

**Rotherham MBC**

**Hackney Carriage & Private Hire Licensing Policy**

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

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# 1. Introduction

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

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

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

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

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

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

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

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

## 2. Definitions

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

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

This policy applies to:

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

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

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

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

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

### **3.Licensing Objectives**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



## 4. Delegations

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

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

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

## 5. Driver Requirements

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

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

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

### 5.1 Fit & Proper Person Test

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

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

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

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

### 5.2 Applications

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## 5.6 Medical Assessment

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

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

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

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

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

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

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

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

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

## **5.7 Duration of licence**

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

## **5.8 Qualifications**

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

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

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

## **5.9 Conditions**

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

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

## **5.10 Dress Code**

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

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

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

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

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

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

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## **6. Private hire and Hackney Carriage vehicles**

### **6.1 Application process**

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

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

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

In addition:

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

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

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

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

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



### **6.3 Vehicle age and exhaust emissions**

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

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

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

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

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

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

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

## **6.4 Insurance**

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

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

## **6.5 Vehicle specification**

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

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

## **6.6 Conditions**

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

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

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

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

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

### **a) Hackney Carriage**

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

## b) Private Hire Vehicles

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

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

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

### 6.8 Fire extinguishers

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

### 6.9 Tyres

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

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

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

### 6.10 Accidents

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

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

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

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

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

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

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

#### **6.12.1 Wheelchair accessibility**

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

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

#### **6.12.2 Advertisements**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### **6.13.3 Advertisements**

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

### **6.13.4 Meters**

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

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

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

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

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

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

## **6.14 Taxi ranks**

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

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

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

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

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

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

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## **7.0 Fares**

### **7.1 Hackney Carriages**

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

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

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

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

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

### **7.2 Private Hire Vehicles**

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

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

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



## **8 Operators**

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

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

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

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

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

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

### **8.2 Criminal Record Checks**

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

### **8.3 Insurance**

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

### **8.4 Conditions**

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

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

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

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

## 9. Fees

### 9.1 Fee Structure

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

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

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## **10. Compliance and enforcement**

### **10.1 Enforcement**

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

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

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

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

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

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

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

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

### **10.2 Enforcement Penalty points**

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

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

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

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

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

### **10.3 Suspension of licence**

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

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

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

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

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

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

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

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

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

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

## **10.6 Appeals**

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

## **10.7 Service Requests and Complaints**

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

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

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