do not. Furthermore, the Council have a duty to protect drivers where they are being discriminated against and can use this duty to deal with any incidents which may occur between a driver with a protected characteristic, and a user who does not share this.

Improved signage

Through the consultation, a number of groups, including the Women's Forum, discussed the need for signage within a vehicle which states that abuse towards drivers is not tolerated. The Council agree with this view, and through a redesign process, signage will be updated to ensure that this statement is visible in every licensed vehicle in the borough.

Vehicle Signage

Although exterior vehicle signage may not be removed when not working, as outlined in the section above, the Council have tried to strike a balance in order to protect drivers from hate crimes and incidents that have been expressed. Therefore, the Council will allow vehicle signage to be removed outside of the driver's registered home address, to ensure the safety of a driver, their family and their home. The Council hope that this addresses some of the most serious concerns that drivers have raised.

What affect will the Policy/Service have on community relations? (may also need to consider activity which may be perceived as benefiting one group at the expense of another)

The Council strive to implement the revised policy in a fair and transparent way, with further and ongoing engagement from trade representatives. The Council believe that a robust and effective Hackney Carriage and Private Hire Licensing Policy will help to further rebuild the trust between residents of the borough and the licensed trade, indirectly building relations between diverse communities.

The Council hope that by implementing this policy in the way described, communities will trust and engage with the Council in a more meaningful way, around issues relating to vehicle licences but also other priorities for those communities and the Council, such as incidents of hate crime.

Please list any **actions and targets** that need to be taken as a consequence of this assessment on the action plan below and ensure that they are added into your service plan for monitoring purposes – see page 12 of the Equality Screening and Analysis Guidance.

5. Summary of findings and Equality Analysis Action Plan

If the analysis is done at the right time, i.e. early before decisions are made, changes should be built in before the policy or change is signed off. This will remove the need for remedial actions. Where this is achieved, the only action required will be to monitor the impact of the policy/service/change on communities or groups according to their protected characteristic - See page 11 of the Equality Screening and Analysis guidance

Title of analysis: Hackney Carriage and Private Hire Licensing Policy
Directorate and service area: Regeneration and Environment, Community Safety and Street Scene
Lead Manager: Tom Smith, Assistant Director, Community Safety and Street Scene
Summary of findings:
This Equality Impact Assessment shows the in-depth and wide ranging consultation that has been undertaken by the Council in relation to the revised Hackney Carriage and Private Hire Licensing Policy. The Council's main aim must be to protect the public, but the changes introduced will help to foster good relations between those who share a protected characteristic, and those who do not. Although the Council have learned lessons from the consultation process, the engagement received has surpassed expectation which is due to the wide-ranging design of the consultation, along with full engagement from trade representatives, forums and committees.
The Council do understand that this policy may present challenges for some drivers, but the Council have attempted to mitigate this in the most appropriate way, under the existing legislation. The Council will continue to work with the trade, its representatives and the wider community to ensure that the policy is implemented in the best way possible.

Action/Target	State Protected Characteristics as listed below	Target date (MM/YY)
To regularly monitor and report on the protected characteristics of drivers licensed by the Council	All	

To regularly monitor and report on the protected characteristics of drivers where disciplinary measures (e.g. suspensions/ revocations) are taken	All	
To improve the way in which protected characteristics are stored in the application process for a licensed driver.	All	

*A = Age, D= Disability, S = Sex, GR Gender Reassignment, RE= Race/ Ethnicity, RoB= Religion or Belief, SO= Sexual Orientation, PM= Pregnancy/Maternity, CPM = Civil Partnership or Marriage. C= Carers, O= other groups

6. Governance, ownership and approval

Please state those that have approved the Equality Analysis. Approval should be obtained by the Director and approval sought from DLT and the relevant Cabinet Member.

Name	Job title	Date
Tom Smith	Assistant Director, Community Safety and Street Scene	28 th February 2020
Paul Woodcock	Strategic Director, Regeneration and Environment	4 th March 2020
Cllr Emma Hoddinott	Cabinet Member for Waste, Roads and Community Safety	3 rd March 2020.

7. Publishing

The Equality Analysis will act as evidence that due regard to equality and diversity has been given.

If this Equality Analysis relates to a **Cabinet, key delegated officer decision, Council, other committee or a significant operational decision** a copy of the completed document should be attached as an appendix and published alongside the relevant report.

A copy should also be sent to equality@rotherham.gov.uk For record keeping purposes it will be kept on file and also published on the Council's Equality and Diversity Internet page.

Date Equality Analysis completed	27/02/20
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Report title and date	Hackney Carriage and Private Hire Licensing Policy
Date report sent for publication	04/03/20
Date Equality Analysis sent to Performance, Intelligence and Improvement equality@rotherham.gov.uk	02/03/20



Rotherham Metropolitan Borough Council Hackney Carriage & Private Hire Licensing Policy

2020 – 2023

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

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- Appendix E: Hackney Carriage Byelaws
- Appendix F: Dress Code
- Appendix G: Code of Conduct when working with vulnerable persons
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- Appendix I: Vehicle Age and Emissions Policy
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- Appendix K: Specification of Hackney Carriages
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1. Introduction

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

This policy and related procedures will guide the work of the Council in the way in which it carries out its functions. The policy has immediate effect and will be applied to existing licences and new applications received after the date that the policy is adopted by the Council. The Council reserves the right to overturn a decision that has previously been made, or refuse a renewal of a licence, where clear errors are discovered. In addition, the Council will undertake periodic auditing of currently licensed drivers and vehicles to ensure that the policy is adhered to and is being followed in its entirety. Such audits will be conducted using this policy as the required standard.

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

- The Council's licensing aims and objectives (see section 3 of this policy)
- Current legislation
- Other Rotherham Council polices
- The Office of Fair Trading "The Regulation of Licensed Taxi and PHV Services in the UK" 2003
- Taxi and PHV Licensing Criminal Convictions; Policy, Local Government Regulation, Sept 2010
- Guidance on the Rehabilitation of Offenders Act 1974 – March 2014
- Disclosure & Barring Service Information Note on Rehabilitation of Offenders Act 1974 and Police Act 1997 Orders - 2013
- Regulators' Code 2014
- The Department for Transports "Taxi and Private Hire Vehicle Licensing: Protecting Users (consultation version).
- Taxi and private hire vehicle licensing: recommendations for a safer and more robust system

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

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

2. Definitions

The Local Government (Miscellaneous Provisions) Act 1976, as amended, ("the 1976 Act") and the Town Police Clauses Act 1847 provides the regulatory framework for Rotherham Council (the "Council") as the Local authority (the "Authority") to carry out its licensing functions in respect of Hackney Carriage and Private Hire Licensing.

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

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

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

- Town Police Clauses Act 1847 and 1889
- Local Government (Miscellaneous Provisions) Act 1976
- Transport Act 1985 and 2000
- Crime and Disorder Act 1998
- Environmental Protection Act 1990
- Equality Act 2010
- Road Traffic Acts 1988/ 1991.
- Health Act 2006
- Human Rights Act 1998

The Council will also have regard to other strategies, policies and guidance in its decision making. The Council will also have regard to wider considerations affecting visitors, employers and residents. These include, but will not be limited to: the availability of Hackney Carriage and Private Hire transport at all times; public nuisance; pollution; crime; and the capacity of the trade to cope with customer demand, particularly at night. The Council will also follow the principles laid out in the statutory Regulator's Code and any recommendations from the Office for Product Safety and Standards.

When considering the Equality Act 2010, the Council also have regard for the Public Sector Equality Duty, which places a duty on the Council to have due regard to:

- Eliminate unlawful discrimination
- Advance equality of opportunity between people who share a protected characteristic and those who do not.

- Foster or encourage good relations between people who share a protected characteristic and those who do not.

Through the Policy, the Council seeks to deliver on the duties placed upon it through the Equality Act. The Council will have regard for the above measures in dealing with the licensing objectives, by protecting the public and licensed drivers from discrimination and ensuring that any unlawful discrimination is dealt with appropriately, working with representatives of the trade and the Police.

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

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

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

In promoting these licensing aims and objectives, the Council will expect to see licence holders and applicants continuously demonstrate that they meet or exceed the standards set by the Council.

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

- Raising awareness amongst the licensed trade, and the general public, of issues of safeguarding children and vulnerable adults.
- Operating rules, conditions and disciplinary processes.
- Vetting, qualification, training and monitoring licensees.
- Measures to prevent noise, odour and light nuisance from Hackney Carriage and Private Hire activities.
- Commitment to work with the police and licensing authorities.
- An expectation that licence holders will treat all customers, passengers, the general public and Council officers with respect and courtesy at all times.

B. The safety and health of the public and drivers

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

C. Vehicle safety, comfort and access

- Standards of vehicle comfort and appearance.
- Space standards for vehicles.
- Location of ranks.
- Use of ranks.
- Provision of disabled facilities.
- Number of vehicles available.
- Provision for the aged and the young.
- Provision of safe and comfortable premises for customers to use.

D. Encouraging environmental sustainability

- The Council will work with stakeholders in the trade, elected members and partners to find the most appropriate methods of further reducing vehicle emissions.

E. Promoting the vision of Rotherham

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

These aims and objectives will be taken into account by the Council when making decisions. It is recognised that the licensing function is only one means of securing the delivery of the above objectives.

Cross-border hiring

The issue of cross-border hiring is currently the largest concern surrounding licensing that the Council has. This policy sets a high standard for those who are licensed by this authority, and aims to implement a fair but robust process. However, if an application is refused by this Council, any other authority in the country may licence a driver, based on the same information, but assessed against a less robust criteria. Once this driver is granted a licence, they will then be able to lawfully operate across Rotherham and other areas of the country, despite being refused a licence by this authority.

The Council believe that this poses a significant risk to this policy, and undermines the licensing objectives that this authority has set. This national issue poses risks to the protection of the public, the safeguarding of children and the vulnerable, the prevention of crime and disorder, and the safety and health of the public.

The Council recognises its responsibility and will use all opportunities to protect the public, particularly children and the vulnerable, against this issue. The Council will continue to lobby Government to prioritise this issue and apply national minimum

standards to licensed drivers.

The Council will continue to work in partnership with the locally licensed trade, its neighbouring authorities, South Yorkshire Police, local businesses and local people towards the promotion of the aims and objectives of this policy.

4. Delegations

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

The Assistant Director of Community Safety and Street Scene (the "Director") has been delegated by the Council to grant, suspend and refuse licences. In practice this power is restricted to the immediate suspension / revocation of licences in the interests of public safety, and the granting of licenses where there are no criminal or other concerns that give rise to doubts over the applicant's suitability to hold a licence.

In addition, the Director is delegated to appoint and authorised inspectors and officers to investigate and discharge statutory duties. These officers include the Council's, Licensing Manager, Community Safety Manager and Licensing Enforcement Officers. Such authorised powers include the issuing of warnings, suspension notices, and any other enforcement related sanction approved by the Council.

5. Driver Requirements

All drivers must satisfy the Council that they are fit and proper people to be granted a drivers' licence, and must then remain a fit and proper person for the duration of that licence. The fitness and propriety of a driver will be monitored / assessed throughout the period that the licence is held.

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

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

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

5.1 Fit & Proper Person Test

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

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

Without any prejudice, and based on the information before you, would you allow a person for whom you care, regardless of their condition, to travel alone in a vehicle driven by this person at any time of day or night?

All decisions on the suitability of an applicant or licensee should be made on the balance of probability. This means that an applicant or licensee should not be 'given the benefit of doubt'. If the board or delegated officer is only 50/50 as to whether the applicant or licensee is 'fit and proper', they should not hold a licence. The threshold used here is lower than for a criminal conviction (that being beyond reasonable doubt) and can therefore include information that goes beyond criminal convictions.

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

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

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

5.2 Application process

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

Applicants shall have a minimum of 2 years of holding either a full driving licence issued in the UK, the European Community (EC) or one of the other countries in the European Economic Area (EEA). In addition to the above, licensed drivers who hold an EC/EEA driving licence shall obtain a GB counterpart document. If this document is required, it shall be produced before the initial licence is issued

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

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

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

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

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

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

5.3 Disclosure and Barring Service (DBS)

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

Both Hackney Carriage and Private Hire drivers are included as "exceptions" within the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (the "Exceptions Order"). Accordingly, all drivers will be asked to disclose on their application form any caution or conviction even if it is spent for other purposes and those will be revealed on the DBS certificate. Advice will be provided in relation to certain old and minor cautions and convictions which are referred to as "protected". These do not have to be revealed and will not appear on the DBS certificate. This advisory clause is intended as general guidance only and anyone in doubt should seek their own legal advice.

All applicants for the grant or renewal of a licence requiring a DBS check shall be responsible for the costs of obtaining the DBS certificate. The Council will only accept DBS certificates which are applied for through Rotherham Council's Licensing Unit.

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

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

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

5.4 Applicants with periods of residency outside of the UK

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

Because of the potential lifetime relevance for some of the most serious offences

mentioned in this policy, the Council will need to ensure that sufficient background checks are conducted for those applicants that have lived overseas. For EU nationals (including UK citizens) suitable checks should be available. For those countries for which checks are not available, the Council will require a certificate of good conduct authenticated by the relevant embassy.

5.5 Relevance of Convictions and Cautions etc.

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

In relation to the consideration of convictions, cautions, warning and reprimands etc., the Council has adopted the policy set out in Appendix C.

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

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

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

5.6 Knowledge Testing

Applicants for a driver's licence are required to have passed the Council's knowledge test. The list below is an indication of what may be contained within the test but is not exhaustive and can be changed when necessary to update on the most current issues within the sector. This test will ensure that the applicant has sufficient knowledge in relation to:

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

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

Applicants who do not meet Entry Level 3 standard in English and Maths will be provided with details of courses that they can attend to improve these skills. When the applicant has successfully completed a relevant course, they may then re-apply for a licence.

If applicants fail three successive knowledge tests they will be required to wait at least 12 months (from the date of the most recent failure) before being permitted to take further tests.

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

5.7 Medical Assessment

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

Applicants shall provide a completed medical examination form supplied by the Council and completed by their own General Practitioner's (GP) practice 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. In exceptional circumstances, and with prior agreement from the Licensing Manager, a medical assessment can be carried out by another registered GP practice as long as the applicant's medical history has been viewed and assessed. The GP carrying out the medical must confirm that they have viewed the applicant's full medical history.

Licence holders with certain medical conditions (for example certain neurological conditions) may also be required to submit annual forms and adhere to additional requirements in order for them to retain their driver's licence.

Holders of Public Service Vehicle (PSV) and / or Large Goods Vehicle (LGV) Licences, where the holder is able to produce proof of current medical examination less than 3 months old, shall not be required to undergo a medical examination on first application. The Council will require written confirmation from the assessing GP that a full medical history has been reviewed as part of the examination.

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

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

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

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

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

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

5.8 Duration of licence

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

5.9 Qualifications

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

As such, applicants (who are not existing licence holders) whose application for a drivers licence is determined on or after the date on which this policy becomes effective will be required to provide evidence of the following qualifications / skills to the Council before a licence will be issued:

- BTEC Level 2 Certificate in the Introduction to Role of the Professional Taxi and Private Hire Driver or any alternate qualification which the Council may prescribe. Other qualifications may be accepted provided that they are to an equivalent standard of the BTEC and have a comparable syllabus. Any certificate must have been awarded within the last three years. In cases where the certificate was awarded more than 3 years ago, the certificate holder must demonstrate that they have undertaken a suitable refresher / CPD course – the content of which will be determined by the council.
- Completion of the Council's safeguarding children and vulnerable passenger's course. Applicants are required to attain a 100% pass mark in order to complete this course.

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

Existing licence holders will be required to provide evidence of the qualifications detailed above.

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

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

Qualifications (including the BTEC Level 2) will only be accepted if they have been issued by a reputable training provider. The training provider must be able to satisfy the council that it has an effective Quality Assurance Framework in place. The framework must cover all elements of the training, verification, assessment and certification process and must satisfy the council with regard to the quality and reliability of all aspects of the process up to and including the awarding of a certificate.

The Council reserves the right to refuse to accept a certificate of qualification as proof of an applicant or licence holder meeting a requirement if it is not satisfied as to the authenticity of the certificate or the quality / reliability of any part of the process that lead to the certificate being issued.

5.10 Conditions

The Council may attach such conditions to a Private Hire / Hackney Carriage driver's licence as are considered necessary. These are set out in Appendix D.

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

5.11 Dress Code

It is recognised that the taxi trade, both Hackney Carriage and Private Hire, play an important role in portraying a positive image of Rotherham and are key ambassadors for the Borough.

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

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

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

5.12 Code of Conduct when working with vulnerable passengers

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

5.13 Right of driver to work in the UK

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

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

A work permit or other approval to take employment issued by the Home Office or the Border and Immigration Agency when produced in combination with either a passport or another travel document endorsed to show the holder is allowed to stay in the United Kingdom and is allowed to undertake paid employment.

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

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

5.14 Renewal Process

The Council require any driver wishing to renew their licence provide evidence to confirm that the following conditions have been completed, before a licence is renewed:

- Attendance at the Council's refresher training session, to be completed within the last three months of the current licence period;

- A renewed enhanced DBS check, applied for through the Licensing Service;
- An up-to-date medical assessment if appropriate (refer to Section 5.7);
- Proof of an applicant's continuing right to work in the UK.

The refresher training session will not be formally assessed. However, in order to satisfactorily complete the course, all drivers are expected to actively participate in the session. Failure to comply may result in a driver not being deemed to have completed the course. The Council reserves the right to require drivers to attend further sessions if this is deemed appropriate.

A licence will not be renewed until all of the following conditions have been met. The Council will consider the renewal of a licence in the same way that it considers a new application, which is detailed in Section 5 of this policy.

6. Hackney Carriages and Private Hire Vehicles

6.1 Application process

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

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

- The vehicle application form;
- The appropriate fee;
- The original of the Vehicle Registration Document (Log Book/V5) certificate of registration for the vehicle (the new keeper's supplement section of the V5 document will be accepted in the case of vehicles that are not licensed at the time that the application is made, and the vehicle has recently been purchased by the applicant (documentary evidence will be required). Licences will not be renewed unless the full V5 document is made available to the council at the time of application);
- The original insurance certificate or insurance cover note for the vehicle (this must be provided before the licence is issued)
- Confirmation from the Council's appointed testing centre that the vehicle meets both the Council's vehicle specification and the vehicle examination requirements.

In addition:

- Any vehicle not manufactured with European Whole Vehicle Type Approval will be required to undergo Single Vehicle Approval (SVA) testing and evidence of that testing and the vehicle having obtained SVA produced to the licensing office.
- The application must be made on the correct application form and all supporting documents completed in full.

6.2 Grant and renewal of licences

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

Vehicle licences will be issued for a one year period, commencing on the date that the licence is issued. Vehicles older than 3 years old on the day that the licence is granted will be issued with a 12 month licence; however the licence plate will show an expiry date either six or four months after the date that the licence is issued. A further plate will be issued covering the remainder of the licence period once the vehicle has been subjected to a vehicle inspection at the Council's appointed testing facility (commonly referred to as an intermediate test). The frequency of vehicle inspections is based on age and outlined in Appendix I.

6.3 Vehicle age and exhaust emissions

Environmental protection legislation requires local authorities to review and assess air quality on a regular basis. Where air quality falls below the national standards, the Council is required to declare an Air Quality Management Area (AQMA) and produce an Air Quality Action Plan which identifies how air quality standards will be improved. Rotherham MBC's Air Quality Action Plan 2015 includes the measure of improving the hackney carriage and taxi fleet by setting minimum emission standards for vehicles licensed in the borough.

In addition, Rotherham and Sheffield Councils have been mandated by Government to introduce Clean Air Zones in order to improve air quality and reduce the risks to health. During the feasibility studies undertaken to determine what measures are necessary to comply with air quality standards, it has been identified that the taxi and private hire fleet in both Rotherham and Sheffield is adding to pollution in the area.

Whilst the likely measures in Rotherham do not include charges for taxi and private hire vehicles, it is likely that any such vehicles entering the designated area in Sheffield will attract charges, even if those vehicles comply with the emission and age standards applicable to vehicles licensed in Rotherham. This is because the charging zone considered for Sheffield requires taxi and private hire vehicles to be low emission vehicles. Whilst the Council's policy requires compliance with the emissions standards delivered by Euro VI diesel standards for example, the Council would encourage drivers to move to alternative low emission fueled vehicles such as electric.

Public Health England estimates that a total of 1,406 life years are lost in Rotherham across the whole population as a result of anthropogenic air pollution, including that from vehicles. 5.7% of deaths are attributable to long term exposure to particulate air pollution. In Rotherham, vehicle exhaust emissions are a principal source of air pollution and this has resulted in the creation of several Air Quality Management Areas along the major roads, together with the Government requiring consideration of Clean Air Zones. In these areas of Rotherham, the levels of annual mean nitrogen dioxide do not comply with EU and national law. There is potential for the UK Government to be fined for breach of the EU limit values, and infraction proceedings have already been instigated by the European Commission.

There are approximately 30,000 residents in Rotherham's designated Air Quality Management Areas (AQMAs). Emissions from the taxi fleet are among the sources which can be regulated and as such are a priority to be addressed with the aim of reducing levels of air pollution and helping to improve public health.

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

In the interests of passenger safety and comfort, and in support of these policies, the Council has introduced both vehicle emission standards and age requirements for licensed Hackney Carriage and Private Hire Vehicles as part of the policy. It is viewed that this is justifiable to ensure the sustained improvement of Rotherham's licensed vehicle fleet and the impact on the health and environment in the Borough.

Based on this information, the Council are clear that the introduction of Ultra Low Emissions Vehicles within the borough's licensed vehicle fleet would have an important role in reducing vehicle emissions and improving air quality. The Council have declared a Climate Emergency and plan to create a 'Climate Action Plan', which will detail how the Council will play a leadership role in promoting community, public and business partnerships to reduce carbon emissions. The Council will incentivise the trade, encouraging the uptake of ULEVs, which will be achieved through the Council's Annual Fees and Charges work.

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

6.4 Insurance

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

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

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

6.5 Vehicle specification

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

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

6.6 Conditions

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

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

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

6.7 Identification of vehicles as Private Hire Vehicles or Hackney Carriages

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

- a) Hackney Carriage
 - The exterior colour of all Hackney Carriages must be white.
- b) Private Hire Vehicles
 - The TX4 or similar vehicle (commonly referred to as a 'London cab') will not be licensed as a Private Hire vehicle.
 - The minibus variants of approved Hackney Carriage vehicles (such as the Mercedes Vito) can be licensed as Private Hire vehicles but must not be white.

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

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

6.8 Fire extinguishers

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

6.9 Tyres

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

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

- Tyre treads are designed to efficiently and effectively remove water from the road surface and provide maximum grip. All tyres fitted to the vehicle must have at least 2.0 mm tread depth throughout a continuous band in the centre 3/4 of the tread and around the entire circumference of the tyre.
- Tyre fitted to a motor vehicle or trailer must be fit for purpose and be free from any defects which might damage the road or endanger any person. Fit for purpose means that a tyre must:
 - be compatible with the types of tyres fitted to the other wheels;
 - not have any lump, bulge or tear caused by separation or partial failure of the structure;
 - not have a cut or tear in excess of 25mm or 10% of the sectional width of the tyre, whichever is the greater, and which is deep enough to reach the ply or cord;
 - not have any part of the ply or cord exposed.
- Tyres must be correctly inflated to the vehicle / tyre manufacturer's recommended pressure.
- All replacement tyres fitted to licensed vehicles must be new (i.e. not have been used previously on any other vehicle) and have been fitted by a reputable vehicle maintenance company / contractor. Vehicle proprietors are required to retain invoices / receipts to show that any tyre that is purchased meets this requirement.
- The fitting of part worn tyres to licensed vehicles is not permitted.
- 'Space saving' spare wheels must only be used in an emergency, and only in accordance with the manufacturer's instructions. Should the use of a 'space saving' spare wheel become necessary during a period of hire then the journey may continue, but the wheel must be replaced before the next journey.

6.10 Accidents

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

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

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

6.11 Vehicle examination and testing requirements

Hackney Carriage and Private Hire vehicles examination and testing requirements are set out in Appendix N. The frequency of intermediate compliance tests is outlined in Appendix I.

6.12 Meters

All Hackney Carriages must be fitted with an approved meter. The Council will from time to time publish a list of meters approved and acknowledged by the Public Carriage Office for use to calculate fares.

Meters used to calculate fares must be accurate, display the correct time and be capable of displaying:

- In the case of Hackney Carriages, the various tariffs as approved by the Council (including extra charges recoverable under the approved Table of Fares).
- The meter shall be calibrated and set to the Council's agreed charging distances and tariffs currently in force.
- In the case of Private Hire Vehicles, any scale of charges provided by the operator of the vehicle.

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

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

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

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

6.13 Taxi Cameras

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

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

- An unaccompanied child (i.e. under 18) or vulnerable adult is being carried in the vehicle, or
- Where the driver and customer are involved in a dispute or the driver feels threatened by the behaviour of a passenger. Activation of audio recording must be triggered by the driver pressing a switch / button. Audio recording will continue until such time as the button / switch is pressed again. This switch will activate / deactivate audio recording independent of the passenger's audio activation button / switch.

There must also be the facility for the passenger to activate audio recording (independent of the driver) should the passenger wish to do so. Activation of audio recording must be triggered by the passenger pressing a switch / button. Audio recording will continue until such time as the button / switch is pressed again. This switch will activate / deactivate audio recording independent of the driver's audio activation button / switch.

Once activated (by either passenger or driver), the audio recording must continue for an uninterrupted period until it is deactivated.

At the end of journey when the passenger leaves the vehicle, audio must be deactivated before another passenger enters the vehicle. If appropriate it must be reactivated should any of the situations above arise in relation to this new journey.

6.14 Additional provisions for Private Hire vehicles only

6.14.1 Wheelchair accessibility

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

- M1 classification and comply in all respects to EC Whole Vehicle Type Approval (ECWVTA);
- Suitable fittings for securing a wheelchair and any passengers seated in them;
- Access and egress via suitable side or rear doors.

6.14.2 Advertisements

Limited advertising is allowed on Private Hire vehicles subject to the approval of the Council. This must be in accordance with the requirement set out in Appendix O.

6.14.3 Limousines and executive hire

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

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

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

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

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

When a vehicle has been imported, the importer must produce a declaration from the testing authority (DVSA) that the vehicle will not carry more than eight passengers.

6.14.4 Special events vehicles and courtesy cars

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

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

The above list is not exhaustive, and other types of vehicle may be considered from time to time. When considering an application for a special event vehicle, the Council will have regard to the general requirements for Private Hire vehicles contained within this policy and relevant appendices.

Courtesy cars used for transporting customers to and from specific venues such as hotels and nightclubs, whether operated with or without charge to the customer, are considered to be Private Hire vehicles. These vehicles must be licensed as Private Hire vehicles, driven by Private Hire drivers and the journey must be booked via a Private Hire operator.

6.15 Additional provisions for Hackney Carriage vehicles only

6.15.1 Limitation on numbers

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

Licensing authorities have no power to restrict the number of Private Hire vehicles that they licence.

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

6.15.2 Advertisements

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

6.16 Taxi ranks

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

Private Hire Vehicles are not permitted to park on taxi ranks, nor must they allow customers to alight from their vehicle on a taxi rank.

7 Fares

7.1 Hackney Carriages

The Hackney Carriage Table of Fares (“the tariff”) is set by the Council and sets the maximum fare that can be charged by Hackney Carriage drivers for journeys within the Borough which can be negotiated downwards by the hirer for journeys. The hirer may agree to the fare for a journey which ends outside the borough being charged other than at the metered rate.

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

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

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

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

7.2 Private Hire Vehicles

The Council is not able to set fares for Private Hire vehicles.

Private Hire Operators that use licensed vehicles fitted with a fare meter must provide the Council with a current table of fares. This table must be available within each Private Hire vehicle so that it is easily accessible to all hirers.

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

8 Operators

8.1 Requirement for a licence

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

A Private Hire operator must ensure that every licensed hire vehicle is driven by a person who holds a licence issued by the same Authority that issued the vehicle licence. This authority must be the same authority that issued the operator's licence.

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

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

This Council will grant Private Hire operator licences for a period of 12 months.

8.2 Fitness and propriety

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

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

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

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

It is recognised that Private Hire Drivers and Operators are not necessarily the only contact points for customers. For example, a person taking bookings will be

responsible for deciding which driver to send to which user; a position that could be exploited.

The Council has a responsibility to ensure that all staff members do not pose a risk to the public and therefore, all staff that take bookings, dispatch vehicles, or have access to sensitive information (such as booking records) are required to provide a Basic Disclosure Check from the Disclosure and Barring Service.

The operator has a responsibility to keep a register of all staff that take bookings, dispatch vehicles, or have access to sensitive information, and keep an accurate record of Basic DBS checks for all individuals listed. These records are required to be provided to the Council by the relevant Private Hire Operator, on request, for all such individuals.

Where a DBS check cannot be carried out on a member of staff that meets the criteria listed above (for example, the employee resides outside of the UK), the Operator must outline the steps they have taken to demonstrate how they are satisfied that an individual is a fit and proper person. The evidence provided by the employer would be presented to the Licensing Board in order to confirm that these checks are equivalent to a basic level DBS.

The Council expect that the following steps would be included, but this is not an exhaustive list:

- face to face interviews with individuals;
- checks to ensure that the information provided by applicants is verified;
- independent professional and character references are requested and scrutinised;
- identity checks, right to work in the UK checks, national insurance number checks and relevant qualifications checks (if any) are verified as original documents;
- checks on previous employment history and experience;
- steps that are taken to verify that the individual has the health and physical capacity for the role; and
- a record of any discrepancies or anomalies, how they have been investigated and satisfactorily resolved.
- A record of criminal and offending history (e.g. police clearance certificates)

The Council would expect an Operator to first prove that a DBS check cannot be provided for an individual, and only in these circumstances will the Licensing Board consider alternative evidence.

8.3 Insurance

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

8.4 Conditions

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

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

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

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

8.5 Use of operator name following revocation of licence

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

8.6 Operator responsibility in relation to vehicles / drivers that are operated

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

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

- Licensed drivers or vehicle proprietors persistently (either individually or as a group) breaching the conditions of their licence whilst working for / under the instruction of a particular operator.
- Vehicles being operated that are in an unsuitable condition.
- Failure by the operator to satisfactorily address concerns in relation to licensed drivers/ vehicle proprietors (including matters related to child / adult safeguarding).
- Employment of ancillary staff where a basic DBS check has not been completed for the individual, or the results of those checks would indicate that the individual presents a risk to the public.

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

9. Fees

9.1 Fee Structure

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

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

10. Compliance and enforcement

10.1 Enforcement

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

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

The General Enforcement Policy for the Council embeds its principles of enforcement. This can be found on the Council's website.

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

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

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

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

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

Any breach of the required standards, policies and conditions may lead to suspension, revocation of the licence or prosecution.

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

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

10.2 Enforcement Penalty points

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

Points may be issued per incident and would accumulate on a licence until they reach the “trigger level”. At this trigger level, the licence holder will be referred to the Licensing Board for the Board to consider whether it is appropriate for licence holder to remain licensed by the Council. The Licensing Board may determine that the licence should be suspended or revoked, or the Board may choose to administer some other sanction at its disposal.

Licensing Enforcement Officers would be authorised to operate the scheme and issue points accordingly.

The decision to introduce this scheme would be subject to engagement and consultation with the locally licensed trade, the Licensing Board and the Council's decision-making body.

10.3 Suspension of licence

Where an individual fails to meet the vehicle conditions, an authorised officer may take immediate action to suspend the licence and require remedial action. Further use of the vehicle will be suspended until the defects have been remedied. The suspension will then not be lifted until the vehicle has undergone a further test, at the proprietor's expense, and / or been passed as fit for use by the Council.

The Licensing Board and specific officers have delegated powers to suspend and revoke licences if this is considered appropriate. Details of this can be found in Section 4 of this policy.

10.4 Refusal to renew a licence

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

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

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

10.5 Prosecution of licence holders

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

10.6 Appeals

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

10.7 Service Requests and Complaints

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

In considering the most appropriate action to take in relation to a complaint, the credibility of both the complainant and the licence holder will be taken into account.

In addition, if anyone wishes to complain about the service provided by the Council, a formal complaints process is available on the Council's website.

Appendix A

Driver Licence Application Process

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

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

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

1. Applications will only be accepted from applicants that have held a full UK driving licence for at least two years (please note that the requirement is to have held the full licence for at least two years, not two years since the date that you passed your driving test). Applicants that hold full EU licences will have the length of time that they have held such licences taken into consideration, however holders of EU licences will only be issued with a licence for 12 months – the licence will not be renewed unless the EU licence is exchanged for a full UK licence (as required by national legislation).
2. Applicants (who are not existing licence holders) will be required to provide evidence of the following qualifications / skills to the council before a licence will be issued:
 - BTEC Level 2 Certificate Introduction to Role of the Professional Taxi and Private Hire Driver or any alternate qualification which the Council may prescribe. Alternative qualifications may be accepted provided that they are to an equivalent standard of the BTEC and have a comparable syllabus. Any certificate must have been awarded within the last three years. In cases where the certificate was awarded more than 3 years ago, the certificate holder must demonstrate that they have undertaken a suitable refresher / CPD course – the content of which will be determined by the council.
 - Satisfactory completion of an approved training / awareness raising course in relation to safeguarding children and vulnerable people. This course must have been approved by Rotherham MBC Licensing Service.
 - Ability in English and Maths at least to Entry Level 3 standard (as defined in the Qualifications and Credit Framework).

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

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

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

Qualifications (including the BTEC Level 2) will only be accepted if they have been issued by a reputable training provider. The training provider must be able to satisfy the council that it has an effective Quality Assurance Framework in place. The framework must cover all elements of the training, verification, assessment and certification process and must satisfy the council with regard to the quality and reliability of all aspects of the process up to and including the awarding of a certificate.

The council reserves the right to refuse to accept a certificate of qualification as proof of an applicant or licence holder meeting a requirement if it is not satisfied as to the authenticity of the certificate or the quality / reliability of any part of the process that lead to the certificate being issued.

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

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

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

document can be verified and is comparable to a UK issued Enhanced DBS Certificate

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

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

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

A fee is payable by the applicant prior to them undertaking the test. If the applicant fails the test then they may retake it at a later date (subject to the payment of the appropriate fee). However, if an applicant fails the test after taking it for a third time they will not be permitted to take the test again until at least 12 months has passed since the date of the most recent failure.

5. Applicants are required to satisfactorily complete an advanced driving skills test to Driver and Vehicle Standards Agency standards (taxi and private hire test). Details of the test will be provided to the applicant by the Licensing Office.
6. All applicants must agree to the council verifying their DVLA driving licence, this may be done via a third party organisation and will require the applicant to give their consent to such a check being carried out.
7. Applicants whose DVLA driving licence is endorsed with more than 6 penalty points will be required to attend a hearing of the Licensing Board for their application to be determined.
8. Applicants shall provide a completed medical examination form supplied by the Council and completed by their own General Practitioner's (GP) practice 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. In exceptional circumstances, and with prior agreement

from the Licensing Manager, a medical assessment can be carried out by another registered GP practice as long as the applicant's medical history has been viewed and assessed. The GP carrying out the assessment must confirm that a full medical history has been reviewed. There will be a fee for this examination, and this should be paid directly to the GP.

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

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

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

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

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

When a licence holder applies to renew their licence, before a decision is made to refuse or grant a licence, the applicant must attend a refresher course, or update training, as specified by the Council. This must have been completed within the preceding three months at the point of renewal.

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

Appendix B

Disclosure & Barring Service (DBS) Application Process

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

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

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

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

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

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

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

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

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

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

Your application will not progress until the Council has received your Enhanced Disclosure Certificate.

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

Policy statement on the recruitment of ex-offenders

The Council undertakes criminal record checks for successful applicants (where applicable) whilst ensuring their suitability for positions of trust. The Council complies fully with appropriate guidelines and undertakes to treat all applicants for positions fairly. It undertakes not to discriminate unfairly on the basis of a conviction or other information revealed.

The Council is committed to the fair treatment of its employees, potential employees or users of its services, regardless of race, gender, religion, and sexual orientation, responsibilities for dependents, age, physical/mental disability or offending background.

The Council actively promotes equality of opportunity for all and welcomes applications from a wide range of people, including those with criminal records. Applicants are invited to the selection process based only on their skills, qualifications, experience etc. as assessed against the defined criteria for the post.

Having a criminal record will not necessarily bar a person from working for the Council. This will depend on the nature of the position and the circumstances and background of the offences. Criminal records will only be taken into account when the conviction is relevant.

The Council only requests a criminal records check if it is deemed relevant to the post. If the post is identified in the Police Act 1997 then an enhanced check will be undertaken. Posts subject to the Basic Personnel Security Standard will be checked at the basic level. Where it is identified as a requirement the supporting recruitment documentation for the post (the job profile) will contain a statement indicating that the check will be requested in the event of the individual being offered the position.

If the post is deemed exempt from the Rehabilitation of Offenders Act 1974, applicants must provide details in their application of previous convictions **both** spent and unspent.

The Council ensures that all those who are involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of offences. They will also have received appropriate guidance and training in the legislation relating to the employment of ex-offenders.

If applicable, at the selection process or in a separate discussion, the Council will undertake an open and measured discussion regarding offences or any other information disclosed that might be relevant to the position.

The Council abides by the [Code of Practice](#) (established under section 122 of Part V Police Act 1997) which every applicant, who is subject to a criminal records check, is advised to read.

The Council fully complies with the Code of Practice regarding correct handling, use, storage, retention and disposal of criminal record checks and related information. We

also comply fully with our obligations under the Data Protection Act and other relevant legislation.

Please note:

Failure to declare a conviction, caution or pending police action, will disqualify the applicant from appointment or result in summary dismissal if the discrepancy comes to light later. If applicants would like to discuss whether a conviction held would debar them from working in the position applied for, they should telephone Human Resources on (01709) 334141 in confidence, for advice.

The Rehabilitation of Offenders Act 1974

The Rehabilitation of Offenders Act enables some criminal convictions to be ignored after a rehabilitation period. The purpose of the Act is to ensure that people do not have a lifelong blot on their records because of a relatively minor offence in their past. The rehabilitation period is automatically determined by the sentence, and starts from the date of the conviction. After this period, if there has been no further conviction the conviction is "spent" and, with certain exceptions, need not be disclosed by the ex-offender in any context e.g. when applying for a job.

Certain professions and employments are exempt from the Act so that individuals are not allowed to withhold details of previous convictions in relation to their job when applying for positions in similar fields. Those professions relevant to the Council include:

- Those working with children and other vulnerable groups, such as teachers and social workers
- Those working in professions associated with the justice system, such as solicitor, police, court clerk, probation officer, prison officer and traffic warden
- Accountants
- Certain officials and employees from government and public authorities with access to sensitive or personal information or official databases about children or vulnerable adults
- Any office or employment concerned with providing health services which would normally enable access to recipients of those health services
- Officers and other persons who execute various court orders
- Taxi drivers and other transport workers.

Appendix C

Relevance of Previous Convictions Policy

1. Introduction

- 1.1 This policy provides guidance to the Licensing Board and its sub-committee on the criteria to take into account when determining whether or not an applicant or an existing licence holder is a fit and proper person to be granted, have renewed or continue to hold a Hackney Carriage and / or Private Hire Driver Licence. Whilst criminal convictions will play a significant part in the Licensing Authority's determination on whether an individual is fit and proper or not, the Council will also take into account other factors such as demeanour, general character, non-criminal behaviour, driving abilities, and other police information.
- 1.2 Whilst this policy primarily applies to the determination of driver licences, the principles within it are equally applicable to the determination of Private Hire Operator and Vehicle / Hackney Carriage licence applications. Consequently, where a conviction (as defined below) is considered relevant to the fitness and propriety / suitability of an individual to hold (or be granted) a Private Hire Operator Licence or a vehicle licence, then this policy must be referred to in the determination of that licence / application.
- 1.3 It is the responsibility of the Council to issue Hackney Carriage and Private Hire licences under the Local Government (Miscellaneous Provisions) Act 1976. In exercising this duty, the Council will consider the need to ensure the safety of the public as its primary consideration. Licences will not be issued unless the person is 'fit and proper'.
- 1.4 In seeking to safeguard the safety of the public. The council will be concerned to ensure:
 - That a person is a fit and proper person in accordance with Sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 (Part II)
 - That the person does not pose a threat to the public
 - That the public are safeguarded from dishonest persons
 - The safety of children, young persons and vulnerable adults
- 1.5 The term "Fit and Proper Person" for the purposes of taxi and private hire licensing is not legally defined. However, in determining whether a person is fit and proper to hold a licence, those tasked with determining licences/ applications are asking the following question of themselves:

Without any prejudice, and based on the information before you, would you allow a person for whom you care, regardless of their condition, to travel alone in a vehicle driven by this person at any time of day or night?

All decisions on the suitability of an applicant or licensee should be made on the balance of probability. This means that an applicant or licensee should not be ‘given the benefit of doubt’. If the board or delegated officer is only 50/50 as to whether the applicant or licensee is ‘fit and proper’, they should not hold a licence. The threshold used here is lower than for a criminal conviction (that being beyond reasonable doubt) and can therefore include information that goes beyond criminal convictions.

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

- Criminality
- Period of holding a driver’s licence
- Number of endorsed driving licence penalty points
- Right to work
- Medical fitness
- Standard of driving/ driving ability
- The conduct of the applicant in making the application
- The previous licensing history of existing/ former licence holders.

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

1.6 This policy provides guidance to any persons, but specifically:

- Applicants for a driver’s licence
- Existing licensed drivers whose licences are being reviewed
- Licensing officers
- Members of the licensing committee/sub-committee
- Magistrates and Judges hearing appeals against local authority decisions

1.7 In considering this guidance, the Council will be mindful that each case must be considered on its individual merits and, where the circumstances demand, the committee may depart from the guidelines.

- 1.8 In this policy, the word "Conviction" is to be defined as including convictions, cautions, warnings, reprimands and other relevant information. In this policy 'from date sentence has ended' is taken to be the date which is reached once the whole of the period as sentenced by the court has elapsed and not the length of time served by the applicant. For example, if a sentence is five years imprisonment then the date that the sentence ends will be five years from the date of sentencing – regardless of the amount of time actually served by the applicant. If the sentence is amended by a court at a later date, then this new sentence becomes relevant to this policy. The term 'since completion of sentence' is to be construed in the same way.
- 1.9 In this policy, the word applicant refers to either new applicants, existing licence holders who are seeking renewal and existing licence holders that are the subject of periodic auditing. It also includes existing licence holders who are being considered by the Council by virtue of offending activity having recently come to light.

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

2. General Policy

- 2.1 Whilst the Board may consider that a person with a conviction for a serious offence may not need to be automatically barred from obtaining a licence, it is however to be normally expected that the applicant would be required to:
 - a. Remain free of conviction for an appropriate period as detailed below; and
 - b. Show adequate evidence that they are a fit and proper person to hold a licence (the onus will be on the applicant to produce such evidence). Simply remaining free of conviction may not generally be regarded as adequate evidence that a person is a fit and proper person to hold a licence.
- 2.2 The standards and criteria set out in paragraphs 6 to 16 below are those that would normally be applied to applications and licences. The Council may depart from these criteria; however, it must only do so in exceptional circumstances. The otherwise good character and driving record of the applicant or licence holder will not ordinarily be considered as exceptional circumstances.

3. Appeals

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

4. Powers

- 4.1 Section 61 of the Local Government Miscellaneous Provisions Act 1976 allows the Council to suspend, revoke or refuse to renew a licence if the applicant has been convicted of an offence involving dishonesty, indecency, violence; failure to comply with the provisions of the Town Police Clauses Act 1847; failure to comply with the provisions of Part II of the Local Government Act 1976; or any other reasonable cause.
- 4.2 The Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975, allows the Council to consider all convictions recorded against an applicant or the holder of a Private Hire or Hackney Carriage driver's licence, whether spent or not. Therefore, the Council will have regard to all relevant convictions, particularly where there is a long history of offending or a recent pattern of repeat offending. Applicants need to be aware that, in accordance with this Act, all convictions, cautions, warnings and reprimands must be declared.
- 4.3 Under the provisions of Sections 51, 55 and 59, Local Government (Miscellaneous Provisions) Act 1976, the Council is required to ensure that an applicant for the grant or renewal of a Hackney Carriage and / or a Private Hire Vehicle driver's licence is a "fit and proper" person to hold such a licence. However, if an applicant has any convictions, warnings, cautions or charges awaiting trial, the council will look at:
- How relevant the offence(s) are to the licence being applied for;
 - How serious the offence(s) were;
 - When the offence(s) were committed;
 - The date of the conviction, warning, caution etc.;
 - Circumstances of the individual concerned;
 - Any sentence imposed by the court;
 - The applicant's age at the time of offence / incident leading to the conviction, warning, caution etc.;
 - Whether they form part of a pattern of offending;
 - Any other character check considered reasonable (e.g. personal references);
 - Any other factors that might be relevant, for example:
 - The previous conduct of an existing or former licence holder;
 - Whether the applicant has intentionally misled the council or lied as part of the application process;
 - Information provided by other agencies / council departments.
- 4.4 Existing holders of driver's licences are required to notify the Council in writing within five working days of receiving a driving licence endorsement, fixed penalty notice, warning, reprimand, police caution, criminal conviction or other criminal proceedings (including their acquittal as part of a criminal case). In addition, licence holders must inform the council within 3 working days of their

arrest for any matter (whether subsequently charged or not). Failure to do so will raise serious questions for the Council as to the honesty of the licence holder and will be taken into account as part of any subsequent renewal applications.

- 4.5 Applicants can discuss further what effect a caution/ conviction may have on any application by contacting Licensing at:
<https://www.rotherham.gov.uk/licensing-regulation/licensing-enquiry>.
- 4.6 The Council conducts enhanced disclosures from the Disclosure and Barring Service (DBS) of any applicant for a driver's licence. Applicants applying for the grant or a renewal of a driver's licence will be required to obtain an enhanced disclosure at their expense. This includes any fees payable to the DBS. Further details are provided in Appendix A and Appendix B of this policy.
- 4.7 The Council is also entitled to use other records and information that may be available to it in determining applications or an entitlement to continue holding a licence. This may include information held by the Council or other licensing authorities, and information disclosed by the police under the Common Law Police Disclosure Scheme or other similar arrangements. Examples of such information sources that may be used include social care information, benefits payments etc.
- 4.8 It is an offence for any person knowingly or recklessly to make a false declaration or to omit any material in giving information required by the application for a licence (s57 Local Government (Miscellaneous Provisions) Act 1976). Where an applicant has made a false statement or a false declaration on their application for the grant or renewal of a licence, the licence will normally be refused.
- 4.9 Any offences or behaviour not covered by this Policy will not prevent the Council from taking into account those offences or behaviours.

5 Options when determining an application/licence

- 5.1 When determining an application, the Council have the following options:

- approve the application or take no further action
- refuse the application/revoke the licence/suspend the licence
- issue a warning which may include the use of enforcement penalty points
- For existing drivers who have accumulated 9 or more points on their DVLA driving licence, their drivers' licence will normally be suspended until the driver has successfully undertaken a driving test to DVSA standards. Such a test will be at the licence holder's expense.

6. Serious offences involving violence

- 6.1 Licensed drivers have close regular contact with the public. A firm line is to be taken with those who have convictions for offences involving violence. An application will be refused if the applicant has a conviction for an offence that involved the loss of life.
- 6.2 A licence will not be granted where the applicant has a conviction for:
- Murder
 - Manslaughter
 - Manslaughter or culpable homicide while driving
 - Terrorism offences
 - Any offences (including attempted or conspiracy to commit offences) that are similar to those above.
- 6.3 Consideration may only be given to the granting / issuing of a licence if at least 10 years have passed since the completion of any sentence and / or licence period following conviction for an offence shown below:
- Arson
 - Malicious wounding or grievous bodily harm which is racially aggravated
 - Actual, or Grievous bodily harm
 - Robbery
 - Possession of firearm
 - Riot
 - Assault Police
 - Violent disorder
 - Resisting arrest
 - Any racially-aggravated offence against a person or property
 - Common assault
 - Affray
 - Any offence that may be categorised as domestic violence
 - Any Public Order Act offence (harassment, alarm or distress, intentional harassment or fear of provocation of violence)
 - Any offences (including attempted or conspiracy to commit offences) that are similar to those above.
- 6.4 Consideration may only be given to the granting / issuing of a licence if at least 5 years have passed since the completion of any sentence and / or licence period following conviction for an offence shown below:
- Obstruction
 - Criminal damage
 - Any offences (including attempted or conspiracy to commit offences) that are similar to those above.

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

7. Possession of a weapon

7.1 If an applicant has been convicted of possession of a weapon or any other weapon related offence, this will give serious concern as to whether the person is fit to carry the public.

7.2 Depending on the circumstances of the offence, at least 3 years must have passed since the completion of the sentence, before a licence is granted.

8. Sexual and indecency offences

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

- Rape
- Assault by penetration
- Offences involving children or vulnerable adults
- Trafficking, sexual abuse against children and / or vulnerable adults and preparatory offences (as defined within the Sexual Offences Act 2003).
- Making or distributing obscene material
- Possession of indecent photographs depicting child pornography.
- Sexual assault
- Indecent assault
- Exploitation of prostitution
- Soliciting (kerb crawling)
- Making obscene / indecent telephone calls
- Indecent exposure
- Any similar offences (including attempted or conspiracy to commit) offences which replace the above

8.2 In addition to the above the council will not grant a licence to any applicant who is currently on the Sex Offenders Register or any other similar register.

9. Dishonesty

9.1 All licensed drivers are expected to be trustworthy. In the course of their working duties, drivers will deal with cash transactions and valuable property may be left in their vehicles. Drivers may well deal with customers who are vulnerable or intoxicated and potentially easily confused. For these reasons, a serious view is taken of any conviction involving dishonesty.

9.2 In general, a minimum period of 5 years free of conviction, or at least 5 years have passed since the completion of sentence (whichever is longer), should be required before granting a licence. Offences involving dishonesty include:

- theft
- burglary
- fraud
- benefit fraud
- handling or receiving stolen goods
- forgery
- conspiracy to defraud
- obtaining money or property by deception
- other deception
- taking a vehicle without consent
- fare overcharging
- or any similar offences (including attempted or conspiracy to commit) offences which replace the above

9.3 Applicants or existing licence holders that are found to have intentionally misled the council, or lied as part of the application process, will not be issued with a licence.

10. Alcohol and Drugs

- 10.1 A serious view is taken of any drug related offence. Taking drugs and driving poses an obvious risk to public safety, whilst applicants who have convictions for the supply of drugs should also be treated with considerable concern. The nature and quantity of the drugs, whether for personal use or supply are issues which will be considered carefully.
- 10.2 As licensees are professional vocational drivers, a serious view is taken of convictions for driving, or being in charge of a vehicle while under the influence of drink or drugs. More than one conviction for these offences raises significant doubts as to the applicant's fitness to drive the public. At least 3 years, after the restoration of the driving licence following a drink drive conviction should elapse before an application will be granted. If there is any suggestion that the applicant is alcohol or drug dependent, a satisfactory special medical report must be provided before the application can be granted.
- 10.3 Because of a driver's involvement with the public, a licence will not be granted where the applicant has a conviction for an offence related to the supply of drugs.
- 10.4 A licence will not be granted where the applicant has a conviction for offences related to the possession of illegal / controlled drugs until at least 10 years have passed since the completion of any sentence and / or licence period, and only

then after full consideration of the nature of the offence and the quantity / type of drugs involved.

- 10.5 If there is evidence of persistent drugs use, misuse or dependency a specialist medical examination (in accordance with DVLA Group 2 medical standards) and a satisfactory medical report may be required before the licence is granted. If the applicant was an addict, then they would be required to show evidence of 5 years free from drug taking after detoxification treatment.

11. Driving offences involving the loss of life

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

A licence will not be granted if an applicant has a conviction for:

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

12. Other traffic offences

- 12.1 Traffic offences such as obstruction, some speeding offences (usually dealt with by means of a fixed penalty), pedestrian crossing offences, traffic light offences waiting in a restricted area, or offences of a similar nature may not ordinarily merit refusal. However, they will be subject to consideration as part of the Points Enforcement Policy. For existing drivers who have accumulated 9 or more points on their DVLA driving licence, their driver licence will normally be suspended until the driver has successfully undertaken a driving test to DVSA standards (taxi and private hire test). Such a test will be at the licence holder's expense.
- 12.2 Traffic offences such as driving without due care and attention, reckless driving, more serious speeding offences (usually dealt with by a court rather than a fixed penalty), or offences of a similar nature will give rise to serious doubts about the applicant's suitability to be a driving professional. An applicant with any such convictions will be required to show a period of at least one year free of such convictions. For applicants with more than one offence this should normally be increased to two years.
- 12.3 In cases where the courts have imposed a disqualification in respect of the DVLA driving licence, the periods stated above should normally commence from the date of the restoration of the licence.

13. Outstanding Charges or Summons

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

14. Non-conviction information

- 14.1 The Council will also take into account situations and circumstances that have not led to a conviction. This will include acquittals, circumstances in which convictions were quashed due to misdirection to the jury, circumstances where the decision was taken not to prosecute, situations where the person has been arrested and bailed but not yet charged, and complaints from the public. In considering the most appropriate action to take in relation to non-conviction information (or a complaint), the credibility of both the witness / complainant and the licence holder will be taken into account.
- 14.2 If an applicant has been arrested or charged, but not convicted, for a serious offence which suggests he could be a danger to the public, consideration should be given to refusing the application. Such offences would include violent and / or sexual offences.
- 14.3 In assessing the action to take, the safety of the travelling public must be the paramount concern.

15. Licensing Offences

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

16. Insurance Offences

- 16.1 A serious view will be taken of convictions of driving or being in charge of a vehicle without insurance. An isolated incident in the past will not necessarily stop a licence being granted provided he/she has been free of conviction for 3 years, however strict warning should be given as to future behaviour. More than one conviction for these offences will prevent a licence being granted.
- 16.2 An operator found guilty of aiding and abetting the driving of passengers for hire and reward whilst without insurance will have his Operator's Licence revoked immediately and will not be permitted to hold a licence for a period of at least three years.

17. Applicants with periods of residency outside the UK

- 17.1 If an applicant has spent six continuous months or more overseas (since the age of 16) the council will expect to see evidence of a criminal record check from the country / countries visited covering the period.
- 17.2 Because of the potential lifetime relevance for some of the most serious offences mentioned in this policy, the Council will need to ensure that sufficient background checks are conducted for those applicants who have lived overseas. For EU nationals a disclosure that is similar to the UK DBS will be required, for those countries for which checks are not available, the council will require a certificate of good conduct authenticated by the relevant embassy.

18. Summary

- 18.1 Whilst a criminal history in itself may not automatically result in refusal and a current conviction for a serious crime need not bar an applicant permanently from becoming licensed, in most cases, an applicant would be expected to have remained free from conviction for 3 to 10 years (the period of time depending on the crime committed, as detailed above), before an application is likely to be successful. If there is any doubt about the suitability of an individual to be licensed, the committee needs to be mindful of the need to protect the public and caution should be exercised.
- 18.2 While it is possible that an applicant may have several convictions that, individually, meet the above guidelines, the overall offending history must be considered when assessing an applicant's suitability to be licensed. A series of offences over a period of time is more likely to give cause for concern than an isolated minor conviction. Some discretion can be afforded if an offence disclosed is isolated and there are mitigating circumstances, but the overriding consideration is the protection of the public.
- 18.3 A suspension or revocation of the licence of a driver takes effect at the end of the period of 21 days beginning with the day on which notice is given to the driver. If it appears that the interests of public safety require the suspension or revocation of the licence to have immediate effect, and the notice given to the driver includes a statement that is so and an explanation why, the suspension or revocation takes effect when the notice is given to the driver. [s61(2B) of the Local Government (Miscellaneous Provisions) Act 1976].
- 18.4 At least three years should elapse (after the restoration of the DVLA driving licence), before a licence would be granted.

Annex A – Motoring offences and penalty points

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

Code	Offence	Penalty Points
Accident Offences		
AC10	Failing to stop after an accident	5-10
AC20	Failing to give particulars or to report an accident within 24 hours	5-10
AC30	Undefined accident offences	4-9
Disqualified Driver		
BA10	Driving whilst disqualified by order of court	6
BA30	Attempting to drive while disqualified by order of court	6
Careless Driving		
CD10	Driving without due care and attention	3-9
CD20	Driving without reasonable consideration for other road users	3-9
CD30	Driving without due care and attention or without reasonable consideration for other road users	3-9
CD40	Causing death through careless driving when unfit through drink	3-11
CD50	Causing death by careless driving when unfit through drugs	3-11
CD60	Causing death by careless driving with alcohol level above the limit	3-11
CD70	Causing death by careless driving then failing to supply a specimen for analysis	3-11
CD71	Causing death by careless driving then failing to supply A specimen for drug analysis	3-11
CD80	Causing death by careless, or inconsiderate, driving	3-11
CD90	Causing death by driving: unlicensed, disqualified or Uninsured drivers	3-11
Construction & Use Of Offences		
CU10	Using a vehicle with defective brakes	3
CU20	Causing or likely to cause danger by reason of use of unsuitable vehicles or using a vehicle with parts or accessories (excluding brakes, steering or tyres) in a dangerous condition	3
CU30	Using a vehicle with defective tyre(s)	3
CU40	Using a vehicle with defective steering	3
CU50	Causing or likely to cause danger by reason of load or passengers	3
C80	Using a mobile phone while driving a vehicle	3
Dangerous Driving		
DD40	Dangerous Driving	3-11
DD60	Manslaughter or culpable homicide while driving a	3-11

	vehicle	
DD90	Furious Driving	3-9
Drink or Drugs		
DR10	Driving or attempting to drive with alcohol level above limit	3-11
DR20	Driving or attempting to drive while unfit through drink	3-11
DR30	Driving or attempting to drive then failing to supply a specimen for analysis	3-11
DR40	In charge of a vehicle while alcohol level above limit	10
DR50	In charge of vehicle while unfit through drink	10
DR60	Failure to provide a specimen for analysis in circumstances other than driving or attempting to drive	10
DR61	Failure to supply a specimen for drug analysis in circumstances other than driving or attempting to drive	10
DR70	Failing to provide specimen for breath test	4
DR80	Driving or attempting to drive when unfit through drugs	3-11
DR90	In charge of a vehicle when unfit though drugs	3-11
Insurance Offences		
IN10	Using a vehicle uninsured against third party risks	6-8
Licence Offences		
LC20	Driving otherwise than in accordance with the licence	3-6
LC30	Driving after making a false declaration about fitness applying for a licence	3-6
LC40	Driving a vehicle having failed to notify a disability	3-6
LC50	Driving after a licence has been revoked or refused on medical ground	3-6
Miscellaneous Offences		
MS10	Leaving a vehicle in a dangerous position	3
MS20	Unlawful pillion riding	3
MS30	Play street offences	2
MS50	Motor racing on the highway	3-11
MS60	Offences not covered by other codes	As Appropriate
MS70	Driving with uncorrected defective eyesight	3
MS80	Refusing to submit to an eyesight test	3
MS90	Failure to give information as to identity of driver etc.	3
Motorway Offences		
MW10	Contravention of Special Roads Regulations (excluding speed limits)	3
Pedestrian Crossings		
PC10	Undefined Contravention of Pedestrian Crossing Regulation	3
PC20	Contravention of Pedestrian Crossing Regulations with moving vehicle	3
PC30	Contravention of Pedestrian Crossing Regulations with stationary vehicle	3
Speed Limits		
SP10	Exceeding goods vehicle speed limits	3-6

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

Source www.gov.uk

Appendix D

Private Hire / Hackney Carriage Driver Conditions of Licence

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

1. Driver Licence

The licensee 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. Drivers may wear their badge in the following ways:
 - A clip badge attached to clothing in a prominent position
 - A plain, block coloured lanyard around the neck
 - A plain, block coloured armband with a transparent pouch to be worn on the left arm, where a driver badge can be fitted into and is clearly visible to passengers.
- 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 if 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 Council's Dress Code as set out in Appendix F.
- b. The driver must comply with the Council's Code of Conduct when working with vulnerable passengers which is contained within Appendix G.
- 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 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, vape or use e-cigarettes, or any similar device or 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 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 of up to three 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 the Council's licensing conditions are appropriately fixed to the vehicle. A record must be made by the driver to confirm that the checks have been undertaken and 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 always operational when 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).
- r. 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.
- s. The driver must not tamper or interfere with the system or 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 manufacturer's 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 operator, and confirmed with the driver before commencement of the journey. When a fare scale is used, that fare scale must be displayed and be a similar size to the fare cards carried by Hackney Carriages. This 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. 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 shall be required.
- d. The driver must, if requested by the hirer, provide a written receipt for the fare paid. The receipt should bear the name and address of the proprietor of the vehicle, alongside the badge number of the driver.

5 Passengers

- a. The licence holder must not cause, suffer, or permit a greater number of persons exclusive of the driver than the number of persons specified in the licence issued in respect of that vehicle. In addition, the driver must ensure that seat belt legislation is complied with for all passengers, including children, within 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 any other person in that vehicle for the length of the hirer's journey.

- d. The driver must provide all reasonable assistance to passengers, especially those with a disability.

6 Vulnerable Passengers

The Equality Act 2010 places the following duties on licensed drivers:

- a. 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.

- b. Duty to carry guide dogs and assistance dogs

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.

7 Found Property

- a. 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.

8 Medical Conditions

- 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 requires, 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.

9 Convictions, cautions and arrests

- a. 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.
- b. The 5 days excludes a Saturday or a Sunday, Christmas Eve, Christmas Day, Good Friday, Bank Holidays or any other day that the Council is closed.
- c. The following lists the type of offences that must be reported:
 - i. Any conviction (criminal or driving matter);
 - ii. Any caution (issued by the Police or any other agency);
 - iii. Issue of any Magistrate's Court summonses against you;
 - iv. Issue of any fixed penalty notice for any matter;
 - v. Any harassment, or other form of warning or order within criminal law, including anti-social behaviour orders or similar.
 - vi. Arrest for any offence (whether or not charged).
 - vii. Any acquittal following a criminal case heard by a court.
- d. The driver must notify the Council in writing of the acceptance of any fixed penalty endorsement within ***5 working days***. The driver must subsequently inform the Council immediately following its endorsement.
- e. Whether charged or not, the driver must notify the Council within 3 working days of their arrest for an alleged offence(s).

10 Disclosure and barring service online update service

- a. 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.
- b. 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.

11 Change of operator

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

12 Change of address

- a. 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.

13 Working hours

- a. Licensed drivers will not drive when their ability to do so is impaired by having worked excessive hours. The maximum daily driving time is nine hours, and drivers must have a break lasting at least forty-five minutes after driving for a maximum of four and a half hours. A break can be divided into two periods of fifteen and thirty minutes taken over the four and a half hour period.

14 Customer and other personal information

- a. 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.
- b. 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.
- c. 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

- a. 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 four 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.
- b. 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 reserves 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.

- c. Examples of circumstances that may require the surrender of the licence include:
 - i. The licence holder intends to spend an extended period of time outside of the UK;
 - ii. The licence holder is ill or unable to work for some other reason;
 - iii. This is not an exhaustive list.

16 Duty to cooperate on regulatory matters

- a. Licensed drivers must co-operate with authorised officers of the Council in all matters relating to the regulation of the licensed vehicle trade.
- b. However, this condition does not affect the licence holder's statutory protection afforded by other legislation.

17 Appearance of driver

- a. 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

- a. 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).
- b. An accident report form 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 or revocation of the licence.
- (VIII) Any request for advice from the council in relation to licensing legislation should be in writing. A written response will be given to avoid any future dispute. This does not preclude you from obtaining your own independent legal advice.
- (IX) Any person aggrieved by any condition specified in the licence may appeal to a magistrates' court within 21 days of issue.

Appendix E

Hackney Carriage Byelaws

Borough of Rotherham Byelaws with respect to Hackney Carriages

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

Interpretation

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

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

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

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

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

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

thereof may be at all times plainly visible to any person being conveyed in the carriage and for that purpose the letters and figures shall be suitably illuminated during any period of hiring;

(vi) The taximeter and all the fittings thereof shall be so affixed to the carriage with seals or other appliances that it shall not be practicable for any persons to tamper with them except by breaking damaging or permanently displacing the seals or other appliances.

(b) The proprietor of a hackney carriage provided with a taximeter not fitted with a flag or other device bearing the words "FOR HIRE" shall cause the carriage to be provided with a sign so constructed as to comply with the following requirements, that is to say:

- (i) the sign shall bear the words "FOR HIRE" in plain letters at least 1½ inches in height;
- (ii) the sign shall be capable of being so operated that it indicates clearly and conveniently to persons outside the carriage whether or not the carriage is for hire and of being suitably illuminated.

(c) The proprietor of a hackney carriage shall cause the carriage to be fitted with a "TAXI" sign which shall be of an approved type and shall be capable of being illuminated. The sign shall be attached to the carriage in an approved manner and shall display to the front of the carriage the word "TAXI" horizontally in letters not less than 2 inches high to proportionate width and the proprietor's trading name shall be suitably included.

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

5. The driver of a hackney carriage shall:

(a) if the taximeter is fitted with a flag or other device bearing the words "FOR HIRE":

- (i) when standing or plying for hire keep such flag or other device locked in the position in which the words are horizontal and legible;
- (ii) as soon as the hirer enters the carriage, or at such earlier times as the hirer may agree, bring the machinery of the taximeter into action by moving the flags or other device so that the words are not conveniently legible and keep the machinery of the taximeter in action until the termination of the hiring;

(b) if the taximeter is not fitted with a flag or other device bearing the words "FOR HIRE":

- (i) when standing or plying for hire keep the taximeter locked in position in which no fare is recorded on the face of the taximeter and operate the sign provided in pursuance of Byelaw No. 4 so that the words "FOR HIRE" are clearly and conveniently legible by persons outside the carriage;

- (ii) as soon as the carriage is hired whether by distance or time, operate

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

10. The proprietor or driver of a hackney carriage who has agreed or has been hired to be in attendance with the carriage at an appointed time and place shall, unless delayed or prevented by some sufficient cause punctually attend with such carriage at such appointed time and place.
11. The driver of a hackney carriage when hired to drive to any particular destination shall, subject to any directions, given by the hirer, proceed to that destination by the shortest available route.
12. The driver of a hackney carriage shall at all times when standing or plying for hire have a completed copy of these byelaws available for production on demand by any person hiring the hackney carriage.
13. A proprietor or driver of a hackney carriage shall not convey or permit to be conveyed in such carriage any greater number of persons than the number of persons specified on the plate affixed to the outside of the carriage.

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

Provided nevertheless that:

- (a) insofar as a vehicle licensed to carry not more than six persons is concerned:
 - (i) where a total of more than six children under the age of ten years are conveyed each child after the sixth shall be counted as one person;
 - (ii) up to two children under the age of one year may be disregarded in calculating the number of persons;
- (b) insofar as a vehicle licensed to carry more than six persons but not exceeding eight persons is concerned:
 - (i) where a total of more than six children under the age of ten years are conveyed each child after the sixth shall be counted as one person;
 - (ii) up to two children under the age of one year may be disregarded in calculating the number of persons.
 - (iii) the driver shall not allow to be conveyed in the front of a hackney carriage vehicle:
 - (a) any child below the age of ten years; or
 - (b) more than one person above that age unless there are sufficient seat belts to enable the carriage of one or more than one person.
 - (iv) the driver shall not, without the consent of the hirer of the vehicle, convey or permit to be conveyed any other person in that vehicle.

14. If a badge has been provided by the Council and delivered to the driver of a hackney carriage he shall, when standing or plying for hire, and when hired, wear that badge in such a position and manner as to be plainly visible.
15. The driver of a hackney carriage so constructed as to carry luggage shall, when requested by any person hiring or seeking to hire the carriage:
 - (a) convey a reasonable quantity of luggage;

- (b) afford reasonable assistance in loading and unloading;
- (c) afford reasonable assistance in removing it to or from the entrance of any building, station, or place at which he may take up or set down such person.

Provisions fixing the stands of hackney carriages.

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

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

- (e) Drummond Street (Service Road)
on the south-west side from a point 55 metres south-east from its south-eastern junction with Henry Street for a distance of approximately 30 metres in a south-easterly direction
- (f) Brinsworth Street
 - (i) on the west side a distance of 11 metres north of its junction with Pool Green roundabout for approximately 12 metres in a northerly direction.
 - (ii) on the west side a distance of 38 metres north of its junction with Pool Green roundabout for approximately 18 metres in a northerly direction.
- (g) Masbrough Street
 - (i) on the south side from a point 95 metres east of its eastern junction with Providence Street in an easterly direction for approximately 18 metres.
 - (ii) on the south side from a point 138 metres east of its junction with Providence Street in an easterly direction for approximately 6 metres.
- (h) Ship Hill
south-west side - adjacent to Nightclub premises.

17. (a) The proprietor of a hackney carriage shall be entitled to demand and take for the hire of the carriage the rate of rate prescribed by the existing table the rate or fare being calculated by distance unless the hirer expresses at the commencement of the hiring his desire to engage by time provided always that where a hackney carriage furnished with a taximeter shall be hired by distance the proprietor or driver thereof shall not be entitled to demand or take a fare greater than that recorded on the face of the

taximeter save for any extra charge which is authorised by the existing table.

- (b) The driver shall, if requested by the hirer, provide him with a written receipt for the fare paid.

Fares for Distance

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

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

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

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

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

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

Penalties

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

Repeal of Byelaws

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

Appendix F

Licensed Driver Dress Code

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

Acceptable Standard of Dress

2. All clothing worn by the driver must be clean and in good condition, and the driver must have good standards of personal hygiene.

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

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

Footwear

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

Unacceptable Standard of Dress

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

Appendix G

Code of Conduct when working with Vulnerable Passengers

A vulnerable passenger is a passenger whose age or disability means that they are more susceptible to harm than a typical passenger. This may be a child, an elderly person or somebody with learning difficulties for example. In addition, an individual should be considered vulnerable if they do not fall within the description above, but their condition is such as to render them more susceptible to harm than may otherwise be the case (for example as a result of being under the influence of alcohol).

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

- Drivers must carry photo ID at all times and wear it in accordance with the conditions of licence.
- A vulnerable passenger must not be transported in the front passenger seat of the vehicle.
- The driver / operator must confirm that appropriate provision has been made for the vulnerable person prior to accepting the booking or commencing the journey. This does not necessarily mean that the driver / operator is responsible for the provision of appropriate measures, however if appropriate measures are not in place then the driver / operator must not undertake the journey.
- When making a journey with vulnerable passengers, photo-identification should be produced to the carer responsible for the vulnerable person. If necessary, the driver should obtain a record of the carer's contact details if there is no chaperone.
- If a vulnerable passenger is refused service, a responsible person should be informed so that alternative arrangements can be made. For example, this situation may arise if the customer has an assistance dog and the driver has a medical exemption granted by the council.
- Drivers should always ask if a vulnerable passenger needs help and should not make assumptions.
- Drivers must remain professional at all times and should not:
 - Touch a person inappropriately
 - Make offensive or inappropriate comments (such as the use of swearing or sexualised or discriminatory language)

- Behave in a way that may make a passenger feel intimidated or threatened
- Attempt to misuse personal details obtained via the business about a person

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

- A log should be maintained by drivers when a service has been provided to a vulnerable passenger including the details of any incidents occurring/ actions taken, or refusals of service.
- Drivers and operators must remain alert to issues around the safeguarding of children and vulnerable adults. If a driver/ operator is concerned about the safety, welfare or behaviour of a vulnerable person, they should report this to the police by telephoning 101 (or in cases of an immediate emergency by calling 999).
- If a driver/ operator is concerned about someone else's conduct, they should report their concerns to the Council's licensing department (01709 823153), police (101) or Crimestoppers (0800 555111).

Appendix H

Vehicle Licence Application Process (including renewal of existing licences)

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

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

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

- The vehicle application form;
- The appropriate fee;
- The original of the Vehicle Registration Document (Log Book/V5) certificate of registration for the vehicle (the new keeper's supplement section of the V5 document will be accepted in the case of vehicles that are not licensed at the time that the application is made, and the vehicle has recently been purchased by the applicant (documentary evidence will be required). Licences will not be renewed unless the full V5 document is made available to the council at the time of application);
- The original insurance certificate or insurance cover note for the vehicle (this document must be provided before the plate is issued to the applicant)
- Any vehicle not manufactured with European Whole Vehicle Type Approval will be required to undergo Single Vehicle Approval (SVA) testing and evidence of that testing and the vehicle having obtained SVA produced to the licensing office.

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

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

Vehicle licences will be issued for a one year period, commencing on the date that the licence is issued. Vehicles older than 3 years old on the day that the licence is granted will be issued with a 12 month licence; however the licence plate will show an expiry date either six or four months after the date that the licence is issued. A further plate will be issued covering the remainder of the licence period once the

vehicle has been subjected to a vehicle inspection at the Council's appointed testing facility (commonly referred to as an intermediate test). A licensed vehicle cannot be subjected to an intermediate test more than 4 weeks before the expiry date on the licence plate.

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

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

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

This documentation must indicate to the proprietor of the vehicle

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

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

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

Appendix I

Licensed Vehicle Age and Emissions Policy

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

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

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

Exceptional Condition Criteria

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

1. The vehicle must not have failed the Council's vehicle inspection (or standard MOT if the vehicle has not been licensed previously) on any significant item within the previous five years. For the purposes of this criteria, a significant item is defined as any item that would make the vehicle ineligible for a free partial retest had the item been identified as failing to meet the requirements during a standard MOT test.
2. The vehicle passes the Council's vehicle inspection.
3. The bodywork is in near perfect condition with no signs of panel age deterioration, dents, scratches, stone chips, or rust or any other abrasions that may detract from the overall appearance of the vehicle.
4. The general paint condition should show no signs of fading, dis-colouration or mismatching that may detract from the overall appearance of the vehicle.
5. The interior trim, panels, seating and carpets and upholstery are in excellent condition, clean and free from damage and dis-colouration.
6. The boot or luggage compartment is in good condition, clean and undamaged.
7. Passenger areas are free from damp or any other odours that may cause passenger discomfort.
8. The vehicle must be in excellent mechanical condition and in all respects safe and roadworthy, with no signs of corrosion to the mechanical parts, chassis, underside or bodywork.

9. The vehicle must have a full and complete service record to show that it has been properly serviced and maintained in accordance with the manufacturer's service specification.

Emissions Standards

In order to beneficially impact the borough's emissions, it is important to set standards that are common to all within the hackney carriage and private hire fleet, to ensure consistency and a level playing field for proprietors, operators and drivers. The age of vehicles and the exhaust emission specification are critical to the level of pollutants emitted.

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

- licensing for the first time until and including 31st March 2020, must meet or exceed Euro 5 emission standards
- licensing for the first time from 1st April 2020, must meet or exceed Euro 6 emission standards

Where vehicles do not meet the relevant emissions criteria, the proprietor may:

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

Ultra Low Emission Vehicles (ULEVs)

The Council aims to encourage the uptake of low emission vehicles in the Borough, and will constantly examine the feasibility of introducing incentives for ULEVs. The Council recognise that purchasing ULEVs will have a significant economic impact on drivers, and the only reasonable incentives offered by the Council would be monetary. Therefore, work to incentivise licensed drivers to purchase ULEVs will be incorporated into the Council's annual fees and charges review, to understand how differential fees can be applied to those vehicles that meet required standards.

The Council are also undertaking separate work to improve the infrastructure charging network across the borough. A number of charging points have been installed in the centre of the borough, and significantly more will be deployed across the borough in the near future.

Appendix J

Policy in relation to the specification of Private Hire Vehicles

Local Government (Miscellaneous Provisions) Act – Section 48

a. General Principles

1. The vehicle must comply with all relevant statutory requirements contained in the Road Vehicles (Construction and Use) Regulations 1986.
2. The vehicle must meet the criteria set out in the Council's Vehicle Age and Emissions Policy.
3. The vehicle must have no material alteration or change in the specification, design, condition or appearance from time of manufacture of that vehicle (without written approval of the Council).
4. If the vehicle was originally constructed to seat more than 8 passengers (excluding the driver) it must not have been converted, modified or altered in any way which permanently allows it to carry eight or less passengers (excluding the driver) (unless notified to H.M. Customs and Excise immediately on completion of the conversion, modification or alteration).
5. The vehicle must have 4 road wheels and a minimum of 4 doors, 2 to each side of the vehicle. The vehicle must meet the approved manufacturer's method of dealing with punctured tyres. The number of doors in the case of vehicles to be licensed for less than 4 passengers this will be determined on its own merits.
6. The vehicle must be right hand drive. However, in certain circumstances a left hand drive may be considered suitable for licensing – this will be at the discretion of the council (and will include some limousines for example).
7. The vehicle must have sufficient seating capacity to carry a minimum of 4 and not more than 8 passengers. Except where application is made for a vehicle wishing to carry less than 4 passengers in which case its suitability to be licensed will be checked on its own merits.
8. In the case of MPVs where there is a rearmost row of seats and seats capable of being the rearmost seats e.g. fold away seats – these must be forward facing
9. The seating capacity will be determined by the Council based upon the manufacturer's specification as stated on the vehicle registration document, the orientation of the seating and the dimensions of the seating.
10. Each 400 millimetres of seat base will constitute a seat, (unless it is impossible for a person to sit there, e.g. due to no leg room.) All measurements are taken across the front of the seat cushion.

11. The seating must be capable of being configured to achieve 600 millimetres minimum leg room available to any passenger. The measurement will be taken from the base of the seat to the rear of the seat in front. Where there is no seat in front the measurement will be taken from the base of the seat to the nearest obstruction in front.
12. All seats within the vehicle, front and rear, must be fitted with working seatbelts.
13. The vehicle must, if using LPG as a fuel, either wholly or as an alternative means of propulsion, be appropriately and safely converted in line with regulations that are in force / applicable at the time of inspection. Where a doughnut tank is fitted in the boot for LPG the spare wheel if still carried in the boot must be properly secured. Alternately a spare wheel cage installed to manufacturers and British Standards may be fitted to the underside of the vehicle.
14. The vehicle must not have displayed on or from the vehicle any sign or notice, mark, or illumination which consists of or includes the word 'taxi' or 'cab' or leads a person to believe the vehicle is a hackney carriage.
15. The vehicle must not have any other feature which may suggest to a person seeking to hire a vehicle that the vehicle is a hackney carriage.
16. The vehicle must be in the colour it was originally manufactured, and no advertisement be displayed on the vehicle (without the written approval of the council in accordance with Appendix O).
17. The vehicle must have provided and maintained at all times safety equipment that will be, from time to time, specified by the Licensing Authority and detailed in the Private Hire Vehicle and Hackney Carriage examination and testing requirements (see Appendix N).
18. The Licensing Authority may, from time to time, make alterations to this specification to reflect changes in road vehicles regulations, manufacturing, and government guidance or conditions. Such changes will be notified as appropriate to proprietors.
19. In addition to the foregoing the proprietor / licensee is required to comply with statutory requirements and attention is drawn in particular to the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976.
20. The vehicle must not have sustained accident damage resulting in structural distortion beyond the accepted limits of the vehicle manufacturer, or, have been disposed of under an insurance salvage agreement (categories A, B, C and D).

b. Wheelchair Facilities

1. Suitable anchorages must be provided for the wheelchair and chair bound disabled person. These anchorages must be either chassis or floor linked and be capable of withstanding stresses to a dynamic deceleration test of 15g peak

at 20 m.p.h. Restraints for wheelchair and occupants must be independent of each other. Anchorages must also be provided for the safe stowage of a wheelchair when not in use, whether folded or otherwise, if carried within the passenger compartment. All anchorages and restraints must be so designed that they do not cause any danger to other passengers.

2. The door and doorway must be so constructed as to permit an unrestricted opening across the doorway of at least 75 cm. The minimum angle of the door when opened must be 90 degrees.
3. The clear height of the doorway must be not less than 120 cm.
4. Grab handles must be placed at door entrances to assist the elderly and disabled.
5. The top of the tread for any entrance must be at floor level of the passenger compartment and must not exceed 38 cm above ground level when the vehicle is unladen. The outer edge of the floor at each entrance must be fitted with non-slip treads.
6. The vertical distance between the highest part of the floor and the roof in the passenger compartment must be not less than 1.3 meters.
7. Where seats are placed facing each other, there must be a minimum space of 42.5 cm between any part of the front of a seat and any part of any other seat which faces it, provided adequate foot room is maintained at floor level. Where all seats are placed facing to the front of the vehicle, there must be a clear space of at least 66 cm in front of every part of each seat squab.
8. A ramp or ramps for the loading of a wheelchair and occupant must be available at all times for use at the nearside rear passenger door. An adequate locating device must be fitted to ensure that the ramp/ramps do not slip or tilt when in use. Provision must be made for the ramps to be stowed safely when not in use.

c. Passenger Capacity

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

d. Driver's Compartment

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

Appendix K

Policy in relation to the specification of Hackney Carriages

Local Government (Miscellaneous Provisions) Act – Section 47

a. General Principles

1. The vehicle must comply with all relevant statutory requirements contained in the Road Vehicles (Construction and Use) Regulations 1986.
2. The vehicle must meet the criteria set out in the Council's Vehicle Age and Emissions Policy.
3. The vehicle must have no material alteration or change in the specification, design, condition or appearance from time of manufacture of that vehicle (without written approval of the Council).
4. If the vehicle was originally constructed to seat more than 8 passengers (excluding the driver) it must not have been converted, modified or altered in any way which permanently allows it to carry eight or less passengers (excluding the driver) (unless notified to H.M. Customs and Excise immediately on completion of the conversion, modification or alteration).
5. The vehicle must have 4 road wheels and a minimum of 4 doors, 2 to each side of the vehicle. The vehicle must meet the approved manufacturer's method of dealing with punctured tyres. The number of doors in the case of vehicles to be licensed for less than 4 passengers this will be determined on its own merits.
6. The vehicle must have sufficient seating capacity to carry a minimum of 4 and not more than 8 passengers. Except where application is made for a vehicle wishing to carry less than 4 passengers in which case its suitability to be licensed will be checked on its own merits.
7. In the case of MPVs where there is a rearmost row of seats and seats capable of being the rearmost seats e.g. fold away seats – these must be forward facing.
8. The seating capacity will be determined by the Council based upon the manufacturer's specification as stated on the vehicle registration document, the orientation of the seating and the dimensions of the seating.
9. Each 400 millimetres of seat base will constitute a seat, (unless it is impossible for a person to sit there, e.g. due to no leg room.) All measurements are taken across the front of the seat cushion.
10. The seating must be capable of being configured to achieve 600 millimetres minimum leg room available to any passenger. The measurement will be taken from the base of the seat to the rear of the seat in front. Where there is no seat

in front the measurement will be taken from the base of the seat to the nearest obstruction in front.

11. All seats within the vehicle, front and rear, must be fitted with working seatbelts.
12. The vehicle must, if using LPG as a fuel, either wholly or as an alternative means of propulsion, be appropriately and safely converted in line with regulations that are in force / applicable at the time of inspection. Where a doughnut tank is fitted in the boot for LPG the spare wheel if still carried in the boot must be properly secured. Alternately a spare wheel cage installed to manufacturers and British Standards may be fitted to the underside of the vehicle.
13. The vehicle must be white in colour. No advertisement is to be displayed on the vehicle without the written approval of the council in accordance with Appendix O.
14. The vehicle must always have provided and maintained safety equipment that will be, from time to time, specified by the Licensing Authority and detailed in the Private Hire Vehicle and Hackney Carriage examination and testing requirements (see Appendix N).
15. The Licensing Authority may, from time to time, make alterations to this specification to reflect changes in road vehicles regulations, manufacturing, and government guidance or conditions. Such changes will be notified as appropriate to proprietors.
16. In addition to the foregoing the proprietor / licensee is required to comply with statutory requirements and attention is drawn in particular to the provisions of the Town Police Clauses Act 1847 and Part II of the Local Government (Miscellaneous Provisions) Act 1976.
17. The vehicle must not have sustained accident damage resulting in structural distortion beyond the accepted limits of the vehicle manufacturer, or, have been disposed of under an insurance salvage agreement (categories A, B, C and D).

b. Wheelchair Facilities

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

3. The clear height of the doorway must be not less than 120 cm.
4. Grab handles must be placed at door entrances to assist the elderly and disabled.
5. The top of the tread for any entrance must be at floor level of the passenger compartment and must not exceed 38 cm above ground level when the vehicle is unladen. The outer edge of the floor at each entrance must be fitted with non-slip treads.
6. The vertical distance between the highest part of the floor and the roof in the passenger compartment must be not less than 1.3 meters.
7. Where seats are placed facing each other, there must be a minimum space of 42.5 cm between any part of the front of a seat and any part of any other seat which faces it, provided adequate foot room is maintained at floor level. Where all seats are placed facing to the front of the vehicle, there must be a clear space of at least 66 cm in front of every part of each seat squab.
8. A ramp or ramps for the loading of a wheelchair and occupant must be available at all times for use at the nearside rear passenger door. An adequate locating device must be fitted to ensure that the ramp/ramps do not slip or tilt when in use. Provision must be made for the ramps to be stowed safely when not in use.

c. Passenger Capacity

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

d. Driver's Compartment

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

Appendix L

Private Hire Vehicle Conditions

Section 48 Local Government (Miscellaneous Provisions) Act 1976

1 Vehicle Type and Design

- a. No material alteration or change in the specification, design, condition or appearance of the vehicle shall be made subsequent to the inspection of the vehicle by the Council at any time while the licence is in force and at all times the vehicle shall comply with the specifications of the Council for a licensed private hire vehicle. (Vehicles which have been modified in any way from the manufacturer's standard of construction may not be considered suitable for licensing purposes depending upon the nature of the modification).
- b. All glazing must at all times comply with Road Vehicles (Construction and Use) Regulations 1986 regulation 32 with regards to the level of tint. A minimum light transmission value of 70% shall be maintained in all windows except a windscreen, which shall have a minimum light transmission value of 75%. Tinted films applied to the vehicle windows are not permitted.
- c. The colour of the vehicle must not be altered during the period that the vehicle is licensed.

2 Liquefied Petroleum Gas (LPG)

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

3 General Condition, Cleanliness and Appearance of Vehicle

- a. Every vehicle must be maintained in a safe and clean condition at all times and is subject to such examinations as are required by the Council.
- b. Seats must still be fully 'sprung', free of stains, tears, cigarette burns or repair, and not threadbare. Floor coverings must not be unduly worn and present no trip hazards. Household carpeting or similar is unacceptable and must not be used. Upholstery (headlining and side panel coverings) must be free of ingrained grime, fractures and maintained in the manufacturers original style.

- c. Luggage and storage areas must be kept as free space for passenger's luggage.
- d. If at any time the vehicle is involved in an accident, however minor, the driver must inform the Council of this fact as soon as possible and in any event within 1 working day as described in Appendix D of this policy. An accident record form must be completed and submitted to the Council as described in Appendix D.
- e. The vehicle must be presented for inspection at the Council's authorised testing station as soon as possible after the accident has taken place. The appointment will be arranged by the Council following receipt of the accident notification who will notify the vehicle proprietor of the date and time. Failure to present the vehicle for the appointment may result in the vehicle's licence being suspended until such time as the vehicle is presented for examination.
- f. If the vehicle is so damaged that it cannot be driven, then the vehicle proprietor must inform the Council of this fact. The Council will then advise the proprietor of the action to be taken. In such cases the proprietor is advised to take photographic evidence of the vehicle's condition that clearly illustrates the reasons why the vehicle cannot be driven / presented for examination.
- g. All repairs must be carried out without undue delay and the Council may require the vehicle to be inspected by the Council's examiners once repairs have been made.
- h. Bodywork must be maintained to a good condition; paintwork must be sound, well maintained and free of corrosion, inferior re-spray work or 'cover up' temporary repairs.
- i. The proprietor/driver employed to drive the vehicle must ensure that the licensed vehicle has a daily safety check. As a minimum this must be a visual check on all lights, oil, water, tyres, mirrors and seat belts. A written record must be made of each safety check, details of faults recorded, and remedial action taken. The record must be signed by the person undertaking the safety checks and kept in the vehicle for a minimum of 30 days and then for a further six months by the proprietor.
- j. On being so required by a Police Officer or Authorised Officer or Vehicle Examiner the driver must produce, to that officer, the recorded daily checks kept in the vehicle and the proprietor, on request by that officer, must produce those recorded checks in his possession and/or those kept in the vehicle.

4 Vehicle Signage and Markings

- a. The following must be in place at all times, except when the vehicle is parked outside the registered, permanent home address of the driver.
 - i. A licence plate securely affixed to the rear of the vehicle, in a holder supplied by the Council.
 - ii. A sign / notice securely affixed to each front door of the vehicle.
 - iii. A notice permanently fixed to the interior glazed surface of the quarter light of both rear doors so that the contents of the notice are visible from both the outside and inside of the vehicle. The vehicle's licence number must be displayed on the notice and be visible from inside of the vehicle.
 - iv. A notice permanently fixed to the interior glazed surface of the front windscreen so that the contents of the notice are visible from the outside of the vehicle.
 - v. A notice, clearly visible from all seats and passenger compartment, identifying the current driver of the vehicle, as prescribed by the Council.
 - vi. A notice which clearly alerts passengers to the presence and location of an audio activation button within the vehicle and details the steps required for activation, and the reasons why audio may be activated within the vehicle.
- b. Requirements iii, iv, and vi must be permanently affixed to the interior of the vehicle at all times.
- c. Requirement v must be securely affixed to a holder prescribed by the Council at any time when the vehicle is being used as a licensed vehicle.
- d. No other signs, notices, advertisements, plates, marks, numbers, letters, figures, symbols, emblems or devices whatsoever shall be displayed on, in or from the vehicles except as may be required by any statutory provision, except for when a taximeter is fitted to the vehicle.
- e. In certain circumstances (such as in cases of executive hire), the Council will permit a deviation from these conditions. A request for such a deviation will need to be made in writing to the Council and will be determined by the Licensing Board.
- f. A private hire vehicle must not display:
 - i. Any notice which consists of, or includes the word 'taxi' or 'cab' whether singular or plural; or 'for hire' or any word of similar meaning or appearance to any of those words whether alone or as part of

another word; or

- ii any sign, notice, mark, illumination or other feature which, having regard to that time and place at which it is displayed, may suggest to a person seeking to hire a taxi that the vehicle is a taxi.

5 Equipment and Fittings

- a The vehicle and all fittings and equipment must, at all times when the vehicle is in use or available for hire, be kept in an efficient, safe, tidy and clean condition and all relevant statutory requirements must be fully complied with.
- b There must be provided and maintained in the vehicle at all times when it is in use or available for hire a suitable fire extinguisher of a make and type suitable for use on a motor vehicle and approved by the Council, i.e. 2.0kgs dry powder or 2.0 litre AFFF (Aqueous Film Forming Foam). All fire extinguishers must be fitted with a gauge. Such fire extinguisher shall be fitted in a bracket in such a position in the vehicle as to be readily available for immediate use in an emergency. The extinguisher must be checked every 12 months by a competent person to check that is still in working order and the certificate of inspection must be retained by the vehicle proprietor for at least 12 months.
- c The registration number of the vehicle must be permanently and legibly marked on the extinguisher.
- d There must be provided and maintained in the vehicle at all times when it is in use or available for hire a suitable and comprehensive first aid kit of a type that meets the requirements of British Standard BS8599-2 (medium sized kit). Such kit must be kept in such a position as to be readily available for immediate use in an emergency.
- e The registration number of the vehicle must be permanently and legibly marked on the first aid kit.
- f If a Driver Safety Shield is fitted (either before the licence has been granted or during the currency of the licence) the following applies:
 - i It will be of a make, type and design previously approved by Authorised Officers of the Council (for fittings during the licence);
 - ii it must not be changed in any way from its original design and must remain free of damage;
 - iii it must remain clear and translucent; free of scratches, clouding or stickers which would impede the driver's or passenger's visibility;
 - iv it must not impede entry and egress or present a trip hazard to passengers using the vehicle; and

- v the installation and continued subsequent maintenance must be in accordance with manufacturer's specifications and recommendations.
- g. Taxi camera equipment, capable of recording both audio and video, must be installed in all licensed vehicles. The system must meet or exceed the Council's specification for taxi camera systems and must be operational at all times that the vehicle is being used as a licensed vehicle (i.e. for the carriage of fare paying passengers). The system does not need to be operational during other times (for example when being used for domestic purposes).
- h. 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.
- i. 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.
- j. In addition, the following provisions apply to the taxi camera system:
 - i It must be of a make, type and design previously approved by the Council;
 - ii it must not be changed in any way from its original design, be free of damage and maintained in working condition;
 - iii The vehicle must carry appropriate signs, approved by the Council, informing the public that camera surveillance is active in the vehicle.
 - iv The recording system and hard drive (or other image memory recording system) must be securely stored within the vehicle and away from public access.
 - v Installation and maintenance must be in accordance with manufacturer's specifications and recommendations.
 - vi The images contained in the recording device can only be downloaded by an Authorised Officer of the Council or Police Officer as data controllers under legislation.
- k. All audio equipment must be factory fitted as original standard equipment, or a factory fitted optional upgrade. No additional audio equipment e.g. Boom Boxes in boots / additional speakers are allowed to be fitted in and connected to the vehicle.

6 Meters, Fares and Farecards

- a Any meter fitted to the vehicle must be installed in accordance with the

manufacturer's instructions, tested and verified by the Council. The tariffs calibrated to the meter must be displayed in the vehicle in a visible position to passengers. Such a table must show particulars of all tariffs calibrated and include a statement that the Council does not control the table of fares.

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

7 Seats and Passengers

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

8 Vehicles with third row of seats

- a. All passengers must have access to at least two side doors, one of which must be on the nearside of the vehicle.
- b. In cases where there is no door adjacent to a row of seats, no passenger must have to pass through a gap of less than 300mm at the narrowest point in order to exit the vehicle via the rear side doors.
- c. The middle row of seats must have more than one seat capable of fully

tilting and which meet the necessary exit dimension of 300mm at both of the exit points.

- d. All vehicles with a row of passenger seats without adjacent side doors must provide 'means of operation signs' and low-level lighting that illuminates when the side lights of the vehicle are activated.

9 Passengers with a requirement for wheelchair accessibility

- a. Passengers who require travel and are within a wheelchair must face either forward or rearward to the direction of travel. Rearward facing wheelchairs must be appropriately secured against a bulkhead. Occupied wheelchairs must be restrained by a suitable method.
- b. A full static harness or a lap and diagonal inertia-reel belt must be available for each wheelchair passenger. Whichever type of restraint is used must engage into the same floor tracking as the wheelchair restraints or other system as approved by the Council. Such equipment must be fully adjustable for the safety and comfort of the wheelchair passenger and capable of quick release in an emergency situation.

10 Communication equipment

- a. Radio communication equipment licensed by the Department for Business, Energy and Industrial Strategy (BEIS) may be fitted for use in connection with the Private Hire Operator's base station. Where fitted it must be in a manner approved by the Council. Citizen Band Radio, or similar non-commercial radio capable of both sending and receiving messages which are not licensed by the Department for BEIS cannot be installed in any licensed vehicle. The use of scanner equipment is also prohibited.
- b. Equipment fitted for the use of the driver to receive information on bookings must be fitted securely in the vehicle and in a manner, which does not obstruct the view of the driver through the windscreen. Any wires used for connection of the equipment must not be left in a dangerous manner.

11 Drivers

- a. Any person who drives the vehicle for any purpose must hold a private hire drivers licence issued by the Council, even when the vehicle is not being used for booked journeys. Each proprietor must, before a driver commences to drive the vehicle, satisfy him/herself that the driver holds a valid private hire drivers licence.
- b. In order to comply with this requirement, a proprietor must examine each driver's licence – any infringement could result in suspension or revocation of licences. The driver of the vehicle, if not named on the licence, will be regarded as an employee of the named proprietor(s).

- c. Proprietors must ensure that all driver(s) of the private hire vehicle are fully acquainted with the need to provide all reasonable assistance to passengers, especially those with a disability. In respect of disabled passengers, a driver must not fail or refuse to carry out a booking by or on behalf of a disabled person accompanied by an 'assistance dog' unless the driver has a Medical Exemption granted by the Licensing Authority and is displaying their Exemption Certificate in the approved manner in the vehicle.
- d. The proprietor must ensure that any driver of a wheelchair accessible vehicle holds a Driving Standards Agency (DSA) Wheelchair Assessment Certificate.
- e. The proprietor must keep a written record showing the following in respect of every driver (for private hire purposes) of the private hire vehicle detailed in this licence:
 - i the name and address and date of birth of the driver of the vehicle;
 - ii the number and date of expiry of every licence issued to the driver under Section 51 of the Local Government (Miscellaneous Provisions) Act 1976 and during such time as the driver is driving the vehicle.
 - iii the date on which the driver commenced driving the vehicle;
 - iv the date on which the driver ceased driving the vehicle.
- f. The proprietor must keep the records prescribed above for a period of two years from the date on which the driver first commenced driving the vehicle. These records must be made available upon request to any Police Officer and/or Authorised Officer of the Council.

12 Insurance and Insurance Cover

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

13 Convictions

- a. The proprietor of a private hire vehicle must notify the Council in writing within 5 working days (or 3 working days in the case of arrest) and provide full details of any conviction, binding over, caution, warning, reprimand or arrest for any matter (whether or not charged) imposed on him / her (or, if the proprietor be a company or partnership, on any of the directors, partners or secretary) during the period of the licence. This is fully detailed in Appendix D of this policy.

14 Transfer of licence and control of vehicle

- a. The licence holder must ensure that he has control of the vehicle at all times and should such person absent him/herself from the District and not be contemplating returning within a short period (longer than 1 month) he/she should transfer his interest in the vehicle to another person still resident in the District or close proximity there-to; failure to do so could result in revocation of the licence.
- b. The proprietor must not assign or in any way part with the benefit of the licence without notifying the Council and effecting a formal transfer within 14 days. The proprietor must return the plate and the licence to the Council immediately if the vehicle is sold or otherwise disposed of without such transfer having first been affected.

15 Change of address

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

16 Change of operator

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

17 Requirements to undertake additional tests

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

Notes

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

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

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

iv **Cautionary Advice**

- You are strongly advised not to purchase a vehicle or any equipment or fittings, without first reading the Council's policy and preconditions to the grant of a licence and also these conditions. If in doubt about any aspect you should make an appointment with the Vehicle Examiner at the Council's appointed testing centre. Licensing administration staff are not qualified to make technical assessments and are under instruction not to offer such advice. If a vehicle does not meet the conditions, it is unlikely that a licence will be granted.
- v A licence will not be granted to a vehicle if it has sustained accident damage resulting in structural distortion beyond the accepted limits of the vehicle manufacturer, or, has been disposed of under an insurance salvage agreement (categories A, B, C and D).

Appendix M

Hackney Carriage Vehicle Conditions

Section 48 Local Government (Miscellaneous Provisions) Act 1976

1. Vehicle Type and Design

- a. The vehicle and all its fittings and equipment must at all times when the vehicle is in use or available for hire, be kept in an efficient, safe, tidy and clean condition in accordance with Bye-law No. 3 and all relevant statutory requirements (including in particular those contained in Road Vehicles (Construction and Use) Regulations 1986 must be fully complied with).
- b. No material alteration or change in the specification, design, condition or appearance of the vehicle must be made subsequent to the inspection of the vehicle by the Council at any time while the licence is in force and at all times the vehicle shall comply with the specifications of the Council for a licensed hackney carriage. (Vehicles which have been modified in any way from the manufacturer's standard of construction may not be considered suitable for licensing purposes depending upon the nature of modification).
- c. All glazing must at all times comply with Road Vehicles (Construction and Use) Regulations 1986 regulation 32 with regards to the level of tint. A minimum light transmission value of 70% shall be maintained in all windows except a windscreens, which shall have a minimum light transmission value of 75%. Tinted films applied to the vehicle windows are not permitted.

2. Liquefied Petroleum Gas (LPG)

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

3. General condition, cleanliness and appearance of vehicle

- a. Every vehicle must be maintained in a safe and clean condition at all times and is subject to such examinations as are required by the Council.
- b. Seats must still be fully 'sprung', free of stains, tears, cigarette burns or repair, and not threadbare. Floor coverings must not be unduly worn and present no trip hazards. Household carpeting or similar is unacceptable and must not be used. Upholstery (headlining and side panel coverings)

must be free of ingrained grime, fractures and maintained in the manufacturers original style.

- c. Luggage and storage areas must be kept as free space for passenger's luggage.
- d. If at any time the vehicle is involved in an accident, however minor, the driver must inform the Council of this fact as soon as possible and in any event within 1 working day as described in Appendix D of this policy. An accident record form must be completed and submitted to the Council as described in Appendix D.
- e. The vehicle must be presented for inspection at the Council's authorised testing station as soon as possible after the accident has taken place. The appointment will be arranged by the Council following receipt of the accident notification who will notify the vehicle proprietor of the date and time. Failure to present the vehicle for the appointment may result in the vehicle's licence being suspended until such time as the vehicle is presented for examination.
- f. If the vehicle is so damaged that it cannot be driven, then the vehicle proprietor must inform the Council of this fact. The Council will then advise the proprietor of the action to be taken. In such cases the proprietor is advised to take photographic evidence of the vehicle's condition that clearly illustrates the reasons why the vehicle cannot be driven / presented for examination.
- g. All repairs must be carried out without undue delay and the Council may require the vehicle to be inspected by the Council's examiners once repairs have been made.
- h. Bodywork must be maintained to a good condition; paintwork must be sound, well maintained and free of corrosion, inferior re-spray work or 'cover up' temporary repairs.
- i. The proprietor/ driver employed to drive the vehicle must ensure that the licensed vehicle has a daily safety check. As a minimum this must be a visual check on all lights, oil, water, tyres, mirrors and seat belts. A written record must be made of each safety check, details of faults recorded and remedial action taken. The record must be signed by the person undertaking the safety checks and kept in the vehicle for a minimum of 30 days and then for a further six months by the proprietor.
- j. On being so required by a Police Officer or Authorised Officer or Vehicle Examiner the driver must produce, to that officer, the recorded daily checks kept in the vehicle and the proprietor, on request by that officer, must produce those recorded checks in his possession and/or those kept in the vehicle.

4. Vehicle Signage and Markings

- a. The following must be in place at all times, except when the vehicle is parked outside the registered, permanent home address of the driver.
 - i A licence plate securely affixed to the rear of the vehicle, in a holder supplied by the Council.
 - ii A sign / notice securely affixed to each front door of the vehicle.
 - iii A notice permanently fixed to the interior glazed surface of the quarter light of both rear doors so that the contents of the notice are visible from both the outside and inside of the vehicle. The vehicle's licence number must be displayed on the notice and be visible from inside of the vehicle.
 - iv A notice permanently fixed to the interior glazed surface of the front windscreen so that the contents of the notice are visible from the outside of the vehicle.
 - v A notice, clearly visible from all seats and passenger compartment, identifying the current driver of the vehicle, as prescribed by the Council.
 - vi A notice which clearly alerts passengers to the presence and location of an audio activation button within the vehicle and details the steps required for activation, and the reasons why audio may be activated within the vehicle.
- b. Requirements iii, iv, and vi must be permanently affixed to the interior of the vehicle at all times.
- c. Requirement v must be securely affixed to a holder prescribed by the Council at any time when the vehicle is being used as a licensed vehicle.
- d. No other signs, notices, advertisements, plates, marks, numbers, letters, figures, symbols, emblems or devices whatsoever shall be displayed on, in or from the vehicles except as may be required by any statutory provision, except for when a taximeter is fitted to the vehicle.
- e. In certain circumstances (such as in cases of executive hire), the Council will permit a deviation from these conditions. A request for such a deviation will need to be made in writing to the Council and will be determined by the Licensing Board.

5. Equipment and fittings

- a. The vehicle and all fittings and equipment must, at all times when the vehicle is in use or available for hire, be kept in an safe, tidy and clean condition and relevant statutory requirements must be complied with.

- b. There must be provided and maintained in the vehicle at all times when it is in use or available for hire a suitable efficient fire extinguisher of a make and type suitable for use on a motor vehicle and approved by the Council, i.e. 2.0kgs dry powder or 2.0 litre AFFF (Aqueous Film Forming Foam). All fire extinguishers must be fitted with a gauge. Such fire extinguisher shall be fitted in a bracket in such a position in the vehicle as to be readily available for immediate use in an emergency. The extinguisher must be checked every 12 months by a competent person to check that is still in working order and the certificate of inspection must be retained by the vehicle proprietor for at least 12 months.
- c. The registration number of the vehicle must be permanently and legibly marked on the extinguisher.
- d. There must be provided and maintained in the vehicle at all times when it is in use or available for hire a suitable and comprehensive first aid kit of a type that meets the requirements of British Standard BS8599-2 (medium sized kit). Such kit must be kept in such a position so as to be readily available for immediate use in an emergency.
- e. The registration number of the vehicle must be permanently and legibly marked on the first aid kit.
- f. If a Driver Safety Shield is fitted (either before the licence has been granted or during the currency of the licence) the following applies:
 - i It will be of a make, type and design previously approved by Authorised Officers of the Council (for fittings during the licence);
 - ii it must not be changed in any way from its original design and must remain free of damage;
 - iii it must remain clear and translucent; free of scratches, clouding or stickers which would impede the drivers or passengers visibility;
 - iv it must not impede entry and egress or present a trip hazard to passengers using the vehicle; and
 - v the Installation and continued subsequent maintenance must be in accordance with manufacturer's specifications and recommendations.
- g. All audio equipment must be factory fitted as original standard equipment, or a factory fitted optional upgrade. No additional audio equipment e.g. Boom Boxes in boots / additional speakers are allowed to be fitted in and connected to the vehicle.
- f. 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.

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

6. Meters, fares and farecards

- a. A meter must be fitted to the vehicle and installed in accordance with the manufacturer's instructions. If a meter is fitted to the vehicle, it must have been installed in accordance with the manufacturer's instructions, tested and verified by the Council. The tariffs with which the meter has been calibrated must be displayed in the vehicle in such a position as to be visible to passengers. Such a table must show full particulars of all tariffs calibrated on the meter including a statement that the Council has no control over the table of fares.
- b. A notice must be displayed within the vehicle in such a position as to be visible to passengers stating that if the meter is not used, the fare should be agreed between the passenger(s) and driver before commencement of the journey. Any fare agreed in this way must be the fare that is charged at the end of the journey, unless the customer agrees to it being varied.
- c. If a fare has not been agreed between the driver (or operator) and the customer, then the fare charged must be that which is shown on the meter. A statement to this effect must be made on the notice referred to in b. above.

7. Seats and passengers

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

8. Vehicles with third row of seats

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

9. Passengers with a requirement for wheelchair accessibility

- a. Passengers who require travel and are within a wheelchair must face either forward or rearward to the direction of travel. Rearward facing wheelchairs must be appropriately secured against a bulkhead. Occupied wheelchairs must be restrained by a suitable method.
- b. A full static harness or a lap and diagonal inertia-reel belt must be available for each wheelchair passenger. Whichever type of restraint is used must engage into the same floor tracking as the wheelchair restraints or other system as approved by the Council. Such equipment must be fully adjustable for the safety and comfort of the wheelchair passenger and capable of quick release in an emergency situation.

10. Communication equipment

- a. Radio communication equipment licensed by the Department for Business, Energy and Industrial Strategy (BEIS) may be fitted for use in connection with the Private Hire Operator's base station. Where fitted it must be in a manner approved by the Council. Citizen Band Radio, or similar non-commercial radio capable of both sending and receiving messages which are not licensed by the Department for BEIS cannot be installed in any licensed vehicle. The use of scanner equipment is also prohibited.
- b. Equipment fitted for the use of the driver to receive information on bookings must be fitted securely in the vehicle and in a manner which does not obstruct the view of the driver through the windscreen. Any wires used for connection of the equipment must not be left in a dangerous manner.

11. Drivers

- a. Any person who drives the vehicle for any purpose must hold a drivers licence issued by the Council, even when the vehicle is not being used for journeys where a booking has taken place. Each proprietor must, before a driver commences to drive the vehicle, satisfy him/herself that the driver holds a valid driver's licence issued by the Council.
- b. In order to comply with this requirement a proprietor must examine each driver's licence – any infringement could result in suspension or revocation of licences. The driver of the vehicle, if not named on the licence, will be regarded as an employee of the named proprietor(s).
- c. Proprietors must ensure that all driver(s) of the hackney carriage are fully acquainted with the need to provide all reasonable assistance to passengers especially those with a disability. In respect of disabled passengers a driver must not fail or refuse to carry out a booking by or on behalf of a disabled person accompanied by an 'assistance dog' unless the driver has a Medical Exemption granted by the Licensing Authority and is displaying their Exemption Certificate in the approved manner or in the vehicle.
- d. The proprietor must ensure that any driver of a wheelchair accessible vehicle holds a Driving Standards Agency (DSA) Wheelchair Assessment Certificate.
- e. The proprietor must keep a written record showing the following in respect of every driver of the hackney carriage detailed in this licence:
 - i. the name and address and date of birth of the driver of the vehicle;
 - ii. the number and date of expiry of every licence issued in respect of the driver under Section 51 of the Local Government (Miscellaneous

Provisions) Act 1976 during such time as the driver is driving the vehicle.

- iii. the date on which the driver commenced driving the vehicle;
- iv. the date on which the driver ceased driving the vehicle.
- f. The proprietor must keep the records prescribed above for a period of two years from the date on which the driver first commenced driving the vehicle. These records must be made available upon request to any Police Officer and/or Authorised Officer of the Council.

12. Insurance and Insurance Cover

- a. At all times, the proprietor must, during the period of this licence:
 - i. keep in force in relation to the use of the vehicle as a hackney carriage vehicle a policy of insurance complying with the requirements of Part VI of the Road Traffic Act 1988.
 - ii. On being so required by an authorised officer, produce for examination at the Licensing Office within seven days of such request, the certificate of insurance issued by an insurer in respect of the vehicle for the purpose of Part VI of the Road Traffic Act 1988.
- b. Failure to comply with this condition may result in the suspension of the vehicle licence.

13. Convictions

- a. The proprietor of a hackney carriage vehicle must notify the Council in writing within 5 working days (or 3 working days in the case of arrest) and provide full details of any conviction, binding over, caution, warning, reprimand or arrest for any matter (whether or not charged) imposed on him / her (or, if the proprietor be a company or partnership, on any of the directors, partners or secretary) during the period of the licence. This is fully detailed in Appendix D of this policy.

14. Transfer of Licence

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

15. Change of address

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

16. Requirements to undertake additional tests

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

17. Advertisements

- a. Advertisements may be displayed on the vehicle, provided that:
 - i. the advertisement is in accordance with the Council's published conditions in relation advertisements on vehicles, and
 - ii. the Council has provided written approval for the advertisement to be displayed.
- b. The hackney carriage proprietor submitting any advertisement for approval must pay an appropriate fee to cover the cost of the administration involved.

18. Colour

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

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

Appendix N**Requirements for Vehicle Examination**

SECTION 1 - Vehicle conformance to standards set by RMBC		
Testable Items	Reason for Failure	Additional Information
<p><u>Ensure that:</u></p> <ol style="list-style-type: none"> 1. The vehicle is fitted with a minimum of 4 road wheels and 4 doors (excluding boot doors). <i>Unless the vehicle is to be licensed for less than 4 passengers where the number of doors maybe less.</i> 2. The vehicle must comply at all times with the relevant sections of the Road Traffic Act, Construction and Use Regulations and Road Vehicles Lighting Regulations that may apply. 3. The vehicle satisfies Motor Vehicle Type Approval Regulations, or European Whole Vehicle Type Approval Regulations, or a Minister's Approval Certificate is in force for the vehicle or the vehicle is a historic vehicle. 4. The vehicle will be tested in accordance with the applicable parts of the DVSA (formerly VOSA) MOT Testing Manual for Class 3, 4, 5 and 7 vehicles. The vehicle must meet or exceed the standards detailed in the manual. 5. The vehicle will also be examined to verify that it meets the additional requirements set out within this document are met (as applicable). 	<ol style="list-style-type: none"> 1. The vehicle is fitted with fewer than 4 road wheels and 4 doors (excluding boot doors). 2. The vehicle fails to comply with either, the Road Traffic Act, Construction and Use Regulations or Road Vehicles Lighting Regulations. 3. The vehicle <u>fails</u> to satisfy either Motor Vehicle Type Approval Regulations, or European Whole Vehicle Type Approval regulations, or there is no evidence that a Minister's Approval certificate is in force and the vehicle is not a historic vehicle. 4. The vehicle <u>fails</u> to satisfy the applicable standards as detailed in the MOT Testing Manual. 5. The vehicle <u>fails</u> to meet any of the applicable requirements as detailed in this document. 	<p>Check to ensure that the vehicle satisfies detailed conformance requirements.</p> <p>Acceptable certification will include certificates issued by recognised converters.</p> <p>Items not detailed within the MOT testing manual but required for licensing standards of fitness reasons are listed in this document or the main policy document.</p> <p>The V5 must show that the vehicle is registered with the DVLA, or a Single Vehicle Approval Certificate or Minister's Approval Certificate is presented if required this checking purpose.</p>

<p>6. Where the vehicle has been converted, including stretched limousines, ensure that the conversion is certified.</p> <p>7. Any modification or conversion to the vehicle's braking system, steering, engine, transmission, fuel system (inc. LPG), suspension or lighting is supported by certification from an appropriate agency.</p> <p>8. The vehicle complies with all the vehicle specifications laid out in the Specification of vehicle type's document.</p> <p>9. All tyres fitted to the vehicle must be fit for purpose, inflated to the correct pressure and have a tread depth of at least 2.0 mm throughout a continuous band in the centre 3/4 of the tread and around the entire circumference of the tyre.</p> <p>10. The vehicle must be fitted with a fully operational taxi camera system approved by the council and appropriately installed in accordance with the manufacturer's instructions.</p>	<p>6. A conversion is not supported by an appropriate certificate and an exemption has not been granted by the Licensing Authority.</p> <p>7. A modification or conversion to the vehicle's braking system, steering, engine, transmission, fuel system, suspension or lighting is not supported by a certificate from an appropriate agency or by written exemption granted by the Licensing Authority.</p> <p>8. The vehicle fails to comply with the vehicle specifications set out by the council.</p> <p>9. The tyres fail to conform to the standard set by the council.</p> <p>10. The vehicle is not fitted with an appropriate taxi camera system, or it is not installed / functioning as required by the manufacturer / council.</p>	
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<u>SECTION 2 – Vehicle Identification Number (VIN)</u>		
Testable Items	Reason for Failure	Additional Information
<p>Ensure that:</p> <ol style="list-style-type: none"> 1. The VIN plate is accessible. 2. The VIN plate is fitted to the vehicle. 3. The VIN plate has not been tampered with. 4. The VIN plate is consistent with any other documentation presented. 5. All information and vehicle details are clear and legible. 	<ol style="list-style-type: none"> 1. The VIN plate is not accessible as appropriate to the vehicle type. 2. The VIN plate is not fitted to the vehicle. 3. The VIN plate has been tampered with. 4. The VIN plate is not consistent with any other documentation presented. 5. Information and vehicle details are not clear and/or not legible 	<p>Visually check for any obvious sign of defect, damage, replacement or alteration.</p> <p>Report any suspicious VIN identification to the appropriate authority (i.e. Police, VOSA, DVLA)</p> <p>Note: VIN plates may be located in engine compartments, dash boards or other locations depending on vehicle manufacturers.</p> <p>Visually check all excise licence details.</p>

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

10. In the case of private hire vehicles, the vehicle is not of such design that it could lead any person to believe it was a Rotherham Hackney Carriage.	screens. The disk is not fitted or readable. 10. The vehicle is of such design that it is inappropriate to be a hackney carriage or private hire vehicle, or the vehicle could lead any person to believe it was a hackney carriage vehicle when it was licensed for private hire purposes.	vehicle repair or recovery service; or (b) required by law.
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SECTION 4 – Underside Inspection

Testable Items	Reason for Failure	Additional Information
<p>Ensure that:</p> <ol style="list-style-type: none"> 1. There are no signs of water or fluid leaks from under the vehicle. 2. There are no signs of oil leaks from under the vehicle. 3. The exhaust pipe is secure. 4. The towing assembly is fully secured to the vehicle (if applicable). 	<ol style="list-style-type: none"> 1. There is evidence of water or fluid leaks from under the vehicle. 2. There are signs of oil leaks from under the vehicle. 3. The exhaust pipe not fully secure to the vehicle. 4. The towing assembly is not fully secured to the vehicle (if applicable). 	Visually inspect the underside of the vehicle for any fluid leaks.

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

<p>11. The child locks can be engaged and disengaged.</p> <p>12. All fixtures and fittings are approved by the Licensing Authority.</p> <p>13. All mechanisms designed to release the passenger seat which enable access to another seat are in good working order.</p> <p>14. All passenger doors allow safe access and egress for the number of passengers.</p>	<p>11. The child locks do not operate correctly.</p> <p>12. There are unapproved fixtures and fittings.</p> <p>13. The passenger seat mechanism does not release to enable access to another seat.</p> <p>14. There is insufficient space to allow safe access and egress for the number of passengers.</p>	
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<u>SECTION 6 – Driver Front/Passenger Compartment</u>		
Testable Items	Reason For Failure	Additional Information
<p>Ensure that:</p> <ol style="list-style-type: none"> 1. The driver / front passenger compartment is clean and accessible. 2. Any fixtures such as taxi radio, satellite navigation or CCTV equipment are fitted safely and securely and do not adversely encroach the passenger's area and do not impact on the safety of the driver, passengers or other road users. 3. The devices for opening/closing the driver or front passenger windows operate correctly. 4. The driver's seat adjustment mechanisms are in good working condition. 5. The driver's seat is in good condition and the inner fibre is not exposed. 6. The driver's seat frame is fully secured to the vehicle. 7. A taxi meter has been fitted to the vehicle (hackney carriage renewals only) 	<ol style="list-style-type: none"> 1. The driver/ front passenger compartment is not clean and/or not accessible. 2. Additional fixtures are so fitted as to encroach adversely the passenger area or will impact on the safety of the driver, passengers or other road users. 3. The devices for opening/closing the driver or front passenger window fail to operate correctly. 4. The driver's seat adjustment mechanisms are defective or inoperative. 5. The driver's seat is in poor condition and/or the inner fibre is exposed to an area greater than 1cm square. 6. The driver's seat frame is not fully secured to the vehicle. 7. A taxi meter is not fitted to the vehicle (hackney carriage renewals only) 	<p>Visually inspect the position and condition of fixtures and fittings.</p> <p>Safety enhancement features: Visually/aurally check that the safety enhancement equipment, such as airbags, seatbelt tensioners, warning lights appear to be in order.</p>

<p>8. There are no signs of damage to the airbag housing that prevents deployment.</p> <p>9. The driver/passenger headrest has not been removed and is fitted securely.</p> <p>10. Any safety warning device designed to alert the driver of a fault with any of the vehicle's safety features is not disabled or malfunctioning.</p>	<p>8. There are signs of damage to the airbag housing that will prevent deployment.</p> <p>9. The driver/passenger headrest has been removed and/or is insecure.</p> <p>10. There is evidence to show a safety warning device in respect of vehicles safety features is deliberately disabled or is malfunctioning.</p>	
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SECTION 7 – Luggage/Boot Compartment

Testable Items	Reason for Failure	Additional Information
<p>Ensure that:</p> <p>1. The luggage area is uncluttered, is suitable for use and is capable of carrying the amount of luggage for which the vehicle is designed.</p>	<p>1. The luggage area is cluttered and/or is unsuitable for use; and/or is not capable of carrying the amount of luggage for which the vehicle is designed.</p>	<p>Visual check for adequate luggage/boot space</p>

<u>SECTION 8 – External Signage</u>		
Testable Items	Reason For Failure	Additional Information
Ensure that:	<ol style="list-style-type: none"> 1. The content of any external signage complies with PHV regulations or HCV regulations and/or RMBC guidelines. 2. The content of any external signage has been approved by the Licensing Authority. 3. Signage is of an appropriate size. 4. Any signage is displayed in an appropriate or approved place. 	<p>Check that any external signage, complies with RMBC guidelines and that the Licensing Authority has approved the content.</p> <p>Check that the signage is of an appropriate size and is displayed in an approved place.</p>

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

been installed correctly or safely.	not been installed correctly or safely.	Fire extinguisher and first aid kit requirements are detailed in the RMBC conditions of licence.
11. Any additional lifting equipment is fully and correctly operative.	11. Any additional lifting equipment is inoperative.	
12. Ensure that any modification has been approved by the Licensing Authority	12. Unapproved modification fitted or approved modification fitted in a dangerous or incorrect manner.	
13. A suitable fire extinguisher must be installed within the vehicle.	13. Fire extinguisher not present, of correct type or in serviceable condition.	
14. A suitable first aid kit must be stored within the vehicle.	14. First aid kit not present, of correct type or in serviceable condition.	

<u>SECTION 10 – Other Defects</u>		
Testable Items	Reason for Failure	Additional Information
Ensure that: 1. The vehicle appears to be in a roadworthy condition. 2. The vehicle is of a suitable type and capable of carrying the number of persons for which the vehicle is designed and purpose it is to be licensed for by the authority.	Luggage Compartment. 1. The vehicle has a mechanical defect is not in a roadworthy condition. 2. The vehicle is not of a suitable type and/or capable of carrying the number of persons for which the vehicle is designed and/or is not fit for the purpose it is to be licensed by the authority.	During the inspection a mechanical defect is noted that would result in the vehicle failing standard MOT test. During the inspection a defect or damage of other type is noted that may affect its "fitness" to be a licensed vehicle.

<u>SECTION 11 – General Information</u>		
Passes	Failures	Additional Information
<p>If the vehicle passes the licensing inspection the vehicle inspector will:</p> <ol style="list-style-type: none"> 1. Update documentation and / or database (as appropriate). 2. Issue the inspection pass certificate / documentation to the vehicle proprietor/driver. 3. Advise the proprietor / driver they must return the “pass” certificates to the Licensing Office immediately. 	<p>If the vehicle fails the licensing inspection, the vehicle inspector will:</p> <ol style="list-style-type: none"> 1. Update documentation and/or database. (as appropriate). 2. Issue a VIR and any other appropriate documents indicating why a licence has been refused. 3. Advise the owner/ driver they have failed to present a vehicle in a suitable condition and must return for a retest on all failed items to obtain a “pass” certificate and / or appropriate documentation. 4. Allocate a retest appointment for minor retest points which can be retested in 15 minutes or less. 5. Advise the proprietor/ driver they must contact the Licensing Office to book a retest appointment for major retest points which take 30 minutes or more. 6. Advice the proprietor/ driver the vehicle was not in a condition under which any test could be conducted, and the test has been “Stopped”. Advice the proprietor/driver they must contact the Licensing Office to book a full test appointment (not a retest) and this test will take 45 minutes or more to conduct. 	<p>If the applicant wishes to appeal against the failure decision.</p> <p>The vehicle inspector will;</p> <ol style="list-style-type: none"> 1. Inform the vehicle owner of their rights of appeal. 2. The vehicle inspector will provide the complainant with the RMBC vehicle inspection complaints procedure documentation. 3. Notify / inform the Depot Manager of the complainant’s details. 4. Advise the complainant to make an official notification of complaint to the Depot Manager.

SECTION 12 – Guidance Notes

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

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

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

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

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

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

Appendix O

Vehicle Advertisement Conditions

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

- a. That advertisements shall only be allowed on both rear passenger doors and the bonnet of a vehicle;
- b. That the advertisement shall be the same size as the existing private hire door signs, or will cover a similar area if different in shape;
- c. That no advertisement should promote tobacco or alcohol products;
- d. That no advertisement shall be of a sexual, religious or political nature and that it shall not be likely to cause offence;
- e. That no advertisement be displayed without the written approval of the Assistant Director of Community Safety and Street Scene.
- f. In the case of private hire vehicles, the proposed advertisement is to be submitted for approval by a licensed operator, not an individual vehicle owner;
- g. That the licensed operator/ hackney carriage proprietor submitting any advertisement for approval, pay an appropriate fee to cover the cost of the administration involved. The fee amount is available on request by asking the Licensing Office.
- h. Any advertisement fitted to a vehicle must not obscure any signs, plates or notices that are required under a condition of licence for a hackney carriage or private hire vehicle.

Appendix P

Private Hire Operator Licence Conditions

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 and ancillary staff 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. Applications in relation to any intended change of business premises must be made in writing 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 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 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.
- b. 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.

- c. 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 time s full and legible booking details are printed, or;
 - iii. a computerised recording system which automatically generates a permanent entry onto a secure memory device, 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 storage device should be kept in a secure place at the premises for production on demand by the Police or an Authorised Officer.
- d. In respect of whichever system is used the Operator must, at the time the booking is taken, enter therein:
 - v. 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;
 - vi. the name and address of the hirer;
 - vii. 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;
 - viii. the private hire/hackney carriage plate number of the vehicle to be used for the journey (personal code systems are not acceptable);
 - ix. the badge number of the driver of the vehicle used;
 - x. remarks (including details of any sub-contracting to another licensed operator).
- e. 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 point d above, and notes must be included; including the name of the sub-contractor and contact information).

- f. No alterations to records may be made – any amendment must be made to the original record by way of an addition.
- g. Entries in the bound book, or on the digital copy generated by a computerised system, must cover a twenty-four 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.
- h. 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.
- i. 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.
- j. 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.
- k. 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).
- l. 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.
- m. 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

- n. The Operator must not operate a private hire vehicle / hackney carriage unless the vehicle and driver are licensed by the Council. The Operator must personally examine vehicle licences and insurance certificates to satisfy himself / herself as to their validity.
- o. 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'.

- p. The Operator must not accept any booking for a particular private hire vehicle / hackney carriage which would require that vehicle to carry more passengers than is licensed to carry.
- q. The Operator must not operate a private hire vehicle / hackney carriage without the driver thereof being licensed by the Council. The Operator must personally examine the drivers' licences issued by the Council and satisfy himself / herself as to their validity.
- r. 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.
- s. The Operator must bring to the attention of all drivers their legal obligation regarding no smoking in vehicles under the Health Act 2006.
- t. 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.
- u. 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.
- v. 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:
 - i. 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.
 - ii. 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.
- w. Only equipment licensed by the Department for Business, Energy and Industrial Strategy (BEIS) must be used for the purpose of conducting the business authorised by this licence. The BEIS 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.
- x. The use of scanner equipment is prohibited.
- y. 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.

- z. 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.
 - aa. The operator must supply a copy of advertising materials to the Council for recording on file.
 - bb. 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.
 - cc. 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.
 - dd. 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 Council Licensing Service, Riverside House, Main Street,
Rotherham, S60 1AE.**

- ee. 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.
- ff. 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.
- gg. The Operator must notify the Council in writing within 7 days of any change of home address whether permanent or temporary.
- hh. 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 twenty-four hours.

- ii. 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.
- jj. The 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:
 - i. Concealed from public view
 - ii. Defaced
 - iii. Disfigured
- kk. The operator must ensure that the licence plate and notices are always legible and displayed in accordance with the conditions of the private hire vehicle licence.
- ll. 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.
- mm. 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.
- nn. Licence holders are required to provide Basic DBS checks for all ancillary staff that take bookings and dispatch vehicles for the Operator. The operator is responsible for keeping a register of all staff that take bookings, dispatch vehicles or have access to the operators booking system, and keep an accurate record of DBS checks for all individuals listed. These records are required to be provided to the Council, on request from an authorised officer, by the relevant private hire Operator for all such individuals. Where a DBS check cannot be completed for an individual who resides outside of the UK, the Operator will be required to provide equivalent evidence of employment checks which will be presented to Licensing Board for consideration.
- oo. The operator must notify the Council within five working days if any driver is subject to the operator's 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.
- pp. 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.

qq. 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:

- i. allegations of sexual impropriety (including the use of sexualised language)
- ii. violence (including verbal aggression)
- iii. theft
- iv. any other serious misconduct (including motoring related matters).

rr. 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.

Appendix Q**Taxi Camera Technical Specification and System Requirements**

In order to be considered suitable for installation in a Rotherham Council Licensed vehicle, a taxi camera system must meet the following requirements:

1.0 Operational Technical Specifications

Reference	Specification	Details
1.1	100% solid state design or a proven vibration and shock resistant system	The system should not have any fan and the recording should be vibration and shock proof, i.e.: <ul style="list-style-type: none"> - Flash-based SSD (100% industrial grade), - Hard disk with both mechanical anti-vibration and anti-shock mechanism and self-recovery and self-check file writing system.
1.2	8 to 15 Volts DC	Operational between 8 and 15 volts DC
1.3	Reverse polarity protected	System to be protected against reverse voltage.
1.4	Short circuit prevention	System to be protected against short circuits
1.5	Over voltage protection	System to be protected against high voltage transients likely to be encountered in the vehicle electrical system.
1.6	Automotive Electromagnetic Compatibility Requirements	<p>The in-vehicle taxi camera system must be compliant with the Council Directives:</p> <ul style="list-style-type: none"> - 2004/108/EC on Electromagnetic Compatibility (CISPR 22/EN55022), - 2004/104/EC on Radio Interference (sections 6.5, 6.6, 6.8 and 6.9) <p>The taxi camera equipment should therefore be e-marked or CE-marked with confirmation by the equipment manufacturer as being non-immunity related and suitable for use in motor vehicles.</p>
1.7	System activation (on / off) switch to be located in a position where it is not accessible from inside the vehicle (i.e. in the boot / engine compartment).	The system is required to be active at all times that the vehicle is being used as a licensed vehicle. This will allow the facility for the system to be deactivated during times when the vehicle is being used for private purposes (e.g. domestic use). The switch that deactivates the system must be located within the vehicles boot or engine compartment (i.e. it must only be possible to deactivate the system from outside of the vehicle).
1.8	First-in/first-out buffer recording principle	
1.9	Built-in, automatic logging of all access actions, including date and personnel names	
1.10	Security, duration and auto-clearing of log files	
1.11	Image export formats and media	Images must be exported in commercially available formats.

1.12	Image protection during power disruption	Images must be preserved in the event of loss of power. Battery back-up will not be permitted
1.13	Unit must operate without the ignition being turned on.	The Unit must have the ability to operate for at least 2 hours without power from the ignition.
1.14	Image and audio data shall be recorded and stored in a unit separate from the camera head.	
1.15	GPS capability	System must be compatible to allow for GPS capability.
1.17	The system shall not record audio except when audio recording is activated by means of an approved trigger.	<p>The system should have the ability to start recording audio data by means of at least two trigger buttons (see also 1.26 below).</p> <p>One trigger button must be capable of being activated by the driver. Once the trigger is activated the system must begin to record audio data. The system will continue to record audio until the same trigger is activated again. The second activation of the trigger must result in the cessation of audio recording (e.g. a button could be pressed to begin audio recording, if the (i.e. the trigger, which could for example be a button, would be pressed to begin audio recording, pressing the button again would stop audio recording).</p> <p>The second trigger button must be capable of being activated by the passengers in the vehicle independently of the driver. Once the trigger is activated the system must begin to record audio data. The system will continue to record audio until the same trigger is activated again. The second activation of the trigger must result in the cessation of audio recording (i.e. the trigger, which could for example be a button, would be pressed to begin audio recording, pressing the button again would stop audio recording).</p> <p>Both audio activation triggers must be independent of each other – this means that audio recording can only be deactivated by means of the same trigger (driver or passenger) that was used to activate the audio recording.</p>
1.16	The system must be capable of recording audio time synchronized to the recorded images.	
1.18	The audio playback, when triggered, shall be in 'real time' and synchronised with the images that are captured.	

1.19	Digital sampling of the audio signal must exceed 8KHz	
1.20	Digital resolution of the audio samples must exceed 10 bits.	
1.21	The audio microphone shall be integrated within the camera head.	
1.22	Audio data and image data must be stored together, not in separate files, and must be protected against unauthorized access or tampering.	
1.23	The system must support testing of the audio function for installation set-up and inspection purposes.	
1.24	The system must 'go to sleep' to reduce battery drain during prolonged idle time. It must be capable of immediate reactivation	
1.25	Images recorded by the system shall not be displayed within the vehicle.	
1.26	The system must have at least two emergency activation triggers (panic buttons).	<p>One of the triggers / panic buttons must be capable of being operated by the driver – this must be independent of the audio recording activation switch.</p> <p>At least one other trigger / panic button must be capable of being operated by a passenger from any passenger seat in the vehicle. Once activated, this switch must trigger the recording of video and audio in accordance with section 6.1 below.</p>
1.27	The system must include a visual indicator that will clearly show when audio recording is taking place. This indicator must be visible to all passengers within the vehicle.	This may take the form of an indicator LED built into the audio activation switch, or a remote LED that can clearly be seen by passengers.

2.0 Storage Capacity Technical Specification

Reference	Specification	Details
2.1	Minimum of twenty-one days of recording capacity	The camera system must be capable of recording and storing a minimum of twenty-one days of images of HD1 (720/288) size or better.
2.2	Images must be clear in all lighting conditions	System to provide clear images in bright sunshine, shade, dark and total darkness. Also, when strong back light is present.

3.0 Camera Head Technical Specification

Reference	Specification	Details
3.1	Camera installation non-obstructive	The camera and all system components shall be installed in a manner that does not interfere with the driver's vision or view of mirrors or otherwise normal operation of the vehicle.
3.2	Protected camera disconnect	The camera head shall be designed to disconnect for ease of removal and replacement by maintenance personnel.
3.3	Special tools for adjustment/removal	To prevent inappropriate interference only tools supplied to authorised fitters should be capable of carrying out adjustments or removal.
3.4	Field of view to capture all passengers in the vehicle	The lens of the camera must be of a type that captures the driver and all passengers of the vehicle on the recorded image. The lens must be of a style not to create a "fishbowl" effect.
3.5	Images must be clear	System to provide clear images in all lighting conditions and allow different skin tones to be detected
3.6	Compatible for use in vehicles with a partition (shield)	The camera system must be adaptable to provide clear images when a vehicle is equipped with a shield. This may be accomplished with the use of multiple camera heads.
3.7	Multiple cameras	The unit shall be capable of supporting up to four (4) cameras. Four cameras may be required to provide adequate coverage in larger vehicles and/or certain purpose built vehicles.

4.0 Storage Device (Recorder) Technical Specification

Reference	Specification	Details
4.1	Impact and shock resistance	The recorder shall be impact resistant, sufficient to withstand a typical car accident, or striking with a large, heavy object such as a suitcase.
4.2	Controller in concealed location	The storage unit shall be concealed from view and effectively inaccessible except by authorised personnel.
4.3	Download port provision	The recorder shall be equipped with a communication port for downloading by authorised personnel.
4.4	Download port shall be located in an easily accessible location such as a glove compartment.	The recorder download port shall be located in the glove box if practicable, if not then in a location that does not require the removal of panels and is accessible.
4.5	Download port cable length (1 foot minimum)	Download port shall be at least one foot in length for ease of download.
4.6	Recorder to be securely affixed to the vehicle	
4.7	Log to register each user access	
4.8	Log to register camera system parameter modifications	
4.9	Log to register each image download session	
4.10	Log to register modification/ manipulation of downloaded images	
4.11	Log to register exporting of downloaded images	
4.12	Log to register exporting of downloaded clips	
4.13	Log file protected against un-authorised access	
4.14	Time/date stamp	All stored images must be time and date stamped.
4.15	Vehicle ID number stamp	All stored images must have two fields for vehicle identification (VIN & number plate).
4.16	Controller non-modifiable ID code stamp	Each recorded image shall be automatically stamped with a unique and non-modifiable code that identifies the controller that was used to record the image.
4.17	Controller (Storage Recorder)	Manufacturer to supply Rotherham MBC with a supply of specialised tools to allow for removal of the controller and download of data when required.

5.0 Specifications for video and audio recording rate

Reference	Specification	Details
5.1	Video image recording on system activation (when audio is not activated).	The system shall record images at the rate of four images per second.
5.2	Video image recording when audio is activated.	The system shall record images at the rate of twenty five images per second during periods when audio recording is activated (either due to time requirement, or through activation by the driver trigger switch or passenger panic button).
5.3	When activated, audio recording must be in real time and synchronised with the video recording.	
5.4	System to continue to record images (and audio when applicable) when engine is off.	System must continue to record images (and audio when applicable) for 30 minutes after engine / ignition is switched off.

6.0 Specification for activation via driver or passenger trigger / panic buttons

Reference	Specification	Detail
6.1	The activation of a trigger button must provide for overwrite-protected image storage when activated by driver or passenger.	The system must be fitted with at least two trigger buttons that once activated will trigger the protected recording of audio and video (see also 1.17 and 1.26 above).
6.2	Emergency image overwrite protection capability	Image sequences resulting from emergency activation shall be recorded in an area of memory which is protected from being overwritten
6.3	Overwrite protection capacity for at least 3 activations	
6.4	Overwrite protection self-clear on 96 hr timer	

7.0 Downloading Technical Specification

Reference	Specification	Details
7.1	Time to download complete memory not to exceed 30 minutes	Time to download to be accomplished in 30 minutes or less.
7.2	Provision of necessary software, cables, security keys to the Council's Licensing Team.	
7.3	Windows 10 compatible.	
7.4	Downloaded images stored in non-volatile media	
7.5	Downloaded images stored in secure format	

7.6	Verifiable image authenticity	Each image shall be stamped with controller ID and vehicle ID and be tamperproof.
7.7	Provision of technical support to Rotherham MBC Licensing team when necessary.	To assist in accessing system in case of damage to the vehicle or to the system in case of accident within 1 hour during normal working hours and within 8 hours otherwise.
7.8	Wireless Download Prohibited	Unit must not allow for wireless downloads. Wireless diagnostic may be used. All wireless hardware to be disabled.
7.9	Filter the specific images for events and times for the approximate time of the crime committed.	

8.0 Requirements in relation to System Information

Reference	Requirement	Details
8.1	Provision of service log sheet with each unit shipped	The unit manufacturer shall have a service log shipped with the unit. The manufacturer shall also enclose detailed instructions for the drivers with each unit shipped. An installation manual shall also be furnished to authorised installers and fleet operators.
8.2	Serial number indication on service log	The unit will be marked with a serial number
8.3	Installation date indication on service log	The provision for the installer to indicate the installation date
8.4	Provision of driver instruction card with each unit shipped	
8.5	Provision of installation manual to installers and fleet operators	
8.6	Clarity of operating instructions	The system shall be provided with clear and concise operation instructions which are written with due consideration to varying levels of literacy.
8.7	Installation by authorised agents	The unit shall be installed by manufacturer's authorised agents, or other installers approved by the council (subject to agreement with the manufacturer).
8.8	Provision of authorised agents list to Rotherham MBC Licensing Team	The manufacturer shall provide a list of all authorised agents to Rotherham MBC Licensing Team.
8.9	Documentation	The manufacturer must provide clear and concise operating instructions which are written in layman's terms. (Details on how the system records the images)
8.10	Image Protection	All captured images must be protected using encryption software that meets or exceeds the current FIPS 140-2 (level 2) standard or equivalent.

9.0 System requirements in relation to Vehicle Inspection Facility – Inspections

Reference	Requirement	Details
9.1	Provision of system status/health indicator	The driver shall have an indicator showing when the system is operational and when there is a malfunction.
9.2	Mounting location of system status/health indicator to be seen by driver only	The indicators shall be mounted/installed for the driver's vision only. The indication system must be in accordance with section 9.3 and 9.4 below.
9.3	Additional indicator requirement	Where a system is fitted with an indicator to show that the system is on, this indicator shall be separate to those listed above or of a different colour to avoid any possible confusion on the part of the drivers using the system.
9.4	Designed / installed to be testable by Rotherham MBC Licensing Team (or persons acting on behalf of the council – such as vehicle inspectors)	The system shall be designed and installed such that the system may be easily tested by Rotherham MBC Licensing Team staff to ensure that all features are operating and that images are being recorded as prescribed.

10.0 General System Requirements

Reference	Requirement	Details
10.1	Vandal and tamper resistance	
10.2	Provision of statement of compliance	In addition to a formal test of all aspects of this requirement specification, a statement of compliance shall be provided and signed by an officer of the company.
10.3	Reliability in operational and environmental conditions	The system shall provide reliable and full functionality in all operational and environmental conditions encountered in the operation of taxis.
10.4	Programmability of image timing parameters	It shall be possible to change timing and parameters without the requirement to change components.
10.5	Training and Technical Support and Equipment	Manufacturer must provide Rotherham MBC Licensing Team with a Training and Technical Manual. Supply a working unit to Rotherham MBC Licensing for testing purposes.
10.6	Software and Hardware	Manufacturer to supply Rotherham MBC Licensing Team with a supply of cables and software to be installed under the supervision of the council's authorised staff.
10.7	Agreement between the Camera Manufacturer and Rotherham MBC	Agreement to allow Rotherham MBC access to the relevant software from the manufacturer so that in the event the manufacturer goes out of business, council will be able to support the system.

Appendix 3

Summary of Consultation Responses

Breakdown of consultation respondents

Online Survey:

- Members of the Taxi Trade: 651
- Members of the Public: 313
- Total Responses: 964

The Council also received formal responses from the following groups:

- Licensing Board
- Youth Cabinet
- Older People's Forum
- Rotherham Adult's Safeguarding Board
- Rotherham Children's Safeguarding Board
- Community Reference Group
- Rotherham Private Hire Association
- Rotherham Hackney Carriage Association
- ALPHA
- GMB S75 Taxi Branch

Officers also attended the following meetings, where minutes or notes were taken to form part of the consultation response:

- Women's Forum at the Unity Centre
- Rotherham East Ward Councillor Surgery
- Madrasa session at Jamia Masjid, College Road, Masbrough

Three drop-in sessions were also arranged for members of the trade and the public. Approximately forty drivers attended these sessions, and notes were taken by officers to form part of the consultation response.

The following sections outline the response to consultation for each proposed change. Where the response is broadly similar between members of the public and the trade, these have been amalgamated. Where there are clear differences, the responses have been separated. Where written responses have covered specific changes, these have been included in the appropriate section.

1. Public Sector Equality Duty

The consultation asked for a response on the statement:

Licensed vehicle drivers and companies have a responsibility to promote equality and help to eliminate discrimination.

Answer	Count	%
Strongly Agree	541	57.61
Agree	260	27.69
Disagree	17	1.81
Strongly Disagree	82	8.73
Unsure	39	4.15
Total	939	100.00

Community Reference Group: The group agreed that Licensing have a role to play in promoting equality and that operators should act in a fair and equal way.

Youth Cabinet: Operators should uphold the quality duty and use it when they are employing people or dealing with customers.

Madrasa session, Masbrough: Everyone should be treated the same. “Taxi driver are taxi drivers”. If an operator doesn’t act in an equal way, they shouldn’t be allowed to have a licence.

Licensing Board: That the proposal be supported subject to whether Legal Services agree that this can be clearly implemented without challenge of discrimination.

2. Driver Medical Assessments

The consultation asked members of the trade the question:

Have you ever had difficulty in obtaining a medical assessment from your own GP?

Answer	Count	%
No	209	32.20
Yes	440	67.80
Grand Total	649	100.00

A second question was then asked, which stated:

Would being able to book a medical with another GP, with prior agreement from the Licensing Manager and full access to medical records, solve the issue of obtaining a medical?

Answer	Count	%
No	62	9.61
Yes	583	90.38
Grand Total	645	100

CCG: The CCG feels very strongly that drivers should go to their own GPs for private medicals, because only their GP will have access to their full medical records. Drivers are reminded of the need to take a medical three months before their licence expires, so they should have sufficient time to book an appointment.

Trade Representatives: Positive response overall and agreed with timescales, saw this change as a 'step in the right direction'. Would like an approved list of GPs rather than the Council giving the opportunity to go to another GP in exceptional circumstances, and where the GP has access to full medical records.

Licensing Board: That the proposal be fully supported.

3. Ancillary Operator Staff

Both members of the public and members of the taxi trade were asked to comment on the statement:

Staff that work for taxi companies should have a basic criminal record check if they are accessing booking records or dispatching vehicles

Answer	Count	%
Strongly Agree	328	33.99
Agree	314	32.54
Disagree	96	9.95
Strongly Disagree	92	9.53
Unsure	135	13.99
Grand Total	965	100

Trade Representatives: Representatives believed that this requirement may only impact local operators as those who employ people from outside the borough may not have this requirement imposed on them.

Older People's Forum: DBS checks should be carried out for people who access sensitive information as this would make people feel safer and more confident.

Madrasa session, Masbrough: The group agreed that the Council should be able to check a person's police record to make sure that a person is safe to know certain information.

Licensing Board: Fully supported the proposal subject to advice from Legal and HR, and that the Council should lobby for an enhanced DBS check to be available for these staff.

4. Refresher Training

The consultation asked four questions on the subject of refresher training. These have been split by response from the public and the trade.

a. Safeguarding Training

Drivers should undertake refresher training for safeguarding training

Public

Trade

Answer	Total	%
Strongly agree	76	24.28
Agree	110	35.14
Disagree	31	9.90
Strongly disagree	67	21.41
Unsure	29	9.27
Grand Total	313	100.00

Answer	Total	%
Strongly agree	38	6.23
Agree	106	17.38
Disagree	64	10.49
Strongly disagree	290	47.54
Unsure	112	18.36
Grand Total	610	100

b. Driver Knowledge Test

Drivers should undertake refresher training for driver knowledge

Public

Trade

Answer	Count	%
Strongly agree	49	15.61
Agree	56	17.83
Disagree	68	21.66
Strongly disagree	128	40.76
Unsure	13	4.14
Grand Total	314	100.00

Answer	Count	%
Strongly agree	18	2.97
Agree	32	5.27
Disagree	79	13.01
Strongly disagree	473	77.92
Unsure	5	0.82
Grand Total	607	100

c. Advanced Driving Assessment

Drivers should undertake refresher training for advanced driving assessment

Public

Trade

Answer	Count	%
Strongly agree	52	16.72
Agree	28	9
Disagree	67	21.54
Strongly disagree	152	48.87
Unsure	12	3.86
Grand Total	311	100

Answer	Total	%
Strongly agree	17	2.8
Agree	20	3.29
Disagree	78	12.85
Strongly disagree	483	79.57
Unsure	9	1.48
Grand Total	607	100

d. Frequency of Refresher Training

Public

Trade

Frequency	Count
1-3 Years	51
4-6 Years	63
7-10 Years	107
Other	88
Grand Total	309

Frequency	Count
1-3 Years	14
4-6 Years	63
7-10 Years	386
Other	135
Grand Total	598

The majority of comments made in the 'other' category focused on:

- Refresher training is not needed because drivers have already passed these requirements
- Safeguarding should be refresher more than any other training
- Drivers thought safeguarding should be renewed when there was 'a change in the law'.
- Only drivers who have complaints raised/ Council have concerns about should have to do more training.
- There should be no assessment or pass/ fail criteria for any refresher training.

Rotherham Adult Safeguarding Board: Agreed all training requirements should be completed every three years

Youth Cabinet: Members of the board had ranging opinions. Everybody thought that safeguarding training was important and that this should be refreshed frequently. Others agreed that other requirements should be acceptable between every three and five years.

Licensing Board: Fully agreed all training requirements should be completed every three years

Trade Representatives: Disagreed with all proposals and believe that only safeguarding training should be refreshed when the law changes.

Community Reference Group: It was noted that training would have a financial impact on drivers, but that training was important, especially in safeguarding. Other professions have to do Professional Development.

5. Driver Identification

Members of the public were asked to comment on the statement:

When I am in a taxi, I can clearly see the driver's ID badge

Answer	Count	%
Strongly Agree	111	35.58
Agree	118	37.82
Disagree	31	9.94
Strongly disagree	27	8.65
Unsure	25	8.01
Grand Total	312	100

Members of the taxi trade were asked to comment on the statement:

When a driver is wearing their ID badge, it is clearly visible to passengers

Answer	Count	%
Strongly agree	386	59.38
Agree	172	26.46
Disagree	19	2.92
Strongly disagree	55	8.46
Unsure	18	2.77
Grand Total	650	100

Members of the trade were also asked:

Do you have any issues with the driver ID badge?

Answer	Count	%
Yes	428	65.95
No	221	34.05
Grand Total	649	100

Of the 428 drivers that said they had issues with the current ID badge, all comments were related to the size, quality or format of the current badge.

Trade Representatives: The three options given by the Council are welcomed by the trade, but the design of the badge should be changed to make it smaller and more professional.

Older People's Forum: The badge should be large and visible to make it easy for people to see.

Youth Cabinet: Members of the board couldn't remember ever seeing a driver's badge, there was an agreement that a further sign on the dashboard should be used, as well as the idea of an armband.

Licensing Board: That any identification be visible from all passenger seats.

RSAB: That technology such as a phone app should be considered to check whether the driver is registered, and that a large notice and photograph on the dashboard would be useful for older users.

6. Vehicle Signage

Both members of the public and trade were asked to respond to the statement:

It is easy to identify a vehicle licensed by Rotherham Council.

Public

Answer	Count	%
Strongly agree	138	43.94
Agree	112	35.67
Disagree	26	8.28
Strongly disagree	24	7.64
Unsure	14	4.46
Grand Total	314	100

Trade

Answer	Count	%
Strongly agree	478	73.77
Agree	114	17.59
Disagree	11	1.70
Strongly disagree	36	5.56
Unsure	9	1.39
Grand Total	648	100.00

Both members of the public and trade were also asked:

Do you support further signage on a vehicle to improve the visibility of a Rotherham licensed vehicle?

Public

Answer	Count	%
Yes	80	25.72
No	231	74.28
Grand Total	311	100.00

Trade

Answer	Count	%
Yes	50	7.7
No	599	92.3
Grand Total	649	100.00

Members of the public were asked:

Do you know that you can activate audio recording in all Rotherham taxis?

Answer	Count	%
Yes	209	66.99
No	103	33.01
Grand Total	312	100.00

Members of the trade were asked to comment on the statement:

The audio activation button in all vehicles is clear to passengers.

Answer	Count	%
Strongly agree	417	64.25
Agree	144	22.19
Disagree	18	2.77
Strongly disagree	39	6.01
Unsure	31	4.78
Grand Total	649	100

Trade Representatives: Only the existing signage requirements should be necessary and these should not be permanently affixed. Drivers should be able to remove all signage when not working.

Madrasa session: There is enough signage on cars already and drivers should be able to remove the signage. The group gave examples of where they have felt unsafe or embarrassed when in the car for family use but people thought they were a taxi.

Women's Forum: Women raised concerns about permanent signage, and do not agree with this proposal. Drivers should be able to remove the signage when they are not working.

Licensing Board: A recent rise in community tensions means that the remaining five requirements should not be introduced at this time, but this decision should be regularly reviewed.

Youth Cabinet: Issues were raised about being able to identify a vehicle in the dark, and that a symbol should be created to make cars more easily recognisable.

7. Ultra Low Emission Vehicles

Both members of the public and trade were asked to comment on the statement:

The Council should promote ULEVs for licensed vehicles

Answer	Count	%
Strongly Agree	123	18.20
Agree	146	21.60
Disagree	72	10.65
Strongly disagree	154	22.78
Unsure	181	26.78
Grand Total	676	100

When asked on how the Council could incentivise drivers to invest in ULEV vehicles, the themes that emerged were:

- Increase the maximum age of vehicles allowed on the fleet
- Lobby Government for grant funding
- Less frequent compliance testing
- Interest free loans
- Cheaper licensing fees

Trade Representatives: Agree in principle with the Council helping drivers to invest in ULEV, but only monetary incentives could really push drivers to make this investment. Other proposals included: longer vehicle life; reduced fees; less testing.

Licensing Board: That the extension of vehicle age should not be supported due to ongoing work around Climate Change, and as cars get older the safety and comfort of the public may be reduced. Fully support ULEVs and believed the Government should be lobbied to support drivers to invest. Any grants in this area should be maximised.

Youth Cabinet: members were interested to know if the Council or Government would provide money to subsidise new vehicles. The Council should make costs as cheap as possible for the fees that they control. Electric cars are very expensive now but this may reduce in the future which would make it more manageable for drivers.

Women's Forum: Financial support would be welcome but the wellbeing of a family must come before buying a vehicle.

Other themes emerging:

- Reduction in the number of compliance tests, and introduce a risk based approach, rather than relying on the age of the vehicle
- Vehicle plates should be issued for twelve months rather than 4, 6 or 12 months for ease, consistency and to reduce the time that drivers spend in Riverside House. Licensing Board also raised this proposal.
- More MOT test centres to be introduced to increase capacity
- Fire extinguishers and first aid kits to be removed from vehicles as drivers do not feel as though they protect them, and would never use them in an emergency
- Permanent signage would create problems for drivers as taxis would be targeted more often which would put drivers and their families at risk
- The Council should create a list of approved GPs where a medical can take place, rather than the proposal that the Council has introduced
- The Council should do more to prevent out-of-town cars entering the borough

Appendix 4

Hackney Carriage and Private Hire Licensing Policy Implementation Scheme

All requirements of the Hackney Carriage and Private Hire Licensing Policy will come into effect on or after 1st May 2020 in relation to new applications, and renewals of applications, for driver, vehicle and operator licences, that are submitted on or after this date, unless stated otherwise below.

Whilst it is important that the requirements contained within the policy are introduced without unnecessary delay, the Council recognises that this must be done fairly, and reasonably to mitigate any potential negative impacts of the changes on the licensed trade.

Specific requirements will be implemented according to the scheme outlined below:

Ancillary Operator Staff

The Council requires that all staff that work in operator bases and have access to a telephony or booking records have a basic DBS check completed by the operator before their employment commences. A record must be kept of all employees who have access to these systems which should detail when a DBS check has been completed, and when this needs to be renewed.

Any operator that applies for a licence for the first time on or after 1st May 2020 must comply with this requirement.

Any operator renewing their licence on or after 1st May 2020 must comply with this requirement within three months of the licence being issued. This gives operator firms enough time to assess which members of staff must be required to have a DBS check, and process these checks through the Disclosure and Barring Service for all individuals that meet the requirements set by the Council.

Therefore, all operator firms will be compliant with the policy no later than 31st July 2021.

Refresher Training

Refresher training will be implemented from 1st May 2020. The Council will be required to design a refresher course, and this is expected to take two months to complete.

Therefore, the first training session will take place in June 2020.

Any driver who has their licence renewed in May, June or July 2020 must attend and complete a refresher session within three months of the renewal of their licence. Any driver who has not satisfactorily completed a refresher course but has had their licence renewed on the condition of attendance will have their licence suspended until they have satisfactorily completed the course.

All drivers whose current licence expires between May 2020 and August 2020 will be contacted to ensure that they are aware of these requirements and attend these sessions.

This refresher session will be free of charge for drivers, with the required funding being made available through the existing licence fees.

Driver Identification

The changes to the way that the Council allow drivers to wear their identification badge will come into effect on 1st May with the implementation of the policy. This will allow a driver to wear their badge on a lanyard, clip or in an armband.

However, the Council recognise that a redesign process needs to take place to decrease the size of the driver's badge, making it easier for drivers to wear their badge. The Council expect that the redesign process will take approximately six months. New badges will be issued to drivers at licence renewal, or on request from a driver if they would prefer the newer style of badge before the renewal of their licence. This would be at the driver's expense. It is expected that there would be a high demand for new badges upon request. The Council will process each of these requests as soon as is reasonably practicable and requests will be processed in order of date received.

Although this will create a mixed economy of badges for a period of time, it is expected that, as a minimum, all drivers would have new badges within three years of the policy being introduced. However, this date could be far sooner if the uptake of new badges on request is as expected.

Vehicle Signage

The conditions for both hackney carriage and private hire vehicles in relation to vehicle signage will come into effect on 1st May with the implementation of the policy.

However, the Council will also be undertaking a redesign process to improve the existing signage. The Council expect that the redesign process will take approximately six months.

Further to this, new signage will also be required for audio activation switches and driver identification on the dashboard. This will also be part of the redesign process and will follow the same timescales.

Once the redesign process has taken place, a date will be fixed in relation to when vehicle signage requirements will take effect. The Council expect that this date will be on or before 1st January 2021.

Camera Storage

The Council require all camera systems to hold a minimum of twenty-one days of twenty-four hour periods of footage, including audio where this has been activated. Any new applicant must comply with this requirement from 1st May 2020.

However, the Council recognise the potential financial burden on some members of the trade, and therefore require that all existing vehicles comply with the condition by 1st January 2021.

This gives the owners of licensed vehicles ample opportunity to make an appointment with their camera supplier and will not create unmanageable demand on the providers of camera systems.

The Council would request a new certificate of installation from the installer to prove that the system is compliant with the Council's policy.

Public Awareness Campaign

Once the policy has been implemented, the Council believe it may be the correct time to increase public awareness about the strength of the licensing regime in Rotherham, the safety of Rotherham licensed vehicles and what the public should expect from all licensed drivers. Officers will work alongside colleagues in the Council's communications team to create a communications plan including social media, flyers and information available on the Council's website.

Cabinet – 23 March 2020

Report Title

Responding to the Climate Emergency

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

Yes

Strategic Director Approving Submission of the Report

Shokat Lal, Assistant Chief Executive

Report Author(s)

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Sam Blakeborough, Policy Officer

01709 822888 or sam.blakeborough@rotherham.gov.uk

Ward(s) Affected

Borough-Wide

Report Summary

The Council declared a Climate Emergency at its meeting on 30 October 2019. Following the declaration work has been undertaken to produce a draft policy document “Rotherham Council Responding to the Climate Emergency”, setting out the Council’s commitment to tackle climate emergency. The draft policy document is attached (Appendix 1) to this report.

A Member Working Group has been established to consider the Council’s response to the climate emergency and to propose a target for the Council’s carbon reduction. Arising from this work it is proposed that the following targets are adopted:

- RMBC: Council’s carbon emissions to be at net zero by 2030
- Rotherham: Borough-wide carbon emissions to be at net zero by 2040.

The purpose of these dual targets is to recognise the borough’s carbon budget (a carbon budget is the cumulative amount of carbon dioxide (CO₂) emissions permitted over a period of time to keep within a certain temperature threshold), alongside the Council’s carbon budget and acknowledge the need for the Council to lead by example in securing commitments and pledges from other organisations.

Overall, the approach sets out themes for the policy together with targets for 2030 and 2040 and actions for 2020/21. It is proposed that the Member Working Group will continue to develop the policy and actions for future years to meet the target outcomes.

Recommendations

1. That the progress to date following the declaration of the climate emergency be noted
2. That the continuation of the work of the Climate Emergency Member Working Group be agreed
3. That approval be given to set the following targets:
 - a RMBC: Council's carbon emissions to be at net zero by 2030
 - b Rotherham: Borough-wide carbon emissions to be at net zero by 2040
4. That the seven policy themes of Energy; Housing; Transport; Waste; Built and natural environment; Influence; and Engagement be endorsed
5. That the 2020/21 plan of action be approved.

List of Appendices Included

Appendix 1 Rotherham Council: Responding to the Climate Emergency

Appendix 2 Initial Equality Screening Assessment.

Background Papers

A number of reference documents and reports have been considered as part of the development of this policy report:

- Met Office's "State of the UK Climate" report 2017
- IPCC Special Report on Global Warming 2018

For background on carbon budgets on net zero targets:

- The Tyndall Centre's report for Rotherham (<https://carbonbudget.manchester.ac.uk/reports/E08000018/>)

For sustainable development as a principle:

- The UN's 2030 Agenda for Sustainable Development (2015)

For documents relevant to the actions:

- SCR's Transport and Energy Strategies
- Barnsley, Doncaster and Rotherham Joint Waste Plan
- BDR's 2016 Carbon Assessment for reference to current emissions from waste
- The Core Strategy and Sites and Policies document of the local plan for how some environmental considerations are already made in Rotherham's planning framework

For additional context:

- The draft national Environment Bill
- The current 25 Year Environment Plan.

Consideration by any other Council Committee, Scrutiny or Advisory Panel

Overview and Scrutiny Management Board – 18 March 2020

Council Approval Required

No

Exempt from the Press and Public

No

Responding to the Climate Emergency

1. Background

- 1.1 National government has set a target for the UK to be at net zero carbon emissions by 2050, and are considering policy and legislative changes to support this. This concern is reflected locally with many councils acknowledging the need for meaningful action against climate change and declaring “climate emergencies” as platforms to initiate interventions for carbon emission reduction.
- 1.2 Rotherham Metropolitan Borough Council (RMBC) has already made headway in its carbon emission reduction and over the past decade has been in the top 20% of councils in the Yorkshire & Humber region for carbon reduction. However, in recognition of the need for further action, the Council joined other local authorities in declaring a climate emergency on 30 October, 2019. A Member Working Group was established to develop an informed Council carbon reduction target and supporting carbon action plan to meet these goals.

2. Key Issues

- 2.1 A policy direction statement has been developed which is attached (Appendix 1). This sets out three components; the proposed carbon reduction targets for the Council and the borough, the seven themes for carbon reduction action and the plan of actions for 2020/21.
- 2.2 The high-level targets for the policy are:
 - RMBC: Council’s carbon emissions to be at net zero by 2030
 - Rotherham: Borough-wide carbon emissions to be at net zero by 2040.
- 2.3 The purpose of these dual targets is to recognise the borough’s carbon budget (a carbon budget is the cumulative amount of carbon dioxide (CO₂) emissions permitted over a period of time to keep within a certain temperature threshold), alongside the Council’s carbon budget and acknowledge the need for the Council to lead by example in securing commitments and pledges from other organisations.
- 2.4 The seven themes are outlined below. Further detail about the kind of actions that could be considered and how these would be measured are included in Appendix 1:
 - **Energy** focuses on the energy used in Council operations and services provided, and energy used by contractors
 - **Housing** refers to emissions associated with domestic energy usage. This may be social housing or private housing

- **Transport** includes emissions from the Council's fleet and "grey fleet", and from public and private transport usage across the borough
- **Waste**, working across the South Yorkshire authorities through the South Yorkshire Waste Strategy, RMBC will explore extending sustainable waste processing and reducing waste
- **Built and natural environment** incorporates considerations of CO2 typically associated with planning and the urban environment, as well as CO2 capture by green infrastructure (i.e. trees)
- **Influence** recognises that to have a meaningful impact on borough-wide emissions, the Council must work alongside other organisations operating in the Borough to secure commitments on reduction and specific pledges to act on this. Alongside this work is a commitment to lobby regionally and nationally to inform policy developments
- **Engagement**, this recognises that the overwhelming majority of emissions from Rotherham are not related to Council activities. Therefore an effective engagement strategy is required to commit residents to climate reduction.

2.5 Action for 2020/21 is based around the following, as set out in section 7 of the policy document appended:

- Produce carbon impact assessments for all significant Cabinet decisions
- Address gaps in data collection regarding CO2 emissions
- Explore feasibility of renewable energy self-generation
- Commit to requiring efficiency standards for private housing developers that is in line with net zero targets
- Carry out assessment of Council's operational buildings to determine feasible energy efficiency upgrades
- Develop timeline for EV fleet conversion
- Develop awareness training for the Council's work force around energy use behaviours
- Promote sustainable transport across the workforce including cycling and ULEV leasing
- Strengthen South Yorkshire partnership commitments to reduce emissions associated with waste
- Complete energy efficiency improvements to street lighting.

2.6 Any action will, in the first instance, focus on direct emissions from council activities and emissions associated with the authority's energy consumption. Consideration will also be given to how the operations of the local authority's suppliers and contractors are addressed. Emissions associated with other items and commodities that the authority consumes may be considered at a later point.

- 2.7 The Council will lobby national government and use its influence with external and partner organisations to secure a shared commitment to Borough-wide emission reduction.
- 2.8 The RMBC target is ambitious and will require commitment across the organisation however it will build on firm foundations. The aim is to accelerate current activities such as the roll out of energy switching schemes and integrate carbon reduction into everyday business activities, ensuring that climate impact assessments are undertaken as part of Council decisions and emissions associated across all activities are accounted for.

Monitoring progress and reporting

- 2.9 In order to ensure effective monitoring of the climate response actions, it is proposed that the Member Working Group for climate action continues. Chaired by a Cabinet Member, the group will monitor progress, investigate the feasibility of further action, and report on an annual basis to Council.
- 2.10 The group will be supported by a dedicated climate action co-ordinator and a team of climate action champions, one for each of the themes.

3. Options considered and recommended proposal

- 3.1 Following the review of existing practice and the approach adopted by other councils, the recommended option is to adopt the “Responding to the Climate Emergency” policy and planned actions.
- 3.2 Option 2 would be to take no action, which would not be compliant with the Council’s declaration.

4. Consultation on proposal

- 4.1 In order to develop realistic actions to curb carbon within the Rotherham context, consultation has taken place with colleagues across services with relevant expertise to gather information.
- 4.2 Should approval be given further consultation will be undertaken with service providers and key partners such as the Rotherham Together Partnership and Health and Well-Being Board to inform the implementation and delivery of actions.
- 4.3 As part of the wider engagement strategy, residents and organisations operating in Rotherham will be consulted and involved in the production and implementation of a comprehensive sustainable carbon reduction strategy.

5. Timetable and Accountability for Implementing this Decision

- 5.1 The implementation of the “Responding to Climate Emergency” policy and planned actions will be overseen by the Member Working Group.

6. Financial and Procurement Advice and Implications

- 6.1 The recommended plan of action for 2020/21 can be delivered within the Council's approved budget.
- 6.2 Over the medium to longer term there will be budgetary implications, both revenue and capital in order to meet the 2030 target. The details of the budgetary commitments for future years action plans will be defined as part of the "Responding to Climate Emergency" policy work. These financial implications will need to be considered as part of the Council's Medium Term Financial Strategy (MTFS) and longer term financial planning before any significant financial commitments are made.
- 6.3 There are no direct procurement implications associated with the recommendations detailed in this report. Where procurement activity is required to deliver against the commitments agreed, The Corporate Procurement Team will support services to ensure this activity is undertaken in compliance with the Public Contracts Regulations 2015 and the Council's own Financial and Procurement Procedure Rules.

7. Legal Advice and Implications

- 7.1 The Environment Bill (currently passing through Parliament) will strengthen the legislative powers and duties placed upon the Council, especially in relation to services covering waste and air quality. The Bill proposes a number of amendments to existing legislation, including to the Clean Air Act 1993, as well as new provisions relating to burning fuels with enforcement duties placed upon the Council. The composting of food waste is also included in the Environment Bill.
- 7.2 The Council also has existing duties to plan and act in relation to flooding, arising from the Flood and Water Management Act 2010 (c. 29), as a result of the impact of climate change.
- 7.3 In the absence of other legislation, other actions or policies that the Council may pursue in order to effectively deal with climate change can be undertaken using the General Power of Competence under section 1 of the Localism Act 2011 (c.20).

8. Human Resources Advice and Implications

- 8.1 In order to reduce emissions relating to staff transport usage, it may be necessary to review related policies and practices.
- 8.2 It is proposed that energy-use behaviours of all staff are targeted through awareness training which will require HR input.

9. Implications for Children and Young People and Vulnerable Adults

- 9.1 Children, young people and vulnerable adults are more at risk from the health impact of climate change which is expected to increase the magnitude and frequency of extreme events like floods, droughts, and heatwaves. This includes vulnerabilities to dehydration, heat stress and respiratory disease during persistent hot episodes as well as experiencing profound effects on mental health and well-being. The potential impact and mitigations will be considered as part of the implementation and delivery of actions.
- 9.2 Engagement of young people is central to this agenda. Young voices have been central to international environmental movements so far, and it is the youngest generations who will inherit the future, which will be shaped by the success of our response to the climate emergency.

10. Equalities and Human Rights Advice and Implications

- 10.1 An Initial Equality Screening Assessment has been undertaken, which is attached (Appendix 2).

11. Implications for Ward Priorities

- 11.1 The draft policy document “Rotherham Council Responding to the Climate Emergency” applies borough wide.

12. Implications for Partners

- 12.1 As part of its response to the climate emergency, the Council has begun communicating its priorities and potential avenues of action to other organisations through the Rotherham Together Partnership. In order to drive progress towards the 2040 Borough-wide net zero target, RMBC should consolidate and expand its partnerships around environmental issues.

13. Risks and Mitigation

- 13.1 There is a risk that climate emergency commitments will be made but not delivered upon. To mitigate this, it will be important that the Council effectively monitors progress and uses all tools available to secure meaningful and effective change.
- 13.2 The debate about climate emergency is constantly evolving and the Council’s response must be dynamic and reactive as new ideas and technologies develop, and potential actions become subsequently more or less feasible. The climate report must therefore be treated as a “living document”, which identifies key priorities and potential strategies but can be adapted as necessary. Equally, the climate emergency report is currently still a work in progress, intended to provide information regarding the actions currently being considered and the principles guiding these actions.

14. Accountable Officers

Jackie Mould, Head of Policy, Performance and Intelligence

Approvals obtained on behalf of Statutory Officers:-

	Named Officer	Date
Chief Executive	Sharon Kemp	09/03/20
Strategic Director of Finance & Customer Services (S.151 Officer)	Judith Badger	04/03/20
Head of Legal Services (Monitoring Officer)	Bal Nahal	04/03/20

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This report is published on the Council's [website](#).



**Rotherham Metropolitan Borough Council
Policy Statement
Responding to the Climate Emergency**

2020

1 Introduction

1.1 The Council meeting on the 30th October 2019 agreed a motion to declare a climate emergency. It noted that the most recent State of the UK Climate 2017 report identified:

- We will be experiencing summers that are 2.5°C warmer;
- Our winters will be milder with the average temperatures being 2.2°C warmer;
- There may be a 16% decrease in summer rainfall making our summers much drier but more variable;
- Winters will be wetter with an average of 14% more rainfall;
- Mean sea levels around the UK have risen by about 16 cm since the start of the 20th Century.

The Council resolved to:

- 1) Join other local authorities in declaring a climate emergency;
- 2) Create a member working group to propose an informed target for the Council's carbon reduction by 2025 and to review it every five years thereafter, and to develop a "Carbon Action Plan" towards these goals, and that this working group should report back to the Council no later than March 2020;
- 3) Develop a strategy for RMBC to play a leadership role in promoting community, public and business partnerships in reducing carbon emissions;
- 4) Mandate officers to lobby government for additional resources to support this strategy where these are required;
- 5) Pledge to produce, in January of each year, a Rotherham Climate Emergency Annual Report, detailing the Council's progress against the Carbon Action Plan;
- 6) Pledge to ask our partner organisations across Rotherham to support us by making clear commitments to dealing with this climatic crisis;
- 7) Require all officer reports from April 2020 to Cabinet and Full Council to contain impact assessments in relation to climate change."

2 Climate Emergency Action – scope and underpinning principles

2.1 This report sets out the Council's commitment to tackling the climate emergency. It provides information about the work undertaken by the Member Working Group since 30th October 2019. The report also proposes ambitious and informed targets for the Council's carbon reduction and the key action themes that will form the basis of the Council's climate emergency response.

- 2.2 Any action will, in the first instance, focus on direct emissions from Council activities and emissions associated with the authority's energy consumption. Consideration will also be given to how the operations of the local authority's suppliers and contractors are addressed. Emissions associated with other items and commodities that the authority consumes may be considered at a later point.
- 2.3 The Council will lobby national government and use its influence with external and partner organisations. This is important because the authority produces only a small percentage of emissions in the borough and so in order to secure shared commitments to borough-wide emission reduction, the Council's influence on other organisations will form an essential aspect of carbon governance.
- 2.4 The climate emergency report and developing actions will aim to work to the principles of sustainable development. This means that any climate actions should contribute to the triple bottom line of human well-being/social equity, economic prosperity/development, and environmental protection and stewardship.
- 2.5 The debate about climate emergency is constantly evolving, as scientific research around the issue develops, the political landscape within which local authorities can act shifts, and innovation continues to advance the available avenues for action. Therefore the Council's response must be dynamic and reactive as new ideas and technologies develop, and potential actions become subsequently more or less feasible.

This climate report must therefore be treated as a "living document", which identifies key priorities and potential strategies but can be adapted as necessary. Equally, the climate emergency report is currently still a work in progress, intended to provide information regarding the actions currently being considered and the principles guiding these actions.

- 2.6 The continuing development of a response to the climate emergency must also incorporate a long-term adaptation strategy, alongside mitigation measures. This is in order to minimise the threat to livelihoods and growth across Rotherham from climate change's effects such as flooding and other extreme weather variations. An effective adaptation strategy must be informed by a comprehensive appraisal of likely impacts to the borough; this will be informed by utilising internal and external expertise as well as insight gained from the community.

3 “The Big Ask”

- 3.1 It is recognised that the reduction of carbon emissions is not something the Council can achieve alone and it is therefore necessary to create open and collaborative dialogue with others who share these goals. As such the Council is committed to taking a proactive approach around public engagement, communication and lobbying.
- 3.2 When identifying the actions needed, the Council will focus on what can be delivered immediately as well as aspiration for future years. It is recognised that some of the proposed actions will require further investment and support from national government.
- 3.3 However many of the proposed actions will, over time, result in savings for the Council through introducing more efficient energy supply and usage. In addition many of the actions will contribute to the well-being of Rotherham residents by reducing energy costs, providing better designed homes and communities and improving health.

4 The Council’s leadership role

- 4.1 The Council has a key role to play as a place shaper and in leading the pace and scale of change needed. In addition to the action taken by the Council, its partners, suppliers and residents, the Council will also seek to influence national government and lobby for the resources and capacity needed to tackle climate change.
- 4.2 The Council will continue to play an active role in the Sheffield City Region, contributing to the emissions targets that are being developed at a sub-regional level and using its influence to secure any appropriate investments. There are significant opportunities to contribute to the refresh of the strategic economic plan to ensure that sustainable development is reflected. Rather than viewing climate change and economic growth as competing agendas, the local authority can support opportunities for greater integration across sectors to support innovation driven growth, for example by promoting green business parks and encouraging green industries.
- 4.3 In addition we will work with other local authorities and national and regional networks (including the Local Government Association, Solace and the New Local Government Network) to formulate our climate action proposals to inform national government policy.
- 4.4 Crucially the Council, through its climate action, will promote the principles of sustainable development and benefits of carbon reduction. The Council will also link carbon action with wider priorities such as social value, the skills and employment strategy, neighbourhood working, inclusive growth and social

justice.

5 Proposed Targets

- 5.1 It is proposed that the following targets are adopted.

RMBC: Council's carbon emissions to be at net zero by 2030

Rotherham: borough-wide carbon emissions to be at net zero by 2040

The purpose of these dual targets is to recognise the borough's carbon footprint alongside the Council's carbon budget and acknowledge the need for the Council to lead by example in securing commitments and pledges from other organisations.

- 5.2 The RMBC target is ambitious and will require commitment across the organisation, however we are not starting from scratch. The aim is to accelerate current activities such as the roll out of energy switching schemes and integrate carbon reduction into everyday business activities, ensuring that climate impact assessments are undertaken as part of Council decisions and emissions associated across all activities are accounted for.
- 5.3 In addition the Council has considered analysis undertaken by the Tyndall Centre looking at industrial, commercial and domestic carbon emissions for Rotherham and used this to inform the setting of targets for the borough.

5.4 Net zero or zero carbon?

The Council considered whether to have a 'net zero' carbon target or a 'zero carbon' target. Zero carbon requires there to be no emissions at all, whilst net zero carbon means that an organisation is responsible for removing as much CO₂ as it emits, so that the two figures are offset. As this allows emissions to continue for some operations, net zero is considered to be a more realistic aim.

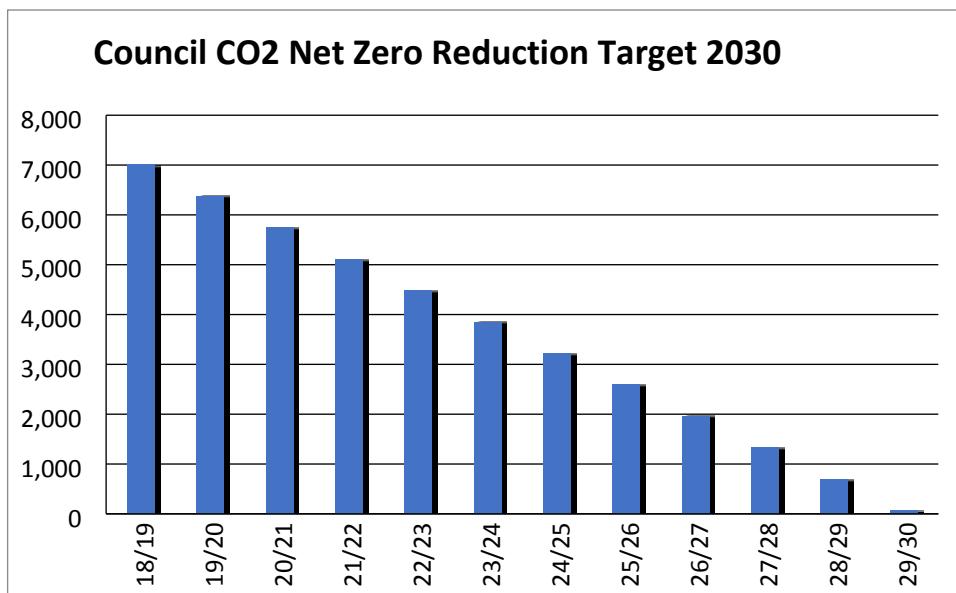
In setting a target for the reduction of carbon emissions, the Council has undertaken detailed analysis to understand and establish its current baseline position. This analysis of the Council's carbon emissions includes looking at operational energy, waste and transport (both fleet and grey). This has also helped to identify the data gaps in the organisation which include:

- No regular formal integration or analysis of collected emission data;
- Issues with reliability of social housing emissions data, based on estimations from asset management software;
- No reliable carbon capture data for trees and other green infrastructure;
- No procurement-related emissions data.

It is proposed that these data gaps are addressed as part of the delivery and monitoring of actions.

5.5 Scale of the challenge

Since 2012, the Council has actively reduced energy consumption and CO₂ emissions in operational buildings and street lighting. Audited annual reports show a reduction of 51.98% since the 2014/15 reporting period. Based on 2018/19 emissions (7005 tonnes of CO₂) from operational buildings and street lighting, the Council would need to reduce CO₂ emissions by an average of 9% (630.5 tonnes CO₂) each year to 2030.



6 Developing a carbon action plan

- 6.1 The aim is to develop a portfolio of realistic actions based on scientific evidence, as well as reflecting local political, economic and social priorities. Wherever possible, actions will be drawn from examples of best practice both nationally and internationally. The Council will endeavour to address both mitigation actions (which will address the causes of climate change) and adaptation actions (which will address the impact of climate change). Even with mitigating actions in place the effects of climate change will continue due to emissions already released in previous decades and although adaptation is more difficult to quantify it is essential that the borough is prepared for the future.
- 6.2 Audits on emissions have shown significant gaps in data collection, and in order to monitor effective progress towards these goals, significant internal reviews are required on data collection and management and the sharing of monitoring responsibilities across directorates and services.
- 6.3 Service deliverers must also be engaged in the development of any carbon reduction actions, in order to utilise the total expertise available to the Council

to develop meaningful actions that can be implemented. For this reason this climate report is a working document which details planned actions for 2020/21. However the working group is also considering potential future actions which require more extensive cross-service review and research before implementation.

- 6.4 Curbing emissions will require significant ambition and commitment. In line with the principle of sustainable development, many of the planned and potential actions will have significant social and/or economic co-benefits or lead to long-term financial savings for the Council. However some will necessitate financial investment and may be reliant on investment from national government. To this end the Council is committed to working with national government to develop national policy frameworks and lobby for additional investment. This will be important if the Council and the borough as a whole are able to curb emissions and thus contribute to the national carbon target.
- 6.5 In developing the carbon action plan, it is proposed that actions are identified under seven themes. These are: Energy, Housing, Transport, Waste, Built and Natural Environment, Influence and Engagement. These are considered in further detail below.

6.6 Energy

- 6.6.1 This refers to the energy that is used across all Council operations and concerns where energy comes from (i.e. the use of non-renewables vs renewables), how efficiently energy is used (such as the energy efficiency of physical capital) and personal behaviours. Potential actions could include investing into energy efficiency improvements of operational buildings and using (and potentially generating) renewable energy, and targeting energy usage behaviours. Such measures will typically necessitate some financial investment however will generally lead to medium and long term cost savings for the Council as well as stimulation of sustainability and renewable energy markets, and job creation within these.
- 6.6.2 The Council has already been improving efficiency of its energy usage, most recently improving the energy efficiency of street lighting, saving an approximate £430,000 per annum and achieving a 63% per annum reduction of emissions here since 2012. In order to further improve energy efficiency, an assessment of the Council's operational buildings will be required in order to determine potential efficiency upgrades for each building (this will account for cost of measures, carbon savings and long-term financial savings). Alongside improving material efficiency, it is recommended that energy-use behaviours of all staff are targeted through awareness training.
- 6.6.3 In order to reduce emissions to a meaningful extent, the Council will consider what steps it can take to decarbonise its energy source. Two options exist here:

the first is to switch to a renewable energy provider; the second option would be to explore the potential for investment into renewable energy generation. This latter option would allow the Council to reduce its emissions, while saving energy costs to all operations (approximately £5 million per year) and providing additional revenue through excess energy exported to the national grid. Both options would require significant investment and further exploration of funding and investment opportunities. In addition the Council will continue to support the development of the new Templeborough heat network.

6.7 Housing

- 6.7.1 As with the above, this considers the sourcing of energy and the efficiency of its use, for both social and private housing (i.e. carbon that is emitted as a consequence of energy use within the home). Potential actions include measures to upgrade the efficiency of new and existing housing, and utilising sustainable energy solutions. Improving energy efficiency in housing generates social co-benefits in reduction of both energy bills and vulnerability to fuel poverty, as well as economic development of sustainable housing markets, and increased employment associated with these.
- 6.7.2 In order to monitor social housing decarbonisation progress towards the 2030 net zero goal, all available data on social housing must be regularly collected and held by the Council. Data for borough-wide domestic emissions is collected by national government.
- 6.7.3 In order to stay within carbon budgets, new social housing should be built to the best possible energy efficiency standards. Passivehaus (regarded as one of the most energy efficient building methods and standards) is one possible choice for this, however further review is required to determine the best achievable standard.
- 6.7.4 At this time local authorities are able to set energy efficiency requirements of new developments higher than national building regulations require (currently EPC E) and it is suggested that the Council should pursue the option of requiring private developers to adopt high energy efficiency standards (e.g. EPC of A or B).
- 6.7.5 Whilst it is more financially viable to build energy efficiency into new housing, according to [ONS projections](#) in 2041 83% of housing will have been built before 2016 which will require retrofitting to cut domestic emissions in line with national net zero goals. The Council would be keen to work with national government to determine the feasibility of retrofitting Rotherham's housing stock, including a thorough assessment of housing standards and to ascertain the material and financial requirements of retrofitting that would be necessary.

6.8 Transport

- 6.8.1 This refers to the means by which people and materials move across the borough. The focus and scope of this theme is centred on vehicles involved with RMBC's fleet and private vehicles used for work ("grey fleet") as well as a potential way to decarbonise wider transport use and reduce unnecessary car travel. Actions to curb transport emissions include electric vehicle (EV) conversion of the Council's own fleet, and measures to decarbonise wider public and private transport usage, both independently as a local authority and by working with Sheffield City Region (SCR).
- 6.8.2 Rotherham Council has already begun introducing measures conducive to decarbonising transport across the borough. Active transport has been facilitated by the development of cycling infrastructure, and schemes that provide training and bike loans. Public transport improvements have been pursued through participation in the South Yorkshire Passenger Transport Executive, and SCR, where public transport is a key economic and environmental priority.
- 6.8.3 The Council has already begun building its Electric Vehicle (EV) charging infrastructure; using this infrastructure to support EV fleet conversion will be essential to curbing internal transport emissions in line with 2030 net zero goals. Consensus suggests that the cost gap between EV and combustion vehicles will continue to close, allowing a gradual conversion to take advantage of falling purchase costs, as well as the lower running costs of EVs. If charged from the national grid, EV conversion is estimated to cut a vehicle's emissions by approximately 43%.
- 6.8.4 "Grey fleet" emissions should also be addressed to contribute to reducing the Council's overall transport emissions. This would involve a review of the spatial coordination of staff in order to reduce unnecessary travel during regular working patterns, as well as amending the Council's business mileage reimbursement policy with the expectation that staff prioritise the use of public transport for work-related travel (unless prevented by reasonable circumstances). Based on the most recent internal data available, significant financial savings and emission reductions could be achieved for the Council. The Council is already committed to reviewing its fleet and producing plans for possible conversions to electric vehicles. This work should be completed by early 2021 and will be reported back to members as part of the annual climate report.
- 6.8.5 The Council also has the capacity to reduce borough-wide transport emissions by acting as an enabler in several key areas:
- Expanding promotion of active travel through cycling infrastructure, training, and bike provision (Transport For Life recommends an investment of £12,000,000 per annum into active travel, with a potential

saving of 13,000 tonnes of CO₂ per annum and a health benefit of up to £5,000,000 (Dept. of Transport figures).

- Work with transport partnerships to improve public transport services, encouraging a shift from private transport use;
- Explore community transport options in areas where public transport services are unlikely to be profitable for private operators;
- Facilitate borough-wide switch to EVs and Ultra Low Emission Vehicles (ULEVs) through continuing to expand charging infrastructure.

6.8.6 Transport is also a key economic and environmental priority for SCR, and is included in the Combined Authority's extended powers and responsibilities as part of its Devolution Deal. RMBC can therefore support transport systems and infrastructure by providing input into and collaborating with the development and implementation of a sustainable transport strategy across the region. This will be a particularly important endeavour in Rotherham's context, where a significant proportion of borough-wide emissions are from journeys through M1 or M18 motorways, which may have little to do with the borough's residents. RMBC officers are working with the SCR and their Active Travel Commissioner and Director, in working to influence the SCR Active Travel Implementation Plan to ensure this maximises the opportunity for evidence-led investment in low/zero carbon transport in the borough.

6.9 Waste

6.9.1 Waste is an area where the Council has already done significant work, both in terms of recent improvements to recycling services across the borough and alongside Barnsley and Doncaster, to reduce the emissions associated with processing waste through the BDR Waste PFI Partnership. This theme therefore represents commitments to continue to collaborate with this partnership to minimise emissions associated with the processing of waste.

6.9.2 Working across the South Yorkshire authorities through the South Yorkshire Waste Strategy, RMBC can explore extending sustainable waste processing (e.g. reuse and recycling/upcycling and organic waste processing) and reducing waste generally (and specifically non-recyclable waste) through work with industry, awareness-raising and community engagement. The Council will continue to review its approach to recycling and waste collections to mitigate the impact of waste on the environment. Education regarding waste will be particularly important as processing of waste is responsible for 4% of all of the UK's emissions. Given that the majority of UK-wide emissions are indirect emissions associated with the consumption of goods, emission savings here have significant potential. The Council is also exploring opportunities to expand its contractual arrangements with schools to enable schools to access recycling collections that mirror those of Rotherham households.

6.10 Built and natural environment

6.10.1 This refers to how the Council utilises the carbon capture potential of green infrastructure (e.g. green spaces, trees, woodlands) and manages/coordinates developments and planning to reduce emissions associated with both the development/construction process, and the use of urban space after completion. Potential actions include reviews of planning policies and increasing the capacity of Trees and Green Spaces services.

6.10.2 RMBC's annual tree removals are currently higher than planting, not taking into account that new smaller trees are unable to capture as much carbon as older trees. It is also expected that over the next decade "Ash Dieback" disease will kill many thousands of trees across woodlands, privately owned and Council lands. In order to maintain its green infrastructure, RMBC must allocate an annual planting budget at least sufficient to capture the equivalent carbon to trees lost. It is advisable to support this by conducting an i-Tree survey to establish current carbon capture levels across the borough and enable effective monitoring of these. Strategic tree planting and further expansion of green infrastructure will also be essential to borough-wide climate emergency adaptation measures, for example by providing natural drainage to protect against flooding.

6.10.3 The Council can also reduce emissions associated with the urban environment through planning policy and services. Rotherham's Local Plan already makes provision for climate change and related issues, both in the protection of green infrastructure and in its strategic priorities and land use planning. It may be advisable to review the framework for site allocation at the next available opportunity in order to ensure continued emphasis on carbon reduction. This could be further supported with a Supplementary Planning Document on low carbon developments and planning, to clarify climate-based planning priorities to inform developers' planning applications.

6.10.4 Consideration should be given to introducing specific local planning policies to reduce carbon associated with the urban environment at the earliest opportunity. Two examples proposed so far include:

- The use of Section 106 agreements to require developers to pay into a carbon reduction fund. The amount to be paid would be calculated based on the number of dwellings or m² of commercial floor space, with additional amounts based on carbon lost from the removal of green infrastructure (i.e. trees);
- Requiring developers to include emission estimates in their planning applications and monitoring emissions during development;
- The Woodland Trust has been commissioned to create the 'Northern Forest' which would see 50 million trees planted across Northern

England. The land for this has not been identified yet and meetings are taking place with land owners to start discussions about what land is available and appropriate for this type of planting in different towns and cities across the north. The Council is working with the Woodland Trust to explore options for Rotherham.

6.11 **Influence**

6.11.1 This will consider actions through which the Council can secure commitments and pledges from other organisations to reduce carbon. This may include other public sector organisations, private partners, or through lobbying central government to shape the national legislative context.

6.11.2 **Rotherham Together Partnership**

As part of its response to the climate emergency, the Council has begun communicating its priorities and potential avenues of action to other organisations through the Rotherham Together Partnership. In order to drive progress towards the 2040 borough-wide net zero target, RMBC should consolidate and expand its partnerships around environmental issues.

By engaging with partners in public, private and voluntary sectors, as well as expert groups the Council can:

- Collaborate on specific carbon reduction projects;
- Share knowledge and best practice;
- Support sustainable development and the decarbonisation of Rotherham's economy;
- Secure pledges and commitments from organisations across the borough towards net zero emission goals.

6.11.3 **Influencing National Government**

Working with partners, other local authorities and SCR, RMBC should also establish key lobbying lines in order to influence government. These will include, but are not limited to:

- Call on government to create the national legislative and policy context in which local authorities, businesses and citizens are best able to act on climate change;
- Investment for essential interventions as described above (e.g. housing, transport infrastructure);
- Related to the above, join other authorities in asking government to give local authorities a statutory duty in low carbon energy and the associated introduction of a Sustainable Energy Investment Fund;
- Call on government to set net zero standards across all UK developments;
- Call on government to create the fiscal and financial conditions to

- stimulate decarbonisation (e.g. tax systems that favour low carbon solutions, an effective financial regime to support innovation, etc.);
- Request direct government support for a thorough assessment of the extent and ways that climate change is likely to impact Rotherham, and then for direct support in implementing appropriate adaptation measures.

6.11.4 The Council will, through its social value policy, commit to securing additional social value from its procurement and commissioning processes. This includes a commitment to work with suppliers and providers to support measures designed to improve outcomes for Rotherham residents and communities as well as measures around greater environmental sustainability, including accessible green public spaces

6.12 Engagement

6.12.1 Through engagement, the Council will aim to secure the active participation of residents in the design and implementation of strategies to reduce borough-wide emissions and raise awareness of climate change.

6.12.2 To stimulate a borough-wide response to the climate emergency, members and officers have begun to develop a community engagement strategy to implement alongside agreed actions. This strategy will encourage active participation of residents in borough-wide carbon reduction, by relating emission saving to its various co-benefits including cost saving. Engagement of young people will be central to this, as young voices have been central to international environmental movements so far, and it is the youngest generations who will inherit the future, which will inevitably be shaped by the success of our response to the climate emergency.

6.12.3 An internal engagement strategy will also be developed and implemented. This is to encourage Council staff and service providers to be actively involved in identifying areas of high energy consumption and/or emission output that can be acted on. Additionally, service providers and relevant expertise within the Council are to be further involved in the further development and implementation of themed based actions. In addition, once agreed, this climate report will be turned into a strategy document which can be shared with the partners and the public.

7 Summary of planned actions 2020/21

The Council	The Borough
Produce carbon impact assessments for all cabinet decisions	Engage with the public, community organisations and young people to build support for climate action.

Address gaps in data collection regarding CO ₂ emissions	Adopt climate change action as part of the new Rotherham Together Partnership Plan
Explore feasibility of renewable energy self-generation	Work alongside other local authorities and the Sheffield City Region to address shared climate change goals including affordable and accessible public transport.
Commit to requiring efficiency standards for private housing developers that is in line with net zero targets	Lobby national government to influence national government policy and secure appropriate investment towards climate change actions.
Carry out assessment of Council's operational buildings to determine feasible energy efficiency upgrades	Work with national government to deliver on any commitments that may come through the environment bill.
Develop timeline for EV fleet conversion	Work with transport providers, SCR, and relevant organisations to encourage borough-wide EV fleet transitions
Develop awareness training for Council workforce around energy use behaviours	Promote EV charging across the borough
Promote sustainable transport across the workforce including cycling and ULEV leasing	Continue development of plans for Templeborough biomass heat network
Strengthen South Yorkshire partnership commitments to reduce carbon emissions associated with waste	
Complete energy efficiency improvements to street lighting	
Develop a tree planting policy	

8 Management, Monitoring and Development

- 8.1 In order to ensure effective monitoring of the climate response actions, it is proposed that a member working group for climate action continues. Chaired by a Cabinet Member, the group will monitor progress, investigate the feasibility of further action, and report on an annual basis to Council.
- 8.2 The group will be supported by a dedicated climate action co-ordinator and a

team of climate action champions, one for each of the action plan themes.

END

PART B – Equality Analysis Form

As a public authority we need to ensure that all our strategies, policies, service and functions, both current and proposed have given proper consideration to equality and diversity.

This form:

- Can be used to prompt discussions, ensure that due regard has been given and remove or minimise disadvantage for an individual or group with a protected characteristic
- Involves looking at what steps can be taken to advance and maximise equality as well as eliminate discrimination and negative consequences
- Should be completed before decisions are made, this will remove the need for remedial actions.

Note – An Initial Equality Screening Assessment (Part A) should be completed prior to this form.

When completing this form consider the Equality Act 2010 protected characteristics Age, Disability, Sex, Gender Reassignment, Race, Religion or Belief, Sexual Orientation, Civil Partnerships and Marriage, Pregnancy and Maternity and other socio-economic groups e.g. parents, single parents and guardians, carers, looked after children, unemployed and people on low incomes, ex-offenders, victims of domestic violence, homeless people etc. – see page 11 of Equality Screening and Analysis Guidance.

1. Title	
Equality Analysis title: Responding to the climate emergency	
Date of Equality Analysis (EA): 05/02/2020	
Directorate: Assistant Chief Executive	Service area: Policy, Performance and Intelligence
Lead Manager: Jackie Mould	Contact number: 01709 823618
Is this a: <input checked="" type="checkbox"/> Strategy / Policy <input type="checkbox"/> Service / Function <input type="checkbox"/> Other	
If other, please specify	

2. Names of those involved in the Equality Analysis (Should include minimum of three people) - see page 7 of Equality Screening and Analysis Guidance

Name	Organisation	Role (eg service user, managers, service specialist)
Sam Blakeborough	RMBC	Service Specialist
Steve Elling	RMBC	Policy Officer
Jackie Mould	RMBC	Manager

3. What is already known? - see page 10 of Equality Screening and Analysis Guidance

Aim/Scope (who the Policy/Service affects and intended outcomes if known)

This may include a group/s identified by a protected characteristic, others groups or stakeholder/s e.g. service users, employees, partners, members, suppliers etc.)

The scope of the intended outcomes is likely to impact all individuals across the Borough, as all individuals regardless of their characteristics are likely to be effected by climate change. However, differences between individuals and communities will mean that some individuals are affected disproportionately by impacts of climate change. Additionally, potential approaches to climate change are far reaching and encompass various service areas and issues, therefore responses may impact people differently depending upon their characteristics.

What equality information is available? (Include any engagement undertaken)

Are there any gaps in the information that you are aware of?

No risk assessment has yet been completed for how climate change is likely to impact Rotherham specifically. Therefore information of how climate change impacts individuals is hypothesised based on wider research.

What monitoring arrangements have you made to monitor the impact of the policy or service on communities/groups according to their protected characteristics?

One of the central proposals here is the inclusion of a monitoring group to track progress towards carbon reduction targets as well as implementation. Given that sustainable development is a guiding principle of this policy, a core role of the monitoring group will be to note any social or economic impacts across all people, including the impacts on groups according to protected characteristics.

Engagement undertaken with customers. (date and group(s) consulted and key findings)	Engagement strategy to be developed.
Engagement undertaken with staff (date and group(s) consulted and key findings)	Informal discussions have been ongoing with relevant staff (e.g. Planning, Transport, Housing, etc.) from November 2019 onwards. This has been used to provide greater depth of understanding of the Rotherham context in which decarbonisation will occur, as well as potential actions and barriers to action. Further cross-service engagement is required in order to utilise expertise in services for the development of a comprehensive Environment & Climate strategy

4. The Analysis - of the actual or likely effect of the Policy or Service (Identify by protected characteristics)

How does the Policy/Service meet the needs of different communities and groups?

By aiming to curb predicted environmental disaster associated with the “climate emergency”, this policy meets the ends of all individuals across communities and groups, as all would be effected by resulting conditions (e.g. increasingly extreme temperature variability, increasing rainfall variability).

Those who face physiological vulnerabilities (e.g. older or younger people, or those with particular physical disabilities) are likely to be more vulnerable to the effects of climate change; therefore the recommendations stand to significantly improve future scenarios for these groups. This is especially significant in the context of Rotherham’s aging population.

Does your Policy/Service present any problems or barriers to communities or Groups?

Decarbonisation is inherently tied to the availability of capital, due to investment required in new modes of activity (e.g. production methods, transport technologies). Therefore, when decarbonisation is encouraged through solely regulatory or punitive measures, without interventions intended to provide active support in decarbonisation, those with limited access to financial assets (i.e. low income groups) will be disproportionately burdened and disadvantaged.

This potential issue has informed the recommended adoption of the guiding principle of sustainable development. This principle points to the necessity of balancing the priorities

of economic growth and social equity alongside environmental protection. Therefore actions which would disproportionately and arbitrarily disadvantage those with limited financial assets (e.g. zones around the Borough where charges are levied on combustion vehicles) have not been considered.

Additionally, this should inform an ongoing engagement strategy, to involve individuals and communities in the design and implementation of a comprehensive Environment & Climate strategy. This will allow individuals and groups to represent their own interests.

Does the Service/Policy provide any positive impact/s including improvements or remove barriers?

Decarbonisation is typically associated with long term cost savings (e.g. reduced energy bills). Therefore the measures suggested here offer scope to relieve a financial burden from low income groups, and reduce vulnerability to fuel poverty. Additionally, low income groups are statistically more likely to be vulnerable to the effects of climate change (e.g. exposure to flooding), therefore these stand to benefit from the long-term curbing of the impacts of climate change.

What affect will the Policy/Service have on community relations?

By engaging communities and individuals with the development and implementation of carbon reduction, it is hoped that any strategy will improve community relations by giving these the opportunity to identify and express their interests and see these incorporated in strategy.

However, the National Centre for Social Research in the UK points out that climate change is predominantly a concern for younger age groups and less of a concern for older age groups. It is therefore plausible that some would have the perception that the declaration of a climate emergency, the response to this and any associated investment, represents the interest of younger people. The recent 2020 budget consultation reaffirms this possibility, as most respondents allocated little priority to environmental protection. However, this sentiment may be avoided by emphasising the cost-reductions and other co-benefits that are associated with recommended measures, as well as communicating the scientific evidence of the threat posed by climate disaster.

Please list any **actions and targets** that need to be taken as a consequence of this assessment on the action plan below and ensure that they are added into your service plan for monitoring purposes – see page 12 of the Equality Screening and Analysis Guidance.

5. Summary of findings and Equality Analysis Action Plan

If the analysis is done at the right time, i.e. early before decisions are made, changes should be built in before the policy or change is signed off. This will remove the need for remedial actions. Where this is achieved, the only action required will be to monitor the impact of the policy/service/change on communities or groups according to their protected characteristic - See page 11 of the Equality Screening and Analysis guidance

Title of analysis: Responding to the climate emergency
Directorate and service area: Assistant Chief Executive's Directorate; Policy, Performance and Intelligence
Lead Manager: Jackie Mould
Summary of findings:
The effects of climate change will be felt by all; these are likely to disproportionately exacerbate the vulnerability of already physically and materially disadvantaged groups. Actions to curb and adapt to the impacts of climate change, as proposed here, are likely to limit the effects of climate change felt by all groups, including those who would be particularly affected. A positive equalities impact will be assured by the setting up of a cross-service monitoring group.

Action/Target	State Protected Characteristics as listed below	Target date (MM/YY)
Utilise climate change monitoring group to track the impacts (either of climate change or associated actions) on communities or groups according to their protected characteristics.	All (particularly age and disability)	N/A

*A = Age, D= Disability, S = Sex, GR Gender Reassignment, RE= Race/ Ethnicity, RoB= Religion or Belief, SO= Sexual Orientation, PM= Pregnancy/Maternity, CPM = Civil Partnership or Marriage. C= Carers, O= other groups

6. Governance, ownership and approval

Please state those that have approved the Equality Analysis. Approval should be obtained by the Director and approval sought from DLT and the relevant Cabinet Member.

Name	Job title	Date
Jackie Mould	Head of Policy, Performance and Improvement	07/02/2020
Shokat Lal	Assistant Chief Executive	07/02/2020
Cllr Chris Read	Leader of Council	20/02/2020

7. Publishing

The Equality Analysis will act as evidence that due regard to equality and diversity has been given.

If this Equality Analysis relates to a **Cabinet, key delegated officer decision, Council, other committee or a significant operational decision** a copy of the completed document should be attached as an appendix and published alongside the relevant report.

A copy should also be sent to equality@rotherham.gov.uk For record keeping purposes it will be kept on file and also published on the Council's Equality and Diversity Internet page.

Date Equality Analysis completed	07/02/2020
Report title and date	Responding to the climate emergency; 23/03/2020
Date report sent for publication	09/03/2020
Date Equality Analysis sent to Performance, Intelligence and Improvement equality@rotherham.gov.uk	07/02/2020