

## **LICENSING BOARD**

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

**Date:** Monday, 27 January 2020

**Time:** 9.30 a.m.

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

1. To determine if the following matters are to be considered under the categories suggested in accordance with the Local Government Act 1972.
2. To determine any item(s) which the Chairman is of the opinion should be considered later in the agenda as a matter of urgency.
3. Apologies for absence
4. Declarations of Interest
5. Minutes of the previous meeting held on 11th June, 2019 (herewith) (Pages 1 - 5)
6. Review of Hackney Carriage and Private Hire Licensing Policy (herewith) (Pages 6 - 106)



Chief Executive

## **Membership 2019/20**

Councillors Albiston, Beaumont (Vice-Chair), Buckley, Clark, Ellis (Chair), Hague, Jones, McNeely, Mallinder, Marriott, Napper, Reeder, Russell, Sheppard, Steele, Taylor, Vjestica, Williams and Wyatt.

**LICENSING BOARD**  
**11th June, 2019**

Present:- Councillor Ellis (in the Chair); Councillors Beaumont, Clark, Jones, Marriott, McNeely, Napper, Reeder, Russell, Steele, Vjestica, Williams and Wyatt.

Apologies for absence were received from Councillors Albiston, Buckley, Mallinder, Sheppard and Taylor.

**1. DECLARATIONS OF INTEREST**

There were no Declarations of Interest to report.

**2. MINUTES OF THE PREVIOUS MEETING HELD ON 24TH SEPTEMBER, 2018**

Consideration was given to the minutes of the previous meeting held on 24<sup>th</sup> September, 2018.

Further to Minute No. 2(1) it was noted that the fees and charges had again been set for 2019/20 and there were no amendments to include the introduction of a fee to insurance companies and third parties requesting data downloads from the camera hard drives located in licensing hackney carriages and private hire vehicles.

With regards to Minute No. 4(i) it was confirmed that the window stickers to be displayed in licensed vehicles were currently being printed and would be issued shortly.

**Resolved:-** That the minutes be received and the contents noted.

**3. TAXI AND PRIVATE HIRE LICENSING YEAR END PERFORMANCE AND UPDATE**

Consideration was given to the report, presented by the Licensing Manager, which provided detailed performance in relation to the Licensing Team's performance against the Taxi and Private Hire Licensing Performance Framework for the 2018/19 financial year.

In addition, an overview of the key activities and actions undertaken by the Licensing Team during 2018/19 were also included.

The Licensing Board's views on the proposed priorities for the current year were welcomed.

The Licensing Manager guided the Licensing Board through the detail in the report and provided further information on the areas of:-

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- Enforcement actions and other activity undertaken by the Licensing Service.
- Corporate Performance Measures.
- Licensing Performance Framework.
- Enforcement actions undertaken by the Licensing Service (including the current position in relation to Court appeals).
- Key initiatives and project work within the Licensing Service.
- Proposed priorities for the Licensing Service in 2019/20.
- Operational priorities – Taxi and Private Hire.
- Enforcement work – options and recommended proposal.

The submitted report also provided details in the appendices of the performance against the Licensing Performance Management Framework for the year end and Enforcement Data for 2018/19.

In their consideration of the report Members noted that the majority of the reasons where a driver was found to be non-complaint were them not wearing their I.D. badge (despite the badge being present in the vehicle). The advantages and disadvantages of an I.D. badge being worn by a driver or on display for passengers to see were discussed and it was considered very timely that as part of the review of the current policy this element be captured.

Whilst it was noted that information sharing was generally efficient and effective on a multi-agency basis, there were still some gaps when the Police arrested a licensed driver and the Licensing Service were not informed. It was acknowledged that there were some common law disclosures, however, at a local level it would aid the Service's application of the Policy if information was shared. The Licensing Manager agreed to seek an early meeting with relevant Police Officers to ascertain how this issue could be addressed and would stress the importance of local information sharing of licensed drivers in a timely manner, enabling necessary investigation work to begin at the earliest opportunity.

Following on from the shared Licensing Committee training organised earlier in the year, it was suggested that further shared training opportunities with the Police would assist with outlining specific shared service objectives.

The Board was also advised, in response to a concern about the percentage of complaints not being responded to in the required timescale being down to the absence of an enforcement officer, had since been addressed as a result of a generic inbox/email for the service.

In their consideration specifically of the detail set out in Appendix 1 for the year-end performance, the Board expressed some concern about the delays in distributing documentation for Licensing meetings, the delivery of information to drivers in a timely manner and frustrations for the Licensing Board when case hearings were cancelled by drivers at short notice.

A pre-requisite of being a member of the Licensing Board was to receive annual training in order to hear case hearings. Whilst training had been delivered to the majority of the Members for 2018/19, arrangements were now in hand to deliver training to the 2019/20 Licensing Board on the 12<sup>th</sup> July, 2019 and it was already booked in for 2020/21.

Members of the Licensing Board found the annual training invaluable, but were concerned when Members found themselves in the position of being unable to sit on panels if they missed the training.

Outcome 3 for the Service related to attendance of the Licensing Team at weekly CSE intelligence meetings and the reasons for non-attendance were shared amongst Members. Concern was expressed that this responsibility fell to the Licensing Manager and whether it was appropriate for a Deputy to be named to attend in the Licensing Manager's absence.

Members considered the adherence to the Licensing Policy, but expressed concern about the potential for out of town licensed vehicles without CCTV operating in Rotherham when operators sub-contracted to other areas. Whilst this practice was not illegal. Members and officers in Rotherham, along with other organisations like the LGA, had lobbied and campaigned for a nation-wide policy that included mandatory CCTV in all licensed vehicles. Members were advised that from experience some CCTV camera systems were better than others and lessons could be learnt.

A suggested option that had not been considered was a local byelaw requiring CCTV cameras in vehicles operating in the town centre.

The report, as submitted, also detailed enforcement actions undertaken by the Licensing Service on how such activity complied with the requirements of the Council's General Enforcement Policy. The General Enforcement Policy was currently subject to review and would be considered by the Cabinet in November, 2019.

Specific detail relating to enforcement data for 2018/19 was shared with the Board, who noted that whilst there were specific incident numbers, very often these were subject to more than one action/investigation. This was broken down further into delegation and decision.

The Board also noted that during 2018/19 fifteen appeals were lodged in relation to decisions made by licensing officers and/or Licensing Board. Of these the Council had successfully defended seven. Of the remaining eight; six were not yet resolved in the time period covered by the report. Four had since been resolved and one of the remaining cases was adjourned at the request of the license holder. One appeal was not defended due to additional information and a further one had been allowed by the Magistrates Court.

The Board suggested that some form of learning opportunity/experience stem from legal action and this be shared with Members in some way. It was suggested information be circulated to the Licensing Board on outcomes of appeals and this be forwarded to Committee Services for circulation.

Key enforcement actions undertaken in 2018/19 were highlighted including private hire operators and licensed premises. Officers were also part of a user group that tested the National Register of Renovations and Refusals (NR3) as part of the database for assessing an applicant's fitness to hold a license in Rotherham.

It was also noted that in December, 2018 the Council presented a land mark case at Sheffield Crown Court in front of the Recorder of Sheffield, which lead to a judgement being made that stated that the Courts were entitled to take into consideration information that may affect the suitability of a person to hold a taxi licence, even if that information was not made available to the individual concerned.

This was the first time Public Interest Immunity had been considered in a Crown Court in relation to taxi cases and would allow the Council (and Courts) to take action in those exceptional cases where there was significant information regarding a licence holder, but that information was so sensitive that it could not be revealed to the licence holder.

In terms of priorities for 2019/20 the Service were proposing a number of actions including a review of the Hackney Carriage/Private Hire Licensing Policy.

In addition to the priorities identified relating to the measures detailed in the Council's Corporate Plan, the Service would continue to undertake reactive and proactive work intended to ensure that licensed drivers and vehicles continued to meet the standards that were detailed in the Council's policy.

The Board acknowledged this had been a difficult year with lots of activity, along with an increased number of case hearings. This put pressure on staff with increased workloads and they were thanked and commended for their support.

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

(2) That the priorities for the Licensing Service during the 2019/20 financial year be supported.

(3) That as part of the review of the Council's Private Hire and Hackney Carriage Licensing Policy the location of the I.D. badge be considered.

(4) That a meeting be arranged with relevant Police Officers and the Licensing Service on the importance of local information sharing when this related to arrests of licensed drivers.

(5) That consideration be given to:-

- The inclusion of a named Deputy to attend the weekly CSE intelligence meetings in the absence of the Licensing Manager.
- A local byelaw requiring CCTV cameras in vehicles operating in the town centre.
- Circulating appeal decisions and outcomes via Committee Services to the Licensing Board.

**Committee Name and Date of Committee Meeting**

Licensing Board – 27 January 2020

**Report Title**

Review of Hackney Carriage and Private Hire 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**

In July 2015, the Council introduced a Hackney Carriage and Private Hire Licensing Policy. This policy is widely seen to be setting the standard for other local authorities to benchmark against in relation to Taxi and Private Hire licensing.

However, the Council is committed to the concept of continual improvement and consequently is reviewing the current policy with a view to introducing amendments that will ensure that the standard of licensed driver, vehicle and operator in Rotherham continues to be of a high standard.

This report outlines the key changes being considered which are included in a revised policy, and requests a formal consultation response from the Licensing Board to the changes detailed.

**Recommendations**

1. That Licensing Board note the proposed changes to the Hackney Carriage and Private Hire Licensing Policy and that the chair of the Licensing Board provides a formal written response to the consultation on behalf of the board.

**List of Appendices Included**

Appendix 1: Rotherham Metropolitan Borough Council DRAFT Hackney Carriage and Private Hire Licensing Policy 2020-2023  
Appendix A: Driver Application Process  
Appendix D: Driver Conditions  
Appendix L: Private Hire Vehicle Conditions  
Appendix M: Hackney Carriage Vehicle Conditions  
Appendix Q: Private Hire Operator Conditions  
Appendix T: Taxi Camera Requirements

(Only appendices that have been altered have been included within this report)

**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](https://www.rotherham.gov.uk/downloads/file/2473/rotherham_mbc_taxi_and_hackney_carriage_policy)

**Consideration by any other Council Committee, Scrutiny or Advisory Panel**

Cabinet – 23 December 2019

**Council Approval Required**

No

**Exempt from the Press and Public**

No



## **Review of Review of Hackney Carriage and Private Hire Licensing Policy**

### **1. Background**

- 1.1. In July 2015, the Council published a 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, and many of the standards have subsequently been adopted by other local licensing authorities, and 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 towards ensuring its success. A review process was set out in the policy that ensured the policy 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, so it is now necessary for the policy to be subject to a formal review.
- 1.4. The policy 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. The current policy continues to be applied and performance is reported through both the Corporate Plan and the Licensing Service Performance Framework.
- 1.6. Within the past 12 months, the Licensing Service has proactively inspected 127 vehicles and drivers. 72% of vehicles were found to be compliant with licensing requirements. Of the 28% which were non-compliant, most were due to vehicle signage not being displayed correctly and all but two cases were rectified on the roadside.
- 1.7. 82% of drivers were found to be compliant with licensing requirements. Again, of the 18% which were non-compliant, driver identification was the most common cause and all but two cases were rectified on the roadside.
- 1.8. A total of 351 enforcement investigations have been undertaken in the past 12 months, resulting in one prosecution and seventeen revocations of licence. However, over 50% of investigations led to formal warnings and advice, showing how continuous improvement is an important part of the current enforcement process.
- 1.9. Since the current policy was introduced, new Statutory Guidance has been proposed by the Department for Transport. This commends the approach taken by this Council and states:

*“Rotherham Metropolitan Borough Council (‘Rotherham Council’) provides an example of how the systematic review of policies and procedures and the implementation of a plan to drive improvements in practice can result in a well-functioning taxi and PHV sector that is rebuilding local confidence in the industry. The history of past failings here and elsewhere are well known, but it is the transparency and resolution that Rotherham Council has demonstrated and the high standards they now require that are rebuilding public confidence.*

*One of the key lessons learned is that it is vital to review policies and reflect changes in the industry both locally and nationally. It is therefore recommended that licensing authorities regularly review their licensing policies and their performance, but should also consider interim reviews should there be significant issues arising in their area”.*

- 1.10. This guidance recommends that licensing authorities introduce requirements around twenty three separate areas. All but one of these recommendations are currently implemented in Rotherham and have been since the current policy was introduced in 2015. The one existing recommendation which is not currently implemented in Rotherham is detailed as a key issue in Section 2.6 of this report. The best practice guidance further indicates the high regard that the current policy holds. However, 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 by enhancing current processes and standards, which will ensure the calibre of licence holder in Rotherham remains at the very highest level.

## **2. Key Issues**

- 2.1. To support the process of the policy review, the Council has developed a number of proposals that could be considered for inclusion in a revised policy. Appendix 1 contains the draft Policy for consultation. Appendices where amendments are not proposed have not been included within this report, but are available at: [https://www.rotherham.gov.uk/downloads/file/2473/rotherham\\_mbc\\_taxi\\_and\\_hackney\\_carriage\\_policy](https://www.rotherham.gov.uk/downloads/file/2473/rotherham_mbc_taxi_and_hackney_carriage_policy).
- 2.2. These proposals have been developed through:
- Initial discussions with representatives of the local licensed trade;
  - Recommendations in new statutory guidance;
  - Reflections of current working practices within the Licensing Service;
  - Performance data.
- 2.3. The proposals are explored in more detail below:

## 2.4. The Public Sector Equality Duty

2.4.1. 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.

2.4.2. Whilst private organisations and individuals are not legally required to comply with the Duty, the Council considers that the Hackney Carriage and Private Hire Licensing Policy should require that drivers and operators behave in a way that supports this duty.

2.4.3. The Council therefore proposes adding clauses to the 'Fitness and Propriety' requirements for both drivers and operators, to be clear that any action by a driver or operator that would be in conflict with the Council's Equality Duty would be considered to be a breach of the fitness and proper person test.

## 2.5. Driver Medical Assessments

2.5.1. Drivers and applicants are required to satisfy the Council that they meet DVLA Group 2 Medical Standards; this is currently achieved through a medical examination which must be undertaken by the individual's registered GP. However, feedback from Trade representatives suggests that some drivers and applicants are experiencing difficulties in making an appointment for a medical examination with their registered GP. This is due to individual GPs not undertaking private work on a routine basis.

2.5.2. Therefore, to reflect the current arrangements, it is proposed that:

*"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".*

2.5.3. This change to the policy addresses the position of the licensed trade and has also been discussed with Rotherham Clinical Commissioning Group to explore the best solution to medical assessments being completed in a timely manner.

## **2.6. Basic DBS Checks for Ancillary Operator staff**

- 2.6.1. Private Hire Operators have to obtain a Basic Level DBS check before an Operator's licence is granted. However, individuals that work in certain roles within Private Hire Operator bases have access to significant amounts of sensitive and personal information, but are not currently subject to any checks.
- 2.6.2. The benefits of background checks on such individuals are clear and therefore, the Council is proposing that all operators should obtain a Basic Level Disclosure certificate for all ancillary staff members whom have access to booking records or dispatch vehicles. These records would be required to be provided to the Council by the relevant Operator, for all such individuals.
- 2.6.3. A more detailed DBS check can only be requested if an applicant is proposing to work in a profession which is deemed to be eligible for an Enhanced DBS check. Although hackney carriage and private hire drivers are eligible for enhanced checks, Private Hire Operators and their ancillary staff are not, and therefore can only be asked to complete a Basic DBS check.
- 2.6.4. This is the only recommendation contained within the Department for Transport's Statutory Guidance that is not currently in place within Rotherham. Implementing this recommendation would further improve the Council's role in protecting the public, safeguarding children and the vulnerable, and the prevention of crime and disorder.

## **2.7. Refresher Training**

- 2.7.1. The Council currently require all applicants to undergo safeguarding awareness training and pass appropriate driving and knowledge assessments. Once an applicant has fulfilled these requirements, there is no further requirement for any future assessment in relation to these matters.
- 2.7.2. This means that long-serving drivers may have been working for several years without undertaking any further knowledge or driving assessment. The Council are therefore proposing to introduce a requirement for drivers' knowledge and driving ability to be assessed at the point of licence renewal.
- 2.7.3. Furthermore, the Council believes that existing drivers would find it beneficial to undertake refresher training in relation to safeguarding vulnerable passengers. Although the implementation of the current policy sets a requirement for all drivers to complete this training, it is recommended that safeguarding awareness should be required at licence renewal. This would enable drivers to be educated about current and emerging safeguarding concerns.

## **2.8. Driver Identification**

- 2.8.1. Legislation sets that all hackney carriage and private hire drivers have to identify themselves by “wearing a badge in such position and manner as to be plainly and distinctly visible”. Currently, the Council issue an identification badge and clip to all drivers for the duration of time in which they are licensed.
- 2.8.2. However, feedback from trade representatives is that this should be revised as the current approach, where drivers wear the badge on a lanyard or clip, is not secure, which can negatively impact on the driver’s focus, and is not always visible to passengers. The Council therefore proposes to give drivers a greater set of options for how they wear their badge, in order to address these issues. Although a clip or lanyard badge will still be an acceptable form of driver identification, drivers will be able to request 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.
- 2.8.3. Other options are currently limited by legislation requiring badges to be worn upon the body. This means that permanently affixed badges within vehicles would not be lawful in isolation when adhering to the current legislation. However, to address feedback about the lack of visibility of identification in some circumstances, a proposed requirement for an internal notice identifying the driver is set out in 2.9.

## **2.9. Vehicle Signage**

- 2.9.1. Following the previous review of taxi licensing in 2015, a new set of requirements were created in regards to vehicle signage. This included:
- a) A licence plate permanently affixed to the rear of the vehicle
  - b) A licence plate permanently affixed to the front of the vehicle
  - c) A sign / notice permanently affixed to each front door of the vehicle
  - d) A sign / notice permanently affixed to each rear passenger door of the vehicle
  - e) A notice permanently fixed to the interior glazed surface of the quarter light of both rear doors so that the contents of the notice are visible from the outside of the vehicle.
  - f) A notice permanently fixed to the interior glazed surface of the front windscreen so that the contents of the notice are visible from the outside of the vehicle.
  - g) A notice, clearly visible from the passenger seats / compartment, identifying the current driver of the vehicle.
  - h) The vehicle licence number must be permanently printed in white block letters (to a specification prescribed by the council) on the vehicle’s boot.

- i) The private hire vehicle licence number must be permanently printed in white block letters (to a specification prescribed by the council) on the bonnet of the vehicle.

2.9.2. Subsequently, with Commissioner's approval, only requirements a), c), e), and f) were actively introduced as requirements for drivers. However, the Council now believe that the remainder of the requirements should be brought into effect to ensure that the public can recognise a Rotherham licensed vehicle and its driver. Improving the amount of signage on and in vehicles would identify a 'Rotherham taxi' more effectively, meaning that users would have more confidence in licensed vehicles and their drivers.

2.9.3. In addition to the above signage requirements, the Council also proposes to require the 'audio activation' button for CCTV recording, to be clearly signed as such for passengers.

## **2.10. Vehicle Camera Storage Capacity**

2.10.1. The current Policy requires that the vehicle camera system must be capable of recording and storing a minimum of fourteen twenty-four hour periods (336 operational hours) of images at a required standard.

2.10.2. An analysis of the use of taxi cameras in investigations has been undertaken as part of the review of the Policy. Of the 50 complaints received between July and September 2019, 33 required the service to request camera footage. In two cases camera footage was no longer available due to the passage of time.

2.10.3. The average time between a complaint being made and the time and date of the alleged incident was 9.2 days. The average time between the reported incident date and CCTV being obtained was 13.5 days. Whilst footage was unavailable in a very small number of cases, there is a risk that footage may not be available in some instances.

2.10.4. The Council therefore proposes to extend the requirement to twenty-one twenty-four hour periods (504 operational hours), to ensure that Officers have sufficient time, after a report is made, to obtain footage if needed.

## **2.11. Incentivising Ultra Low Emissions Vehicles (ULEVs)**

2.11.1. The current policy states:

*"The Council aims to encourage the uptake of low emission vehicles in the Borough, and will seek to examine the feasibility of introducing differential licensing fees for electric hybrid and ultra-low emission vehicles".*

2.11.2. Whilst the Council has not currently included proposals to change this position in the new draft policy, it is proposed that detailed plans are drafted through the consultation process.

2.11.3. The Council recognises the environmental benefits of ULEVs and the positive impact that such vehicles could have on the achievement of local air quality targets and on the environment more broadly. With this in mind, the Council could consider incentivising vehicle owners to upgrade their licensed vehicles to help to combat the issues associated with emissions. This could be achieved in a number of ways; for example:

- Through increasing the licensable age beyond the current limit set by the Council, if vehicles meet a specific emissions standard;
- Offering reduced licence fees for more sustainable vehicles.

2.11.4. This proposal is closely aligned to the Sheffield and Rotherham Clean Air Zone. Although vehicles licensed by the Council do not have to comply with Category C specifications applied to licensed vehicles operating within the Sheffield zone, the benefits of moving to ULEV vehicles in order to operate in any Clean Air Charging Zone in Sheffield are clear.

### **3. Options considered and recommended proposal**

3.1. When the policy was introduced in 2015, it stated that a formal review of the policy statement would be conducted at least every three years. An initial review of the policy was carried out in July 2016, meaning that the policy is now due to enter a formal review process.

3.2. As part of the review, Licensing Board members are an important consultee and should feed into the wider consultation process. There are two options available for Licensing Board as to how the board is involved in consultation:

3.3. **Option 1:** The Board can discuss the draft policy within this meeting, where minutes of the meeting are taken and can be used to document the discussion that takes place. The Chair of the Board would then submit a formal, written response to the consultation which is representative of the board. This is the recommended option.

3.4. **Option 2:** The board can discuss the draft policy within this meeting, where minutes of the meeting are taken and can be used to document the discussion that takes place. Officers would then facilitate written responses from each member of the board which would form a part of the consultation process.

### **4. Consultation on proposal**

4.1. The draft policy is currently subject to a formal consultation process. The consultation will include, but will not be limited to:

- Representatives of the local Licensed Trade

- Council Members
- Licensing Board
- Members of the public
- South Yorkshire Police
- Groups representing older people, young people, people with disabilities and other similar groups
- Groups representing the interests of passengers
- NACRO
- Groups representing survivors / victims of crime
- Neighbouring Local Licensing Authorities.

- 4.2. It is essential that those affected by the policy are appropriately involved in its development. Therefore, the licensed trade and members of the public will be fully involved in the consultation process and their views and suggestions will be taken into consideration before a final policy is drafted.
- 4.3. The views of elected members, particularly those that have a role in relation to Hackney Carriage and Private Hire Licensing, are also critical to the review process and this report gives the opportunity to Licensing Board to formally respond to the consultation.
- 4.4. The consultation will run for a minimum period of eight weeks and include online and paper questionnaires, as well as face-to-face sessions across the borough, focusing on the proposed changes highlighted above. However, the consultation process will also be used to obtain views on other matters that should be considered for inclusion within the policy.
- 4.5. Following the consultation period, a final version of the policy will be written and presented to Cabinet for approval.

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

- 5.1. Consultation on the draft policy commenced on 2nd January 2020
- 5.2. The consultation will run for a period of at least eight weeks from the date of commencement.
- 5.3. A final draft policy will be developed and presented to Cabinet for adoption in March 2020.

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

- 6.1. There are no specific financial or procurement implications directly associated with this report.
- 6.2. Activity related to the development and implementation of the revised policy will be undertaken and contained within existing budgets.



## **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 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 consultation process is followed correctly, in order to minimise the risk of any legal challenge.

## **8. Human Resources Advice and Implications**

- 8.1. There are no direct HR 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 CB 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 team have been working with colleagues in Children's Services to ensure that those involved in the care and support of looked after children are aware of the key contacts within licensing, the nature of information that can be passed on to the licensing team and the action that the team can take as a result. This has been achieved by identifying single points of contact within the 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 regulatory 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 multiagency approach to a problem can be discussed; if need be with formation of a separate task and finish group consisting of the various Council services and partner agencies.
- 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 aim to ensure there is no discrimination on the grounds of culture, ethnic or national origins, gender, disability, age, sexual orientation, political or religious beliefs, socio-economic status, or previous criminal conviction or caution which is not relevant to the current issue.
- 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. An Equalities Screening Assessment has been completed.

## **11. Implications for Partners**

- 11.1. 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.

## **12. Risks and Mitigation**

- 12.1. 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.
- 12.2. 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.
- 12.3. Failure of the Council to effectively discharge its licensing enforcement functions may compromise public safety.
- 12.4. 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.

## **13. Accountable Officer(s)**

Alan Pogorzelec, Licensing Manager

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

**APPENDIX 1**



**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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**Foreword by Cllr Hoddinott, Cabinet Member for Roads,  
Waste and Community Safety**

**TBC after consultation**

## 1. Introduction

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

This policy and related procedures will guide the work of Rotherham Council in the way in which it carries out its functions. The policy has immediate effect and will be applied to existing licences and new applications received after the date that the policy is adopted by the Council. The Council reserves the right to overturn a decision that has previously been made, or refuse a renewal of a licence, where clear errors are discovered. In addition, the Council will undertake periodic auditing of currently licensed drivers 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 policies
- The Office of Fair Trading "The Regulation of Licensed Taxi and PHV Services in the UK" 2003
- Taxi and PHV Licensing Criminal Convictions; Policy, Local Government Regulation, Sept 2010
- Guidance on the Rehabilitation of Offenders Act 1974 – March 2014
- Disclosure & Barring Service Information Note on Rehabilitation of Offenders Act 1974 and Police Act 1997 Orders - 2013
- Regulators' Code 2014
- The Department for Transport "Taxi and Private Hire Vehicle Licensing: Protecting Users (consultation version).

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 to find the most appropriate methods of further reducing vehicle emissions.

**THIS SECTION WILL BE COMPLETED FOLLOWING CONSULTATION**

**E. Promoting the vision of Rotherham**

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

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

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

## **4. Delegations**

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

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 authorise 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, STOP notices and the issuing of Enforcement Penalty Points.

## **5. Driver Requirements**

All drivers must satisfy the Council that they are fit and proper people to be granted a drivers' licence, and must then remain a fit and proper person for the duration of that licence. The fitness and propriety of a driver will be monitored / assessed throughout the period that the licence is held.

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

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

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

### **5.1 Fit & Proper Person Test**

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

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

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

Licence holders with certain medical conditions (for example certain neurological conditions) may also be required to submit annual forms and adhere to additional requirements in order for them to retain their driver's licence.

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

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

### **5.8 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. Alternative qualifications may be accepted provided that they are to an equivalent standard of the BTEC and have a comparable syllabus. Any certificate must have been awarded within the last three years. In cases where the certificate was awarded more than 3 years ago, the certificate holder must demonstrate that they have undertaken a suitable refresher / CPD course – the content of which will be determined by the council.
- Satisfactory completion of an approved training / awareness raising course in relation to safeguarding children and vulnerable people. This course must have been approved by Rotherham Council Licensing Service.
- Ability in English and Maths at least to Entry Level 3 standard (as defined in the National Qualifications Framework).

Existing licence holders will be required to provide evidence of the qualifications detailed above.

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 seen as key Ambassadors for the Borough.

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

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

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

## **5.12 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.**

## **6. Hackney Carriages and Private Hire Vehicles**

### **6.1 Application process**

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

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

- The vehicle application form;
- The appropriate fee;
- The original of the Vehicle Registration Document (Log Book/V5) certificate of registration for the vehicle (the new keeper's supplement section of the V5 document will be accepted in the case of vehicles that are not licensed at the time that the application is made, and the vehicle has recently been purchased by the applicant (documentary evidence will be required). Licences will not be renewed unless the full V5 document is made available to the council at the time of application);
- The original insurance certificate or insurance cover note for the vehicle (this must be provided before the licence is issued)
- Confirmation from the Council's appointed vehicle testing station that the vehicle meets both the Council's vehicle specification and the vehicle examination requirements.

In addition:

- Any vehicle not manufactured with European Whole Vehicle Type Approval will be required to undergo Single Vehicle Approval (SVA) testing and evidence of that testing and the vehicle having obtained SVA produced to the licensing office.
- The application must be made on the correct application form and all supporting documents completed in full.

### **6.2 Grant and renewal of licences**

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

Vehicle licences will be issued for a one year period, commencing on the date that the licence is issued. Vehicles older than 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 develop a plan which identifies how air quality standards will be improved.

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

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

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

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

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

### **6.4 Insurance**

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

- A valid certificate of insurance or cover note confirming that insurance is in place for each driver of the vehicle and specifying use as either a Hackney

Carriage or Private Hire Vehicle.

- A Hackney Carriage vehicle requires insurance to cover public hire and hire and reward.
- A Private Hire vehicle requires insurance to cover hire and reward.
- A cover note will be accepted and the licence will be issued on the understanding that a certificate of insurance will be produced at the earliest opportunity.

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

## **6.5 Vehicle specification**

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

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

## **6.6 Conditions**

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

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

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

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

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

- a) Hackney Carriage
  - The exterior colour of all Hackney Carriages must be white.
- b) Private Hire Vehicles
  - The TX4 or similar vehicle (commonly referred to as a 'London cab') will not be licensed as a Private Hire vehicle.
  - The minibus variants of approved Hackney Carriage vehicles (such as the Mercedes Vito) can be licensed as Private Hire vehicles but they must not be white.

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

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

## **6.8 Fire extinguishers**

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

## **6.9 Tyres**

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

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

- Tyre treads are designed to efficiently and effectively remove water from the road surface and provide maximum grip. All tyres fitted to the vehicle must have at least 2.0 mm tread depth throughout a continuous band in the centre 3/4 of the tread and around the entire circumference of the tyre.
- Tyre fitted to a motor vehicle or trailer must be fit for purpose and be free from any defects which might damage the road or endanger any person. Fit for purpose means that a tyre must:
  - be compatible with the types of tyres fitted to the other wheels;
  - not have any lump, bulge or tear caused by separation or partial failure of the structure;
  - not have a cut or tear in excess of 25mm or 10% of the sectional width of the tyre, whichever is the greater, and which is deep enough to reach the ply or cord;
  - not have any part of the ply or cord exposed.
- Tyres must be correctly inflated to the vehicle / tyre manufacturer's recommended pressure.
- All replacement tyres fitted to licensed vehicles must be new (i.e. not have been used previously on any other vehicle) and have been fitted by a reputable vehicle maintenance company / contractor. Vehicle proprietors are required to retain invoices / receipts to show that any tyre that is purchased meets this requirement.

- The fitting of part worn tyres to licensed vehicles is not permitted.
- 'Space saving' spare wheels must only be used in an emergency, and then only in accordance with the manufacturer's instructions. Should the use of a 'space saving' spare wheel become necessary during a period of hire then the journey may continue, but the wheel must be replaced before another journey commences.

## **6.10 Accidents**

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

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

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

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

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

Hackney Carriage and Private Hire vehicles examination and testing requirements are set out in Appendix N. 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 were 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.

There must be an indicator located within the vehicle that is clearly visible to the passenger and clearly shows that audio recording is taking place.

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 requirement 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 also be displayed in each Private Hire vehicle so that it is easily visible to all hirers.

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



## 8 Operators

### 8.1 Requirement for a licence

A licensed hire vehicle must only be 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 Rotherham MBC then the applicant will be required to provide a Basic Disclosure from the Disclosure and Barring Service, and undertake the council's Child and Adult Safeguarding Awareness Training (as required by licensed drivers).

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 ancillary staff that take bookings and dispatch vehicles for the Operator 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 or dispatch vehicles 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, for all such individuals.

All ancillary staff must subscribe to the DBS Update Service.

### **8.3 Insurance**

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

### **8.4 Conditions**

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

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

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

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

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

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

### **8.6 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 which may pose a risk to the public.

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

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

## **9. Fees**

### **9.1 Fee Structure**

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

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

## **10. Compliance and enforcement**

### **10.1 Enforcement**

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

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

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

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

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

A range of tools and powers, including mystery shopping, 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 and/or revocations or the issuing of penalty points, suspension, and revocation of the licence or prosecution.

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

Once a licence has been suspended or revoked, the licence holder (or former licence holder) may appeal to the local Magistrates Court 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 operate a penalty point system of enforcement of specified breaches of byelaws, conditions of licence or other unacceptable behaviour specified as part of this policy. The penalty point system will apply to drivers, operators and vehicles.

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

Points will be issued per incident and will accumulate on a licence until they reach the “trigger level”. At this trigger level, the licence holder will be referred to the Licensing Board for the Board to consider whether it is appropriate for licence holder to remain licensed by the Council. The Licensing Board may determine that the licence should be suspended or revoked, or the Board may choose to administer some other sanction at its disposal.

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

## **10.3 Suspension of licence**

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

In situations where there exists a serious risk of the safety of the public the Director, under delegated powers, is permitted to suspend the licence of a driver, vehicle or operator.

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

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

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

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

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

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

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

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

#### **10.6 Appeals**

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

#### **10.7 Service Requests and Complaints**

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

In considering the most appropriate action to take in relation to a complaint, the credibility of both the complainant and the licence holder will be taken into account.

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

## **Appendix A**

### **Driver Licence Application Process**

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

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

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

1. Applications will only be accepted from applicants that have held a full UK driving licence for at least two years (please note that the requirement is to have held the full licence for at least two years, not two years since the date that you passed your driving test). Applicants that hold full EU licences will have the length of time that they have held such licences taken into consideration, however holders of EU licences will only be issued with a licence for 12 months – the licence will not be renewed unless the EU licence is exchanged for a full UK licence (as required by national legislation).
2. Applicants (who are not existing licence holders) that submit their application for a drivers licence on or after the date on which this policy comes into effect will be required to provide evidence of the following qualifications / skills to the council before a licence will be issued:
  - BTEC Level 2 Certificate Introduction to Role of the Professional Taxi and Private Hire Driver. Alternative qualifications may be accepted provided that they are to an equivalent standard of the BTEC and have a comparable syllabus. Any certificate must have been awarded within the last three years. In cases where the certificate was awarded more than 3 years ago, the certificate holder must demonstrate that they have undertaken a suitable refresher / CPD course – the content of which will be determined by the council.
  - Satisfactory completion of an approved training / awareness raising course in relation to safeguarding children and vulnerable people. This course must have been approved by Rotherham MBC Licensing Service.
  - Ability in English and Maths at least to Entry Level 3 standard (as defined in the Qualifications and Credit Framework).



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

Licence holders or applicants that possess an NVQ level 2 qualification in Road Passenger Vehicle Driving will only be exempted from the BTEC requirement if they are able to demonstrate that they have undertaken additional training in the elements covered in Unit 6 of the BTEC (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.

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

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

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

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

document can be verified and is comparable to a UK issued Enhanced DBS Certificate

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

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

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

A fee is payable by the applicant prior to them undertaking the test. If the applicant fails the test then they may retake it at a later date (subject to the payment of the appropriate fee). However, if an applicant fails the test after taking it for a third time they will not be permitted to take the test again until at least 12 months has passed since the date of the most recent failure.

5. Applicants are required to satisfactorily complete an advanced driving skills test to Driver and Vehicle Standards Agency standards (taxi and private hire test). Details of the test will be provided to the applicant by the Licensing Office.
6. All applicants must agree to the council verifying their DVLA driving licence, this will be done via a third party organisation and will require the applicant to give their consent to such a check being carried out.
7. Applicants whose DVLA driving licence is endorsed with more than 6 penalty points will be required to attend a hearing of the Licensing Board in order for their application to be determined.
8. 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.

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

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

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

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

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

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

When a licence holder applies to renew their licence, before a decision is made to refuse or grant a licence, they must be reassessed in the following areas:

- The Council's Taxi and Private Hire Knowledge test
- The Council's safeguarding awareness course
- An advanced driving skills test to DVLA standards.

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 D**

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

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

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

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

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

- a. The driver must at all times, when driving a licensed vehicle for hire or reward, wear the driver's badge issued by the Council on a prominent visible place on the outer clothing. Drivers may wear their badge in the following ways:
  - A clip badge attached to clothing in a prominent position
  - A lanyard around the neck
  - An armband with a transparent pouch to be worn on the left arm.
- b. The driver's badge remains the property of the Council. Upon expiry of the licence and badge (whether application to renew has been made or not) the badge must be returned to the Council within 7 days of expiry or other such time as the Council may specify.
- c. The badge must be returned to the Council immediately the licence is suspended, revoked or becomes invalid for any reason (eg: expiry).

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

- a. The driver must dress in accordance with the Rotherham MBC Licensed Driver Dress Code.
- b. The driver must comply with the Rotherham MBC Code of Conduct in relation to working with vulnerable passengers.
- c. The driver must behave in a civil and orderly manner and comply with all reasonable requirements of any person hiring or being conveyed in the vehicle.
- d. The driver must afford all reasonable assistance with passenger luggage as may be required. At the conclusion of the journey the driver must similarly offer all reasonable assistance to passengers leaving the vehicle and assist them with luggage or any disability aids or wheelchair.

Particular care must be taken with unaccompanied children and vulnerable adults. Drivers must remain alert safeguarding matters related to children and vulnerable adults. Drivers should ensure that children and vulnerable adults leave the vehicle directly onto the kerb and immediately outside their destination (if it is safe and legal to do so).

- e. 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.
- f. The driver must not smoke tobacco or like substance in the vehicle at any time as provided by the Health Act 2006.
- g. 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.
- h. The driver must at all times when driving a licensed vehicle ensure that such vehicle is maintained in a roadworthy and clean condition.
- i. The driver of a licensed vehicle must ensure that none of the markings / signs / notices that are required to be displayed on the vehicle become concealed from public view or be so damaged or defaced that any figure or material particular is rendered illegible.
- j. 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.
- k. The use of scanner equipment is prohibited.
- l. The driver of a wheelchair accessible vehicle is required to hold a Driving Standards Agency (DSA) Wheelchair Assessment Certificate.
- m. Where there is a reasonable cause to believe that there is a need to assess a licence holder's English language literacy and numeracy skills because of a substantiated complaint, or an expressed concern from an identified person, an authorised officer may require, in writing, a licensed driver to undertake such testing at his/her own expense. A reasonable time scale up to 3 months will be set for the test to be successfully undertaken at a place designated by the council. If unsuccessful, or there is a failure to

attend, the licence of the driver may be suspended and consideration given to its revocation.

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.

- n. Drivers must undertake an inspection of any vehicle that they are driving whilst working as a private hire / hackney carriage driver. This inspection must be undertaken at least daily and before the first carriage of fare paying passengers in the vehicle whilst it is being driven by the licence holder. The checks to be carried out by the driver must include all vehicle maintenance items listed in the annex to the Highway Code entitled 'vehicle maintenance, safety and security'. In addition, a check must be made to ensure that all signage and notices that are required by Rotherham MBC licensing conditions are appropriately fixed / attached to the vehicle. A record must be made by the driver to confirm that the checks have been undertaken, this record must be available for inspection by an authorised officer of the council.
- o. The driver must ensure that the vehicle's taxi camera system is operational at all times that the vehicle is being used as a licensed vehicle (i.e. for the carriage of fare paying passengers). The system does not need to be operational during other times (for example when being used for domestic purposes).

Video recording must be active at all times. Audio recording must be active whenever an unaccompanied child (i.e. under 18) or vulnerable adult is being carried in the vehicle.

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

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

## 4 FARES AND FARECARDS

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

## 5 PASSENGERS

- a. The licence holder must not cause or suffer or permit to be conveyed in a licensed vehicle a greater number of persons exclusive of the driver than the number of persons specified in the licence issued in respect of that licensed vehicle. In addition the driver must ensure that seat belt legislation is complied with in respect of all children conveyed in the vehicle.
- b. The driver must not allow to be conveyed in the front of a licensed vehicle:-
  - i. more than one person unless the vehicle is manufactured to carry two front seat passengers and seat belts are fitted for both passengers, or
  - ii. subject to paragraph iv below, any child under the age of 10 years old,
  - iii. subject to paragraph iv below, any person between the ages of 10 and 18 years old, unless the passenger is part of a group that includes at least one person over the age of 18, or all other passenger seats in the vehicle are occupied by persons under



the age of 18.

- iv. Paragraphs ii and iii above do not apply in cases where it is not reasonably practicable for the child to sit in the rear of the vehicle due to them having impaired mobility or some other impairment that would mean that it is safer for them to sit in the front seat. The impairment must be confirmed by an appropriate adult (who is independent of the driver). The adult must be familiar with the child's specific needs and confirm that it is not reasonably practicable for the child to sit in the rear seat as a result of that impairment. In these cases a record must be made of the adult's name and contact details and this record must be retained by the driver for at least 28 days.
- c. The driver must not, without the consent of the hirer of the vehicle, convey or permit to be conveyed any other person in that vehicle.
- d. The driver must provide all reasonable assistance to passengers and especially those with a disability. The Equality Act 2010 places the following duties on licensed drivers:-

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

Section 36 of the Disability Discrimination Act 1995 places a duty on the driver of a designated\* wheelchair accessible hackney carriages and private hire vehicles to:

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

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

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

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

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

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

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

## **6 FOUND PROPERTY**

The driver must, following the setting down of passengers, ascertain if any property belonging to the hirer(s) has been left in the vehicle and if not immediately able to return any such property, must deliver the item to Rotherham Police Station (Main Street) at the earliest opportunity, unless an alternative arrangement has been made with the owner of the property.

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

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

## **8 CONVICTIONS, CAUTIONS, ARREST ETC.**

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

***The 5 days excludes a Saturday or a Sunday, Christmas Eve, Christmas Day, Good Friday, Bank Holidays or any other day on which the Licensing Office is closed.***

**What should be reported:-**

- **Any conviction (criminal or driving matter);**
- **Any caution (issued by the Police or any other agency);**
- **Issue of any Magistrate's Court summonses against you;**
- **Issue of any fixed penalty notice for any matter;**
- **Any harassment or other form of warning or order within the criminal law including anti-social behaviour orders or similar;**

- **Arrest for any offence (whether or not charged).**
- **Any acquittal following a criminal case heard by a court.**

### **Fixed Penalty Notices**

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

### **Arrest for any Offence**

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

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

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

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

## **10 CHANGE OF OPERATOR**

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

***\* The 5 working days excludes a Saturday or a Sunday, Christmas Eve, Christmas Day, Good Friday, Bank Holidays or any other day on which the Licensing Office is closed.***

## **11 CHANGE OF ADDRESS**

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

***\* The 5 working days excludes a Saturday or a Sunday, Christmas Eve, Christmas Day, Good Friday, Bank Holidays or any other day on which the Licensing Office is closed.***

## **12 WORKING HOURS**

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

### **13 CUSTOMER AND OTHER PERSONAL INFORMATION**

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

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

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

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

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

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

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

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

This is not an exhaustive list.

**15 DUTY TO COOPERATE ON REGULATORY MATTERS**

Licensed drivers must co-operate with authorised officers of the council in all matters relating to the regulation of the licensed vehicle trade. However nothing in this condition affects the licence holders statutory protection afforded by other legislation.

**17. APPEARANCE OF DRIVER**

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

**18. ACCIDENTS**

If at any time the vehicle is involved in an accident, however minor, the driver must inform the Council of this fact as soon as possible and in any event within 1 working day (by telephone or email). An accident report form (available from the licensing office) must then be completed and submitted to the Council within five working days of the accident occurring (except in exceptional circumstances when the report must be made as soon as possible after the five working day deadline – an example of an exceptional circumstance would be that the driver is incapacitated due to the accident and physically unable to make the notification).

## NOTES

- (i) These conditions should be read in conjunction with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976.
- (ii) Any person who commits an offence against any of the provisions of the Act of 1976 pursuant to Section 76 may be liable on summary conviction to a fine not exceeding level 3 on the standard scale or to such other penalty as expressly provided in the Act. The licence holder should ensure compliance at all times.
- (iii) The use of a vehicle not licensed as a private hire vehicle or Hackney carriage to fulfil any private hire booking is prohibited even if no fare is charged for the journey or irrespective of when, how and to whom any fare is payable.
- (iv) A child can travel in a licensed vehicle without a child car seat, however the following must be observed:
  - a. children under 3 years of age can travel without a child's car seat or seat belt, but only on the back seat
  - b. children aged 3 years or older can travel without a child's car seat if they wear an adult seat belt
- (v) If at any time the conduct of the driver leads to concerns by the Council as to whether they remain a fit and proper to hold a licence, the Council will investigate the conduct and if satisfied that the driver is no longer fit and proper person the driver licence may be suspended and subsequently revoked.
- (vi) Failure to declare any conviction within the required timescale together with the nature of the conviction will be taken into account in deciding whether a licence holder is a fit and proper person to hold a hackney carriage/private hire driver licence. This may result in the suspension, revocation or refusal to renew the hackney carriage/private hire driver licence.
- (vii) **ANY INFRINGEMENT OF THE LICENSING CONDITIONS COULD LEAD TO SUSPENSION OF REVOCATION OF THE LICENCE.**
- (viii) **ANY REQUEST FOR ADVICE FROM THE COUNCIL IN RELATION TO LICENSING LEGISLATION SHOULD BE IN WRITING TO WHICH A WRITTEN RESPONSE WILL BE GIVEN SO AS TO AVOID ANY FUTURE DISPUTE AS TO THE ADVICE GIVEN. THIS DOES NOT PRECLUDE YOU FROM OBTAINING YOUR OWN INDEPENDENT LEGAL ADVICE.**

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

**Appendix L**

**Private Hire Vehicle Conditions**

**SECTION 48 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS)  
ACT 1976**

**1 VEHICLE TYPE AND DESIGN**

- a. No material alteration or change in the specification, design, condition or appearance of the vehicle shall be made subsequent to the inspection of the vehicle by the Council at any time while the licence is in force and at all times the vehicle shall comply with the specifications of the Council for a licensed private hire vehicle. (Vehicles which have been modified in any way from the manufacturer's standard of construction may not be considered suitable for licensing purposes depending upon the nature of the modification).
- b. All glazing must at all times comply with Road Vehicles (Construction and Use) Regulations 1986 regulation 32 with regards to the level of tint. A minimum light transmission value of 70% shall be maintained in all windows except a windscreen, which shall have a minimum light transmission value of 75%. Tinted films applied to the vehicle windows are not permitted.
- c. The colour of the vehicle must not be altered during the period that the vehicle is licensed.

**2 LIQUEFIED PETROLEUM GAS (LPG)**

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

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

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



- b. Seats must still be fully 'sprung', free of stains, tears, cigarette burns or repair, and not threadbare. Floor coverings must not be unduly worn and present no trip hazards. Household carpeting or similar is unacceptable and must not be used. Upholstery (headlining and side panel coverings) must be free of ingrained grime, fractures and maintained in the manufacturers original style.
- c. Luggage and storage areas must be kept as free space for passengers luggage.
- d. If at any time the vehicle is involved in an accident, however minor, the driver must inform the Council of this fact as soon as possible and in any event within 1 working day (by telephone or email). An accident report form (available from the licensing office) must then be completed and submitted to the Council within five working days of the accident occurring (except in exceptional circumstances when the report must be made as soon as possible after the five working day deadline – an example of an exceptional circumstance would be that the driver is incapacitated due to the accident and physically unable to make the notification).

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

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

All repairs must be carried out without undue delay and may require the vehicle to be inspected by the Councils examiners.

- e. Bodywork must be maintained to a good condition, paintwork must be sound and well maintained and free of corrosion, inferior re-spray work and 'cover up' temporary repairs.
- f. The proprietor/driver employed to drive the vehicle must ensure that the licensed vehicle has a daily safety check. As a minimum this must be a visual check on all lights, oil, water, tyres, mirrors and seat belts. A written record must be made of each safety check, details of faults recorded and remedial action taken. The record must be signed by the person undertaking the safety checks and

kept in the vehicle for a minimum of 30 days and then for a further six months by the proprietor.

On being so required by a Police Officer or Authorised Officer or Vehicle Examiner the driver must produce, to that officer, the recorded daily checks kept in the vehicle and the proprietor, on request by that officer, must produce those recorded checks in his possession and/or those kept in the vehicle.

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

The following must be in place at all times:

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

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

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

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

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

A private hire vehicle must not display:-

- (a) Any sign or notice which consists of or includes the word 'taxi' or 'cab' whether in the singular or plural or 'hire' or any word of similar meaning or appearance to any of those words whether alone or as part of another word; or
- (b) any sign, notice, mark, illumination or other feature which, having regard to that time and place at which it is displayed, may suggest to a person seeking to hire a taxi that the vehicle is a taxi.

## **5 EQUIPMENT AND FITTINGS**

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

The extinguisher must be checked every 12 months by a competent person to check that it is still in working order and the certificate of inspection must be retained by the vehicle proprietor for at least 12 months.

- c. The registration number of the vehicle must be permanently and legibly marked on the extinguisher.

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.

- d. The registration number of the vehicle must be permanently and legibly marked on the first aid kit.
- e. If a Driver Safety Shield is fitted (either before the licence has been granted or during the currency of the licence) the following applies:-
  - i. It will be of a make, type and design previously approved by Authorised Officers of the Council (for fittings during the licence);
  - ii. it must not be changed in any way from its original design and must remain free of damage;
  - iii. it must remain clear and translucent; free of scratches, clouding or stickers which would impede the drivers or passengers visibility;
  - iv. it must not not impede entry and egress or present a trip hazard to passengers using the vehicle; and
  - v. the Installation and continued subsequent maintenance must be in accordance with manufacturer's specifications and recommendations.
- f. 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).

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.

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.
- 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.

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

- a. Any meter fitted to the vehicle must be installed in accordance with the manufacturer's instructions, tested and verified by the Council. The tariffs with which the meter has been calibrated must be displayed in the vehicle in such a position as to be visible to passengers. Such a table must show full particulars of all tariffs calibrated on the meter including a statement that the Council has no control over the table of fares.
- b. A notice must be displayed within the vehicle in such a position as to be visible to passengers stating that if the meter is not used, the fare should be agreed between the passenger(s) and driver before commencement of the journey. Any fare agreed in this way must be the fare that is charged at the end of the journey, unless the customer agrees to it being varied.
- c. If a fare has not been agreed between the driver (or operator) and the customer then the fare charged must be that which is shown on the meter (if fitted). A statement to this effect must be made on the notice referred to in b. above.

## **7 SEATS AND PASSENGERS**

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

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.

- b. Seats can be mounted on tracking fastened to the floor of the vehicle using Unwin Safety Systems seat fixings or similar approved make to the satisfaction of the Council. These seats can then be removed or reinstalled as necessary to allow space for one or more wheelchairs. Any tracking system utilised must be correctly aligned and spaced to allow easy removal of the seat. Fastenings for the tracking must in accordance with the manufacturer's specification and approved for use by the Council.

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

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

## **9 WHEELCHAIR PASSENGERS**

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

## **10 COMMUNICATION EQUIPMENT**

- a. Radio communication equipment licensed by the Department for Business, Innovation and Skills (BIS) may be fitted for use in connection with the Private Hire Operator's base station. Where fitted it must be in a manner approved by the Council. No Citizen Band Radio, or similar non-commercial radio capable of both sending and receiving messages not being apparatus licensed by the Department for Business, Innovation and Skills must be installed in the

licensed vehicle. The use of scanner equipment is prohibited.

- b. Equipment fitted for the use of the driver to receive information on bookings must be fitted securely in the vehicle and in a manner which does not obstruct the view of the driver through the windscreen. Any wires used for connection of the equipment must not be left in a dangerous manner.

## 11 DRIVERS

- a. Any person who drives the vehicle for any purpose whatsoever, must hold a private hire drivers licence, even when the vehicle is not being used for booked journeys. Each proprietor must, before a driver commences to drive the vehicle, satisfy him/herself that the driver holds a valid private hire drivers licence. In order to comply with this requirement a proprietor must examine each driver's licence – any infringement could result in suspension or revocation of licences. The driver of the vehicle, if not named on the licence, will be regarded as an employee of the named proprietor(s).
- b. Proprietors must ensure that all driver(s) of the private hire vehicle are fully acquainted with the need to provide all reasonable assistance to passengers especially those with a disability. In respect of disabled passengers a driver must not fail or refuse to carry out a booking by or on behalf of a disabled person accompanied by an 'assistance dog' unless the driver has a Medical Exemption granted by the Licensing Authority and is displaying their Exemption Certificate in the approved manner or in the vehicle.
- c. The proprietor must ensure that any driver of a wheelchair accessible vehicle holds a Driving Standards Agency (DSA) Wheelchair Assessment Certificate (or equivalent).
- d. The proprietor must keep a written record showing the following particulars in respect of every driver (for private hire purposes) of the private hire vehicle detailed in this licence:-
  - i the name and address and date of birth of the driver of the vehicle;
  - ii the number and date of expiry of every licence issued in respect of the driver under Section 51 of the Local Government (Miscellaneous Provisions) Act 1976 and in force during such time as the driver is driving the vehicle.
  - iii the date on which the driver commenced driving the vehicle;
  - iv the date on which the driver ceased driving the vehicle.
- e. The proprietor must keep the records prescribed in (d) above for a period of two years from the date on which the driver first commenced driving the vehicle. These records must be made available upon request to any Police Officer and/or Authorised Officer of the Council.

## **12 INSURANCE AND INSURANCE COVER**

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

## **13 CONVICTIONS**

The proprietor of a private hire vehicle must notify the Council **in writing within 5 working days (or 3 working days in the case of arrest)** and provide full details of any conviction, binding over, caution, warning, reprimand or arrest for any matter (whether or not charged) imposed on him / her (or, if the proprietor be a company or partnership, on any of the directors, partners or secretary) during the period of the licence.

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

- a. The licence holder must ensure that he has control of the vehicle at all times and should such person absent him/herself from the District and not be contemplating returning within a short period (viz longer than 1 month) he/she should transfer his interest in the vehicle to another person still resident in the District or close proximity thereto; failure to do so could result in revocation of the licence.
- b. The proprietor must not assign or in any way part with the benefit of the licence without notifying the Council and effecting a formal transfer within 14 days. The proprietor must return the plate and the licence to the Council immediately if the vehicle is sold or otherwise disposed of without such transfer having first been effected.

### **CHANGE OF ADDRESS**

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

## **15 CHANGE OF OPERATOR**

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



**16 REQUIREMENTS TO UNDERTAKE ADDITIONAL TESTS**

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

## NOTES

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

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

You are strongly advised not to purchase a vehicle or any equipment or fittings, without first reading the Council’s policy and preconditions to the grant of a licence and also these conditions. If in doubt about any aspect you should make an appointment with the Vehicle Examiner at the councils appointed testing centre. Licensing administration staff are not qualified to make technical assessments and are under instruction not to offer such advice. If a vehicle does not meet the conditions it is unlikely that a licence will be granted.
- v A licence will not be granted to a vehicle if it has sustained accident damage resulting in structural distortion beyond the accepted limits of the vehicle manufacturer, or, has been disposed of under an insurance salvage agreement (categories A, B, C and D).

## **Appendix M**

### **Hackney Carriage Vehicle Conditions**

#### **1. Maintenance of Vehicle**

The vehicle and all its fittings and equipment must at all times when the vehicle is in use or available for hire, be kept in an efficient, safe, tidy and clean condition in accordance with Bye-law No. 3 and all relevant statutory requirements (including in particular those contained in Road Vehicles (Construction and Use) Regulations 1986 must be fully complied with.

#### **2. Alteration of Vehicle**

- a No material alteration or change in the specification, design, condition or appearance of the vehicle must be made subsequent to the inspection of the vehicle by the Council at any time while the licence is in force and at all times the vehicle shall comply with the specifications of the Council for a licensed hackney carriage. (Vehicles which have been modified in any way from the manufacturer's standard of construction may not be considered suitable for licensing purposes depending upon the nature of the modification).

#### **3. Glazing**

All glazing must at all times comply with Road Vehicles (Construction and Use) Regulations 1986 regulation 32 with regards to the level of tint. A minimum light transmission value of 70% shall be maintained in all windows except a windscreen, which shall have a minimum light transmission value of 75%. Tinted films applied to the vehicle windows are not permitted.

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

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

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

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

- b. Seats must still be fully 'sprung', free of stains, tears, cigarette burns or repair, and not threadbare. Floor coverings must not be unduly worn and present no trip hazards. Household carpeting or similar is unacceptable and must not be used. Upholstery (headlining and side panel coverings) must be free of ingrained grime, fractures and maintained in the manufacturers original style.
- c. Luggage and storage areas must be kept as free space for passenger's luggage.
- d. The proprietor / driver employed to drive the vehicle must ensure that the licensed vehicle has a daily safety check. As a minimum this must be a visual check on all lights, oil, water, tyres, mirrors and seat belts. A written record must be made of each safety check, details of faults recorded and remedial action taken. The record must be signed by the person undertaking the safety checks and kept in the vehicle for a minimum of 30 days and then for a further six months by the proprietor.

On being so required by a Police Officer or Authorised Officer or Vehicle Examiner the driver must produce, to that officer, the recorded daily checks kept in the vehicle and the proprietor, on request by that officer, must produce those recorded checks in his possession and/or those kept in the vehicle.

6. Identification Plate, Signs, Notices etc

The following must be in place at all times:

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

- (h) A notice, clearly visible from the passenger seats / compartment, identifying the current driver of the vehicle.
- (i) A notice which clearly alerts passengers to the presence 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.

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

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

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

#### 4. Equipment and fittings

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

The extinguisher must be checked every 12 months by a competent person to check that it is still in working order and the certificate of inspection must be retained by the vehicle proprietor for at least 12 months.

- c. The registration number of the vehicle must be permanently and legibly marked on the extinguisher.
- d. There must be provided and maintained in the vehicle at all times when it is in use or available for hire a suitable and comprehensive first aid kit of a type that meets the requirements of British Standard BS8599-2 (medium sized kit). Such kit must be kept in such a position so as to be readily available for immediate use in an emergency.
- e. The registration number of the vehicle must be permanently and legibly

marked on the first aid kit.

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

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

- a. A meter must be fitted to the vehicle and installed in accordance with the manufacturer's instructions. If a meter is fitted to the vehicle, it must have been installed in accordance with the manufacturer's instructions, tested and verified by the Council. The tariffs with which the meter has been calibrated must be displayed in the vehicle in such a position as to be visible to passengers. Such a table must show full particulars of all tariffs calibrated on the meter including a statement that the Council has no control over the table of fares.
- b. A notice must be displayed within the vehicle in such a position as to be visible to passengers stating that if the meter is not used, the fare should be agreed between the passenger(s) and driver before commencement of the journey. Any fare agreed in this way must be the fare that is charged at the end of the journey, unless the customer agrees to it being varied.
- c. If a fare has not been agreed between the driver (or operator) and the customer then the fare charged must be that which is shown on the meter. A statement to this effect must be made on the notice referred to in b. above.

## **6 SEATS AND PASSENGERS**

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

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

## **7**     Vehicles with third row of seats

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

## **8**     Wheelchair passengers

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

## 9 Communication equipment

- a. Radio communication equipment licensed by the Department for Business, Innovation and Skills (BIS) may be fitted for use in connection with a Private Hire Operator's base station. Where fitted it must be in a manner approved by the Council. No Citizen Band Radio, or similar non-commercial radio capable of both sending and receiving messages not being apparatus licensed by the Department for Business, Innovation and Skills must be installed in the licensed vehicle. The use of scanner equipment is prohibited.
- b. Equipment fitted for the use of the driver to receive information on bookings must be fitted securely in the vehicle and in a manner which does not obstruct the view of the driver through the windscreen. Any wires used for connection of the equipment must not be left in a dangerous manner.

## 10 Drivers

- a. Any person who drives the vehicle for any purpose whatsoever, must hold a drivers licence issued by Rotherham MBC, even when the vehicle is not being used for booked journeys. Each proprietor must, before a driver commences to drive the vehicle, satisfy him/herself that the driver holds a valid driver's licence issued by Rotherham MBC. In order to comply with this requirement a proprietor must examine each driver's licence – any infringement could result in suspension or revocation of licences. The driver of the vehicle, if not named on the licence, will be regarded as an employee of the named proprietor(s).
- b. Proprietors must ensure that all driver(s) of the hackney carriage are fully acquainted with the need to provide all reasonable assistance to passengers especially those with a disability. In respect of disabled passengers a driver must not fail or refuse to carry out a booking by or on behalf of a disabled person accompanied by an 'assistance dog' unless the driver has a Medical Exemption granted by the Licensing Authority and is displaying their Exemption Certificate in the approved manner or in the vehicle.
- c. The proprietor must ensure that any driver of a wheelchair accessible vehicle holds a Driving Standards Agency (DSA) Wheelchair Assessment Certificate (or equivalent).
- d. The proprietor must keep a written record showing the following particulars in respect of every driver of the hackney carriage detailed in this licence:-
  - i the name and address and date of birth of the driver of the vehicle;
  - ii the number and date of expiry of every licence issued in respect of the driver under Section 51 of the Local Government



(Miscellaneous Provisions) Act 1976 and in force during such time as the driver is driving the vehicle.

- iii the date on which the driver commenced driving the vehicle;
- iv the date on which the driver ceased driving the vehicle.
- e. The proprietor must keep the records prescribed in (d) above for a period of two years from the date on which the driver first commenced driving the vehicle. These records must be made available upon request to any Police Officer and/or Authorised Officer of the Council.

11. Advertisements

Advertisements may be displayed on the vehicle, provided that:

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

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

12. Colour

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

13. Inspection of Vehicle

- (a) The proprietor must permit an authorised officer or any constable to inspect the vehicle at all reasonable times.
- (b) If the authorised officer or constable is not satisfied as to the condition of the vehicle for use as a hackney carriage, the proprietor must after being notified in writing present the vehicle for inspection at such time and such place within the Borough of Rotherham as is specified in such notice.
- (c) If the authorised officer or constable is not satisfied as to the condition of the vehicle for use as a hackney carriage upon completion of the inspection as required in (b) above, the authorised officer may suspend the vehicles licence. Such a suspension will not be lifted until such time as the council is satisfied that the vehicle is in a suitable condition.

14. Accidents

If at any time the vehicle is involved in an accident, however minor, the driver must inform the Council of this fact as soon as possible and in any event within 1 working day (by telephone or email). An accident report form (available from the licensing office) must then be completed and submitted to the Council within five working days of the accident occurring (except in exceptional circumstances when the report must be made as soon as possible after the five working day deadline – an example of an exceptional circumstance would be that the driver is incapacitated due to the accident and physically unable to make the notification).

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

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

All repairs must be carried out without undue delay and may require the vehicle to be inspected by the Councils examiners.

15. Bodywork

Bodywork should be maintained to a good condition, paintwork should be sound and well maintained and free of corrosion, inferior re-spray work and 'cover up' temporary repairs.

16. Insurance

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

- (a) keep in force in relation to the use of the vehicle as a hackney carriage vehicle a policy of insurance complying with the requirements of Part VI of the Road Traffic Act 1988.
- (b) on being so required by an authorised officer, produce for examination at the Licensing Office within seven days of such request, the certificate of insurance issued by an insurer in respect of the vehicle for the purpose of Part VI of the Road Traffic Act 1988.

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

17. Transfer of Licence

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

18. Taxi Cameras

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).

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.

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.

19. Convictions

The proprietor of a hackney carriage must notify the Council **in writing within 5 working days (or 3 working days in the case of arrest)** and provide full details of any conviction, binding over, caution, warning, reprimand or arrest for any matter (whether or not charged) imposed on him / her (or, if the proprietor be a company or partnership, on any of the directors, partners or secretary) during the period of the licence.

20. Change of address

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

21. Requirements to undertake additional tests

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

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

## **Appendix Q**

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

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

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

- a) The operator is responsible for all persons that they employ, contract or use in the course of their business. To that end, the operator must undertake sufficient checks to satisfy themselves that only suitable drivers 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) Application must be made in writing in relation to any intended change of business premises and approval obtained before being so used.
- e) The Operator must notify the Council in writing of any change in partnership, directorship, ownership, management or control of the business within 5 working days.
- f) The Operator must notify the Council in writing within 7 days of any other material change affecting the licence during its validity.
- g) The operator must not at any time operate more private hire vehicles than are specified on his/her licence without the prior consent of the council and by applying to increase the number of vehicles allowed to be operated on his/her licence.
- h) A licensed operator must inform the council if they are going to be absent from the day to day running of the business for a period of 2 consecutive months. In doing this, the operator must give the name of the person that will be responsible for the running of the business on their behalf.

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

## **2. BUSINESS PREMISES**

- a) The Operator must only conduct business from the Office at the address specified on the Licence. Any operator wishing to conduct business from any additional address(es) (e.g. secondary booking offices) must make application in writing to the Council's Licensing Office, and await approval from the Licensing Office before making use of any additional premises, in addition to any other consents required. The Council reserves the right for an Authorised Officer to inspect all such premises for suitability and compliance with the requirements of these Conditions.
- b) The Operator must not cause or permit the business premises to be used by any other person(s) for any other purpose than that connected with the conduct or operation of the private hire business. This condition will not apply if the business premises is the residential address of the licensed operator.
- c) The Operator must not conduct his business, nor employ or utilise any person to conduct his business in any premises, the use of which have not been approved by the Council.
- d) The Operator must provide at the business premises an area to which the public have access for the purpose of making a booking for the services of a licensed private hire vehicle, and for the purpose of awaiting the arrival of such vehicle subsequent to any booking. This condition will not apply if the business premises is the residential address of the licensed operator.
- e) If the licensed operator employs any other person to work at the business premises, the premises must be kept clean, adequately lit, heated and ventilated and must conform to all other legal requirements including the legal requirement that no smoking be allowed on the premises under the requirements of the Health Act 2006; the requirements of the Regulatory Reform (Fire Safety) Order 2005 which requires that a fire safety risk assessment is in place at the premises and Health and Safety at Work Regulations.

## **3 RECORD OF BOOKINGS**

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

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

Records must be kept in one of the following forms:-

- i. a bound book with consecutively numbered pages (loose leaf registers are not acceptable) or
  - ii. on continuous stationery which has been generated in the form of an instantaneous print out by a computerised system. The Operator must ensure that adequate supplies of continuous stationery and ink cartridges are maintained and that the printer is appropriately replenished to ensure that at all times full and legible booking details are printed, or
  - iii. a computerised recording system which automatically generates a permanent entry onto a recordable CD or DVD at the same time the booking is entered onto the system. Satisfactory certification from the program supplier/installers must be produced to the Council before using any such system for the recording of bookings required by law to be maintained. Such certification must confirm that the system stored or recorded is tamper-proof; and once inputted cannot be altered, amended, deleted or added to in any way. Any change to the recording system must only be by way of prior written agreement from the Council.
  - iv. The removable CD/DVD must be changed on the first day of every month and kept in a secure place at the premises for production on demand by the Police or an Authorised Officer.
- b) In respect of whichever system is used the Operator must, at the time the booking is taken, enter therein:-
- i. the date and time the booking was received, any subsequent cancellation, and the signature (or in the case of a computer system, the identity) of the person taking the booking;
  - ii. the name and address of the hirer;
  - iii. the time of the journey, together with the journey date if different from the booking date; the address or name of the premises from which it is to commence (ie the point of pick up of the passenger(s)) and the address or place of destination;
  - iv. the private hire/hackney carriage plate number of the vehicle to be used for the journey (personal code systems are not acceptable);
  - v. the badge number of the driver of the vehicle used;
  - vi. remarks (including details of any sub-contracting to another licensed operator).
- c) Where any bookings are sub contracted either by the operator to another licensed operator or are accepted by the operator from another operator a full record of the booking (in line with 3b above) and notes must be included; including the name of the sub contractor and contact information)
- d) No alterations to records may be made – any amendment must be made to the original record by way of an addition.
- e) Entries in the bound book, or on the digital copy generated by a computerised system, must cover a 24 hour period and must contain information in relation to only one private hire firm and no details in connection with the bookings of other

private hire firms. The Operator must ensure that any booking clerk involved is competent in the recording of bookings and operating the system used.

- f) The records of bookings must be maintained and kept up to date at all times and must be made available for inspection at all reasonable times without notice by any duly Authorised Officer of the Council or any Police Officer. Such Officers must be permitted to photograph and / or remove such records howsoever kept from the premises is so required.
- g) The Operator must ensure that any personal information obtained during the course of their business is stored securely, and only retained for as long as is absolutely necessary. Access to this information must be restricted to only those persons who will use it for the purpose for which it has been collected.

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

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

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

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

#### **4 GENERAL CONDITIONS**

- a) The Operator must not operate a private hire vehicle / hackney carriage unless the vehicle and driver are licensed by Rotherham MBC. The Operator must personally examine vehicle licences and insurance certificates to satisfy himself / herself as to their validity.
- b) The Operator must not fail or refuse to accept a booking by or on behalf of a disabled person accompanied by an 'assistance dog' when the reason for failure or refusal is that the disabled person will be accompanied by the 'assistance dog'.
- c) The Operator must not accept any booking for a particular private hire vehicle / hackney carriage which would require that vehicle to carry more passengers that is licensed to carry.
- d) The Operator must not operate a private hire vehicle / hackney carriage without the driver thereof being licensed by Rotherham MBC. The Operator must personally



examine the drivers' licences issued by the Council and satisfy himself / herself as to their validity.

- e) The Operator must bring to the attention of all drivers their legal obligations regarding the use of seat belts by both adults and children under 14 years of age.
- f) The Operator must bring to the attention of all drivers their legal obligation regarding no smoking in vehicles under the Health Act 2006.
- g) The Operator must ensure that all drivers are aware of their obligations under any other legislation relevant to the work of a private hire vehicle.
- h) The Operator must ensure that all licensed drivers who carry out work on behalf of their company act in a civil and orderly manner both towards customers and any other member of the public.
- i) The operator must provide a prompt, efficient and reliable service to members of the public at all reasonable times and, for this purpose, must in particular:-
  - a. Ensure that when a private hire vehicle has been hired to be in attendance at an appointed time and place, the vehicle must, unless delayed or prevented by sufficient cause, punctually attend at the appointed time and place.
  - b. Behave in orderly and civil manner and must take all reasonable precautions to ensure the safety of all persons conveyed in licensed vehicles operating from his/her office premises.
- j) Only equipment licensed by the Department for Business Innovation and Skills (BIS)) must be used for the purpose of conducting the business authorised by this licence. The BIS licence must be produced on request to the Police or an Authorised Officer. CB apparatus must not be used in connection with any private hire booking at any operating address or in any private hire vehicle/hackney carriage available from such operating base.
- k) The use of scanner equipment is prohibited.
- l) Any advertising of the Operator's business, no matter in what form, must include the Operator's name and/or trade name as approved by the Council in accordance with the name entered on the Operator's Licence issued by the Council.
- m) The Operator must not trade under any name for private hire purposes unless such trade name has been approved by the Council and has accordingly been entered on the Private Hire Operator's Licence issued by the Council.
- n) The operator must supply a copy of advertising materials to the Council for recording on file.

- o) The operator must ensure that all advertising materials comply with Advertising Standards Authority requirements and do not contain offensive, misleading or potentially inflammatory wording which could be seen as defamatory.
- p) The Operator must ensure that Public Liability Insurance is in force throughout the validity of the licence for each and every operating base open to the public to a minimum cover of £2 million. Certification must be produced on demand to the Licensing Office or any Authorised Officer.
- q) The Operator must affix a properly printed notice in a prominent position inside the business premises, so as to be easily read by any person seeking to hire a private hire vehicle/hackney carriage, stating that any complaints regarding a hiring relating to his/her business should be addressed to:

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

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

- r) The operator must notify the Council **in writing within 5 working days (or 3 working days in the case of arrest)** providing full details of any conviction, binding over, caution, warning, reprimand or arrest for any matter (whether or not charged) imposed on him / her (or if the Operator is a Company or Partnership on any of the Directors, Secretary or Partners) during the period of the licence.
- s) The Operator must notify the Council in writing within 7 days of any change of home address whether permanent or temporary.
- t) Where any property is left by a customer in the business premises, or in any vehicle used for any hiring and placed in the Operator's safekeeping by the driver thereof. The Operator must endeavour to arrange to return such property to its rightful owner, failing which it must be dealt with in accordance with legal requirements and handed in as found property to the Police within 24 hours.
- u) The operator must not, by him/herself, his agents, or any other person importune, or cause or permit to be importuned any person by calling out or by any other means whatsoever to hire any of the licensed vehicles under his control.
- v) operator must not cause or permit the private hire vehicle licence plate or any notices that are required to be displayed on the inside or outside of a private hire vehicle to be:-
  - Concealed from public view
  - Defaced
  - Disfigured

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

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

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

- x) 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 or dispatch vehicles and keep an accurate record of DBS checks for all individuals listed. These records are required to be provided to the Council by the relevant private hire Operator for all such individuals.
- y) The operator must notify the Council within five working days if any driver is subject to the operators internal disciplinary processes or any other action that results in the driver being permanently or temporarily removed from the operator's system of allocating work to the driver.
- z) 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.
- aa) The Operator must notify the council without delay if the operator receives a complaint about a driver operated by them if the complaint relates to any of the following – allegations of sexual impropriety (including the use of sexualised language), violence (including verbal aggression), theft and any other serious misconduct (including motoring related matters).
- ab) 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.

# Rotherham MBC Licensed Vehicle Taxi Camera Technical Specification and System Requirements

## Appendix T

In order to be considered suitable for installation in a Rotherham MBC 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"> <li>- Flash-based SSD (100% industrial grade),</li> <li>- Hard disk with both mechanical anti-vibration and anti-shock mechanism and self-recovery and self-check file writing system.</li> </ul>
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	The in-vehicle taxi camera system must be compliant with the Council Directives: <ul style="list-style-type: none"> <li>- 2004/108/EC on Electromagnetic Compatibility (CISPR 22/EN55022),</li> <li>- 2004/104/EC on Radio Interference (sections 6.5, 6.6, 6.8 and 6.9)</li> </ul> <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.

# Rotherham MBC Licensed Vehicle Taxi Camera Technical Specification and System Requirements

1.16	The system must be capable of recording audio time synchronized to the recorded images.	
1.17	The system shall not to 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>
1.18	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 unauthorised access or tampering.	
1.23	The system must support testing of the audio function for installation set-up and inspection purposes.	

## Rotherham MBC Licensed Vehicle Taxi Camera Technical Specification and System Requirements

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).	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.  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.
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

## Rotherham MBC Licensed Vehicle Taxi Camera Technical Specification and System Requirements

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 unauthorised 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.



## Rotherham MBC Licensed Vehicle Taxi Camera Technical Specification and System Requirements

### 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 Rotherham MBC Licensing Team.	
7.3	Windows 8 compatible.	
7.4	Downloaded images stored in non-volatile media	
7.5	Downloaded images stored in secure format	

## Rotherham MBC Licensed Vehicle Taxi Camera Technical Specification and System Requirements

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	The indicators shall be mounted/installed for the driver's vision only. The indication system must be in accordance

## Rotherham MBC Licensed Vehicle Taxi Camera Technical Specification and System Requirements

	by driver only	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.