

# **Rotherham Metropolitan Borough Council Hackney Carriage & Private Hire Licensing Policy**

**2023**

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

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# 1. Introduction

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

This policy and related procedures will guide the work of the Council in the way in which it carries out its functions. The policy has immediate effect and will be applied to existing licences and new applications received after the date that the policy is adopted by the Council. The Council reserves the right to overturn a decision that has previously been made, or refuse a renewal of a licence, where clear errors are discovered. In addition, the Council will undertake periodic auditing of currently licensed drivers and vehicles to ensure that the policy is adhered to and is being followed in its entirety. Such audits will be conducted using this policy as the required standard.

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

- The Council's licensing aims and objectives (see section 3 of this policy)
- Current legislation
- Other Rotherham Council policies
- Best practice guidance issued by the Department for Transport
- The Department for Transport Statutory taxi and private hire vehicle standards
- The Equality Act 2010

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 as required and informally re-evaluate it from time to time. Where revisions are made, the Council will publish a statement of such revisions, along with a revised policy.

## 2. Definitions

The Local Government (Miscellaneous Provisions) Act 1976, as amended, (“the 1976 Act”) and the Town Police Clauses Act 1847 provides the regulatory framework for Rotherham Council (the “Council”) as the Local authority (the “Authority”) to carry out its licensing functions in respect of Hackney Carriage and Private Hire Licensing.

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

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

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

- Town Police Clauses Act 1847 and 1889
- Local Government (Miscellaneous Provisions) Act 1976
- Transport Act 1985 and 2000
- Crime and Disorder Act 1998
- Environmental Protection Act 1990
- Equality Act 2010
- Road Traffic Acts 1988/ 1991.
- Health Act 2006
- Human Rights Act 1998

The Council will also have regard to other strategies, policies and guidance in its decision making. The Council will also have regard to wider considerations affecting visitors, employers and residents. These include, but will not be limited to: the availability of Hackney Carriage and Private Hire transport at all times; public nuisance; pollution; crime; and the capacity of the trade to cope with customer demand, particularly at night. The Council will also follow the principles laid out in the statutory Regulator’s Code and any recommendations from the Office for Product Safety and Standards.

When considering the Equality Act 2010, the Council also have regard for the Public Sector Equality Duty, which places a duty on the Council to have due regard to:

- Eliminate unlawful discrimination
- Advance equality of opportunity between people who share a protected characteristic and those who do not.

- Foster or encourage good relations between people who share a protected characteristic and those who do not.

Through the Policy, the Council seeks to deliver on the duties placed upon it through the Equality Act. The Council will have regard for the above measures in dealing with the licensing objectives, by protecting the public and licensed drivers from discrimination and ensuring that any unlawful discrimination is dealt with appropriately, working with representatives of the trade and the Police.



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

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

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

In promoting these licensing aims and objectives, the Council will expect to see licence holders and applicants continuously demonstrate that they meet or exceed the standards set by the Council.

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

- Raising awareness amongst the licensed trade, and the general public, of issues of safeguarding children and vulnerable adults.
- Operating rules, conditions and disciplinary processes.
- Vetting, qualification, training and monitoring licensees.
- Measures to prevent noise, odour and light nuisance from Hackney Carriage and Private Hire activities.
- Commitment to work with the police and licensing authorities.
- An expectation that licence holders will treat all customers, passengers, the general public and Council officers with respect and courtesy at all times.

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

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

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

- Standards of vehicle comfort and appearance.
- Space standards for vehicles.
- Location of ranks.
- Use of ranks.
- Provision of disabled facilities.
- Number of vehicles available.
- Provision for the aged and the young.
- Provision of safe and comfortable premises for customers to use.

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

- The Council will work with stakeholders in the trade, elected members and partners to find the most appropriate methods of further reducing vehicle emissions.

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

*“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.

### **Cross-border hiring**

The issue of cross-border hiring is currently the largest concern surrounding licensing that the Council has. This policy sets a high standard for those who are licensed by this authority, and aims to implement a fair but robust process. However, if an application is refused by this Council, any other authority in the country may licence a driver, based on the same information, but assessed against a less robust criteria. Once this driver is granted a licence, they will then be able to lawfully operate across Rotherham and other areas of the country, despite being refused a licence by this authority.

The Council believe that this poses a significant risk to this policy, and undermines the licensing objectives that this authority has set. This national issue poses risks to the protection of the public, the safeguarding of children and the vulnerable, the prevention of crime and disorder, and the safety and health of the public.

The Council recognises its responsibility and will use all opportunities to protect the

public, particularly children and the vulnerable, against this issue. The Council will continue to lobby Government to prioritise this issue and apply national minimum standards to licensed drivers.

The Council will continue to work in partnership with the locally licensed trade, its neighbouring authorities, South Yorkshire Police, local businesses and local people towards the promotion of the aims and objectives of this policy.

## **4. Delegations**

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

The Assistant Director of Community Safety and Street Scene (the "Director") has been delegated by the Council to grant, refuse, suspend and revoke licences. However, the Assistant Director will refer matters for consideration by the Licensing Board where this is considered to be appropriate. Examples of situations which may result in the referral of a matter to the Licensing Board include occasions where an existing licence holder is convicted of a criminal offence or where an applicant for the grant of a licence has a conviction which breaches this policy.

In addition, the Assistant Director is delegated to appoint and authorised inspectors and officers to investigate and discharge statutory duties – these duties include the issuing of warnings, suspension notices, and any other enforcement related sanction approved by the Council.

## 5. Driver Requirements

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

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

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

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

### 5.1 Fit & Proper Person Test

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

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

*Without any prejudice, and based on the information before you, would you allow a person for whom you care, regardless of their condition, to travel alone in a vehicle driven by this person at any time of day or night?*

All decisions on the suitability of an applicant or licensee should be made on the balance of probability. This means that an applicant or licensee should not be 'given the benefit of doubt'. If the board or delegated officer is only 50/50 as to whether the applicant or licensee is 'fit and proper', they should not hold a licence. The threshold used here is lower than for a criminal conviction (that being beyond reasonable doubt) and can therefore include information that goes beyond criminal convictions.

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

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

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

## **5.2 Application process**

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

Applicants shall have a minimum of 2 years of holding either a full driving licence issued in the UK, the European Community (EC) or one of the other countries in the European Economic Area (EEA). In addition to the above, licensed drivers who hold an EC/EEA driving licence shall obtain a GB counterpart document. If this document is required, it shall be produced before the initial licence is issued

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

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

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

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

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

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

Each application will be considered on its individual merits, and the Council reserves the right to undertake checks over and above those outlined in order to assess the applicant's suitability to hold a licence. In addition, the Council will utilise all appropriate information sharing pathways to obtain any information that is required in order to make an informed decision regarding an applicant's fitness and propriety.

In most cases, applicants that have had their licence revoked or refused due to their involvement in a criminal investigation will be required to reapply for a licence and must complete all elements of the application process before their application will be considered. The only exception to this will be in cases where a decision to revoke or refuse a licence was clearly wrong or unreasonable – in these cases the Licensing Manager may authorise the use of an expedited process to allow the relicensing of a particular individual (for example, by providing an exemption from certain elements of the application process).

### **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 Council's policy in relation to the use of Criminal Record Information is attached as Appendix B.

Both Hackney Carriage and Private Hire drivers are included as "exceptions" within the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (the "Exceptions Order"). Accordingly, all drivers will be asked to disclose on their application form any caution or conviction even if it is spent for other purposes and those will be revealed on the DBS certificate. Advice will be provided in relation to certain old and minor cautions and convictions which are referred to as "protected". These do not have to be revealed and will not appear on the DBS certificate. This advisory clause is intended as general guidance only and anyone in doubt should seek their own legal advice.

All applicants for the grant or renewal of a licence requiring a DBS check shall be responsible for the costs of obtaining the DBS certificate. The Council will only accept DBS certificates which are applied for through Rotherham Council's Licensing Unit.

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

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

All licence holders must subscribe to the Disclosure and Barring Service Online Update Service; this will be required by a condition placed on the licence. Any costs

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

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

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

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

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

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

In relation to the consideration of convictions, cautions, warning and reprimands etc., the Council has adopted the policy set out in Appendix C.

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

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

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

#### **5.6 Knowledge Testing**

Applicants for a driver's licence are required to have passed the Council's knowledge test. The list below is an indication of what may be contained within the test but is not exhaustive and can be changed when necessary to update on the most current issues within the sector. This test will ensure that the applicant has sufficient knowledge in



relation to:

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

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

Applicants who do not meet Entry Level 3 standard in English and Maths will be provided with details of courses that they can attend to improve these skills. When the applicant has successfully completed a relevant course, they may then re-apply for a licence.

If applicants fail three successive knowledge tests they will be required to wait at least 12 months (from the date of the most recent failure) before being permitted to take further tests.

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

## **5.7 Medical Assessment**

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

Applicants shall provide a completed medical examination form supplied by the Council and completed by their own General Practitioner's (GP) practice on first application. A new medical will then be required at the next renewal after a driver reaches the age of 45. Thereafter, a medical will be required every six years until the driver reaches the age of 65 when a medical will be required annually. In exceptional circumstances, and with prior agreement from the Licensing Manager, a medical assessment can be carried out by another registered GP practice as long as the applicant's medical history has been viewed and assessed. The GP carrying out the medical must confirm that they have viewed the applicant's full medical history.

Licence holders with certain medical conditions (for example certain neurological conditions) may also be required to submit annual forms and adhere to additional

requirements in order for them to retain their driver's licence.

Holders of Public Service Vehicle (PSV) and / or Large Goods Vehicle (LGV) Licences, where the holder is able to produce proof of current medical examination less than 3 months old, shall not be required to undergo a medical examination on first application. The Council will require written confirmation from the assessing GP that a full medical history has been reviewed as part of the examination.

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

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

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

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

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

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

## **5.8 Duration of licence**

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

## **5.9 Qualifications**

The Council believes all passenger transport drivers whose role demands high standards in driving and customer service would benefit from a 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 and / or any alternate qualification / course which the Council may prescribe (which may or may not be delivered or commissioned by the Council). Other qualifications / courses may be accepted provided that they are to an equivalent standard of the BTEC and have a comparable syllabus. Any certificate must have been awarded within the last three years. In cases where the certificate was awarded more than 3 years ago, the certificate holder must demonstrate that they have undertaken a suitable refresher / CPD course – the content of which will be determined by the council.
- Completion of the Council's safeguarding children and vulnerable passenger's course, or an equivalent qualification that may be prescribed as an alternative to this course. Applicants are required to attain a 100% pass mark in order to complete this course.
- Ability in English and Maths at least to Entry Level 3 standard (as defined in the National Qualifications Framework).

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

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

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

Qualifications (including the BTEC Level 2) will only be accepted if they have been issued by a reputable training provider. The training provider must be able to satisfy the council that it has an effective Quality Assurance Framework in place. The framework must cover all elements of the training, verification, assessment and certification process and must satisfy the council with regard to the quality and reliability of all aspects of the process up to and including the awarding of a certificate.

The Council reserves the right to refuse to accept a certificate of qualification as proof of an applicant or licence holder meeting a requirement if it is not satisfied as to the authenticity of the certificate or the quality / reliability of any part of the process that lead to the certificate being issued.

## **5.10 Conditions**

The Council may attach such conditions to a Private Hire / Hackney Carriage driver's licence as are considered necessary. These are set out in Appendix D.

The Council has also made byelaws that are specifically applicable to Hackney

Carriage drivers / proprietors. The existing Hackney Carriage byelaws are set out in Appendix E. These byelaws will be reviewed from time to time.

### **5.11 Dress Code**

It is recognised that the taxi trade, both Hackney Carriage and Private Hire, play an important role in portraying a positive image of Rotherham and are key ambassadors for the Borough.

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

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

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

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

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

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

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

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

A work permit or other approval to take employment issued by the Home Office or the Border and Immigration Agency when produced in combination with either a passport or another travel document endorsed to show the holder is allowed to stay in the United Kingdom and is allowed to undertake paid employment.

This list is not exhaustive, and other documents may be accepted – further information

will be provided by the Licensing Office on request.

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

#### **5.14 Renewal Process**

The Council require any driver wishing to renew their licence provide evidence to confirm that the following conditions have been completed, before a licence is renewed:

- Attendance at the Council's refresher training session, to be completed within the last three months of the current licence period;
- A renewed enhanced DBS check, applied for through the Licensing Service;
- An up-to-date medical assessment if appropriate (refer to Section 5.7);
- Proof of an applicant's continuing right to work in the UK.

The refresher training session will not be formally assessed. However, in order to satisfactorily complete the course, all drivers are expected to actively participate in the session. Failure to comply may result in a driver not being deemed to have completed the course. The Council reserves the right to require drivers to attend further sessions if this is deemed appropriate.

A licence will not be renewed until all of the following conditions have been met. The Council will consider the renewal of a licence in the same way that it considers a new application, which is detailed in Section 5 of this policy.

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

### **6.1 Application process**

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

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

- The vehicle application form;
- The appropriate fee;
- A Disclosure Certificate provided by the Disclosure and Barring Service (basic level) – unless the applicant is a current Rotherham MBC licensed driver with an active subscription to the DBS update service (where this is possible).
- The original of the Vehicle Registration Document (Log Book/V5) certificate of registration for the vehicle (the new keeper's supplement section of the V5 document will be accepted in the case of vehicles that are not licensed at the time that the application is made, and the vehicle has recently been purchased by the applicant (documentary evidence will be required). Licences will not be renewed unless the full V5 document is made available to the council at the time of application);
- The original insurance certificate or insurance cover note for the vehicle (this must be provided before the licence is issued)
- Confirmation from the Council's appointed testing centre that the vehicle meets both the Council's vehicle specification and the vehicle examination requirements.

In addition:

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

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

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

Vehicle licences will be issued for a one year period, commencing on the date that the licence is issued. Vehicles older than 3 years old on the day that the licence is granted will be issued with a 12 month licence; however the licence plate will show an expiry date either six or four months after the date that the licence is issued. A further plate will be issued covering the remainder of the licence period once the vehicle has been

subjected to a vehicle inspection at the Council's appointed testing facility (commonly referred to as an intermediate test). The frequency of vehicle inspections is based on age and outlined in Appendix I.

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

Public transport is a significant element of air pollution in Rotherham due to vehicle emissions. As with other forms of public transport, emissions from the taxi / Private Hire fleet are among the sources which can be regulated and as such are a priority to be addressed with the aim of reducing levels of air pollution and helping to improve public health.

In the interests of reducing exhaust emissions and increasing passenger safety and comfort, the Council has set requirements for vehicle emission standards and limits the age of vehicles that are considered suitable for licensing. It is considered that this is justifiable to ensure the sustained improvement of Rotherham's licensed vehicle fleet and the impact on the health and environment in the Borough.

The Council accepts that purchase of a newer vehicle will have a greater financial impact on the licence holder but must balance this with the need to ensure that the objectives of this policy are met. With this in mind, the Council will set age limits for vehicles that are considered to be a reasonable balance between affordability and vehicle quality.

The Council will incentivise the purchase of newer and more efficient vehicles by extending the upper limit for the least polluting vehicles. The Council holds the view that the introduction of Ultra Low Emissions Vehicles within the borough's licensed vehicle fleet would have an important role in reducing vehicle emissions and improving air quality. The Council will explore all available options to incentivise the uptake of ULEVs within the licensed vehicle fleet, for example via grant funding and vehicle leasing schemes.

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 must not be white.

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

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



## **6.8 Fire extinguishers**

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

## **6.9 Tyres**

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

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

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

## **6.10 Accidents**

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

and submitted to the Council within five working days of the accident occurring (except in exceptional circumstances when the report must be made as soon as possible).

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

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

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

Hackney Carriage and Private Hire vehicles examination and testing requirements are set out in Appendix N. The frequency of intermediate compliance tests is outlined in Appendix I.

### **6.12 Meters**

All Hackney Carriages must be fitted with an approved meter. The Council will from time to time publish a list of meters approved and acknowledged by the Public Carriage Office for use to calculate fares.

Meters used to calculate fares must be accurate, display the correct time and be capable of displaying:

- In the case of Hackney Carriages, the various tariffs as approved by the Council (including extra charges recoverable under the approved Table of Fares).
- The meter shall be calibrated and set to the Council's agreed charging distances and tariffs currently in force.
- In the case of Private Hire Vehicles, any scale of charges provided by the operator of the vehicle.

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

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

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

Private Hire Operators and/ or drivers may agree a cost for the journey with the customer prior to the journey commencing. In this situation, the price quoted is the

price that must be charged – there is to be no deviation from this price without the agreement of the customer. On occasions where a price has been not been agreed prior to the journey commencing, the fare charged must be that which is reflected on the meter where the vehicle is equipped with a meter.

### **6.13 Taxi Cameras**

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

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

- An unaccompanied child (i.e. under 18) or vulnerable adult is being carried in the vehicle, or
- Where the driver and customer are involved in a dispute or the driver feels threatened by the behaviour of a passenger. Activation of audio recording must be triggered by the driver pressing a switch / button. Audio recording will continue until such time as the button / switch is pressed again. This switch will activate / deactivate audio recording independent of the passenger's audio activation button / switch.

There must also be the facility for the passenger to activate audio recording (independent of the driver) should the passenger wish to do so. Activation of audio recording must be triggered by the passenger pressing a switch / button. Audio recording will continue until such time as the button / switch is pressed again. This switch will activate / deactivate audio recording independent of the driver's audio activation button / switch.

Once activated (by either passenger or driver), the audio recording must continue for an uninterrupted period until it is deactivated.

At the end of journey when the passenger leaves the vehicle, audio must be deactivated before another passenger enters the vehicle. If appropriate it must be reactivated should any of the situations above arise in relation to this new journey.

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

#### **6.14.1 Wheelchair accessibility**

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

- M1 classification and comply in all respects to EC Whole Vehicle Type Approval (ECWVTA);
- Suitable fittings for securing a wheelchair and any passengers seated in them;
- Access and egress via suitable side or rear doors.

### **6.14.2 Advertisements**

Limited advertising is allowed on Private Hire vehicles subject to the approval of the Council. This must be in accordance with the requirement set out in Appendix O.

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

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

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

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

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

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

When a vehicle has been imported, the importer must produce a declaration from the testing authority (DVSA) that the vehicle will not carry more than eight passengers.

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

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

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

The above list is not exhaustive, and other types of vehicle may be considered from time to time. When considering an application for a special event vehicle, the Council will have regard to the general requirements for Private Hire vehicles contained within this policy and relevant appendices.

Courtesy cars used for transporting customers to and from specific venues such as hotels and nightclubs, whether operated with or without charge to the customer, are considered to be Private Hire vehicles. These vehicles must be licensed as Private Hire vehicles, driven by Private Hire drivers and the journey must be booked via a Private Hire operator.

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

### **6.15.1 Limitation on numbers**

The main aim of Council's licensing of the Hackney Carriage and Private Hire trade is the protection of the public. The Council is aware that the public should have

reasonable access to Hackney Carriage and Private Hire services, because of the part they play in local transport provision.

Disabled groups are particularly reliant on Hackney Carriages as a means of transport, and the Council is keen to ensure that it does not unwittingly restrict the provision of such vehicles within the taxi fleet. Government guidance indicates that limitations should not normally be applied to the numbers of Hackney Carriages operating in a particular area, and that Councils should incentivise the uptake of wheelchair accessible vehicles where mandating them would be inappropriate.

As a consequence, the Council will not limit the number of Hackney Carriage licences that are in effect at any one time. Any additional Hackney Carriage licences that are issued after the introduction of this policy must be capable of carrying a passenger seated in a wheelchair (exceptions to this may be granted in exceptional circumstances at the discretion of the Licensing Manager – for example, in the case of vehicles licensed by hire companies and accident management agents). The requirement for vehicles to be capable of carrying a passenger seated in a wheelchair will be reviewed by the Licensing Manager as appropriate and may be withdrawn if such a requirement is no longer considered to be required.

#### **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 be available within each Private Hire vehicle so that it is easily accessible to all hirers.

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

## **8 Operators**

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

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

A Private Hire operator must ensure that every licensed hire vehicle is driven by a person who holds a licence issued by the same Authority that issued the vehicle licence. This authority must be the same authority that issued the operator's licence.

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

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

This Council will grant Private Hire operator licences for a period of 12 months.

### **8.2 Fitness and propriety**

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

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

As part of the assessment of fitness and propriety, the Council will interview applicants for the grant or renewal of a Private Hire Operator licence. The interview will include an assessment of the applicant's licensing knowledge, compliance history and an evaluation of their business practices and method of operation. Applicants that do not satisfy Council Officers that they are competent, and will operate their business in an acceptable manner, will have their application for a licence refused.

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

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

It is recognised that Private Hire Drivers and Operators are not necessarily the only contact points for customers. For example, a person taking bookings will be responsible for deciding which driver to send to which user; a position that could be exploited.

The Council has a responsibility to ensure that all staff members do not pose a risk to the public and therefore, all staff that take bookings, dispatch vehicles, or have access to sensitive information (such as booking records) are required to provide a Basic Disclosure Check from the Disclosure and Barring Service.

The operator has a responsibility to keep a register of all staff that take bookings, dispatch vehicles, or have access to sensitive information, and keep an accurate record of Basic DBS checks for all individuals listed. These records are required to be provided to the Council by the relevant Private Hire Operator, on request, for all such individuals.

Where a DBS check cannot be carried out on a member of staff that meets the criteria listed above (for example, the employee resides outside of the UK), the Operator must outline the steps they have taken to demonstrate how they are satisfied that an individual is a fit and proper person. The evidence provided by the employer would be presented to the Licensing Board in order to confirm whether these checks are equivalent to a basic level DBS.

The Council expect that the following steps would be included, but this is not an exhaustive list:

- face to face interviews with individuals;
- checks to ensure that the information provided by applicants is verified;
- independent professional and character references are requested and scrutinised;
- identity checks, right to work in the UK checks, national insurance number checks and relevant qualifications checks (if any) are verified as original documents;
- checks on previous employment history and experience;
- steps that are taken to verify that the individual has the health and physical capacity for the role; and
- a record of any discrepancies or anomalies, how they have been investigated and satisfactorily resolved.

### **8.3 Insurance**

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



liability insurance.

#### **8.4 Conditions**

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

However, where it is considered necessary, additional conditions may be imposed. In considering what is reasonably necessary the Council will take into account 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 twelve months has elapsed since the date of revocation or the date on which all appeal processes have been concluded (whichever is the longer).

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

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

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

- Licensed drivers or vehicle proprietors persistently (either individually or as a group) breaching the conditions of their licence whilst working for / under the instruction of a particular operator.
- Vehicles being operated that are in an unsuitable condition.
- Failure by the operator to satisfactorily address concerns in relation to licensed drivers/ vehicle proprietors (including matters related to child / adult safeguarding).
- Employment of ancillary staff where a basic DBS check has not been completed for the individual, or the results of those checks would indicate that the individual presents a risk to the public.

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

#### **8.7 Provisions relating to the sub-contracting of bookings to other Private Hire Operators**

The Council considers that the ability of licensed Private Hire Operators to sub-contract bookings to Private Hire Operators that are licensed by other Councils significantly undermines the aims and objectives of this policy. The Council will therefore continue to lobby for a change in the legislation that enables this activity to take place.

Conditions will be attached to operator licences that will require the collection of information specifically in relation to a sub-contracted booking. This will ensure traceability and allow urgent safeguarding action to be taken should this be required.

In addition, inspections / compliance visits of Private Hire Operators will include a detailed assessment of any arrangements that are in place for the sub-contracting of bookings to other operators. A zero-tolerance approach will be taken in relation to a failure to comply with the requirements of a Private Hire Operator licence and robust action will be taken in the event of operator non-compliance with licence requirements.

## **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 can be found on the Council's website.

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

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

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

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

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

Any breach of the required standards, policies and conditions may lead to suspension, revocation of the licence or prosecution.

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

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

## **10.2 Enforcement Penalty points**

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

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

Licensing Enforcement Officers would be authorised to operate the scheme and issue points accordingly.

The decision to introduce this scheme would be subject to engagement and consultation with the locally licensed trade, the Licensing Board and the Council’s decision-making body.

## **10.3 Suspension of licence**

Where an individual fails to meet the vehicle conditions, an authorised officer may take immediate action to suspend the licence and require remedial action. Further use of the vehicle will be suspended until the defects have been remedied. The suspension will then not be lifted until the vehicle has undergone a further test, at the proprietor’s expense, and / or been passed as fit for use by the Council.

The Licensing Board and specific officers have delegated powers to suspend and revoke licences if this is considered appropriate. Details of this can be found in Section 4 of this policy.

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

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

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

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

## **10.5 Prosecution of licence holders**

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

## **10.6 Appeals**

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

## **10.7 Service Requests and Complaints**

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

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

In addition, if anyone wishes to complain about the service provided by the Council, a formal complaints process is available on the Council's website.

## **Appendix A**

### **Driver Licence Application Process**

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

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

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

1. Applications will only be accepted from applicants that have held a full UK driving licence for at least two years (please note that the requirement is to have held the full licence for at least two years, not two years since the date that you passed your driving test). Applicants that hold full EU licences will have the length of time that they have held such licences taken into consideration, however holders of EU licences will only be issued with a licence for 12 months – the licence will not be renewed unless the EU licence is exchanged for a full UK licence (as required by national legislation).
2. Applicants (who are not existing licence holders) will be required to provide evidence of the following qualifications / skills to the council before a licence will be issued:
  - BTEC Level 2 Certificate Introduction to Role of the Professional Taxi and Private Hire Driver or any alternate qualification / course which the Council may prescribe. Alternative qualifications / courses 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).

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

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

Qualifications (including the BTEC Level 2) will only be accepted if they have been issued by a reputable training provider. The training provider must be able to satisfy the council that it has an effective Quality Assurance Framework in place. The framework must cover all elements of the training, verification, assessment and certification process and must satisfy the council with regard to the quality and reliability of all aspects of the process up to and including the awarding of a certificate.

The council reserves the right to refuse to accept a certificate of qualification as proof of an applicant or licence holder meeting a requirement if it is not satisfied as to the authenticity of the certificate or the quality / reliability of any part of the process that lead to the certificate being issued.

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

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

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

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

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



should it consider it appropriate to do so.

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

A fee is payable by the applicant prior to them undertaking the test. If the applicant fails the test then they may retake it at a later date (subject to the payment of the appropriate fee). However, if an applicant fails the test after taking it for a third time they will not be permitted to take the test again and their application will be refused.

5. Applicants are required to satisfactorily complete an advanced driving skills test to Driver and Vehicle Standards Agency standards (taxi and private hire test). Details of the test will be provided to the applicant by the Licensing Office.
6. All applicants must agree to the council verifying their DVLA driving licence, this may be done via a third-party organisation and will require the applicant to give their consent to such a check being carried out.
7. Applicants shall provide a completed medical examination form supplied by the Council and completed by their own General Practitioner's (GP) practice on first application. A new medical will then be required at the next renewal after a driver reaches the age of 45. Thereafter, a medical will be required every six years until the driver reaches the age of 65 when a medical will be required annually. In exceptional circumstances, and with prior agreement from the Licensing Manager, a medical assessment can be carried out by another registered GP practice as long as the applicant's medical history has been viewed and assessed. The GP carrying out the assessment must confirm that a full medical history has been reviewed. There will be a fee for this examination, and this should be paid directly to the GP.

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

Applications should be made on the appropriate form (which must be fully and correctly completed), 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.

A failure to provide the above at the point of application will result in your application being rejected.

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.

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

When a licence holder applies to renew their licence, before a decision is made to refuse or grant a licence, the applicant must attend a refresher course, or update training, as specified by the Council. This must have been completed within the preceding three months at the point of renewal.

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

9. All required elements of the application process must be completed within 12 months of the initial application being made. Applications that are not completed within this timescale will be rejected (with an appropriate refund being payable where appropriate). The Council reserves the right to specify the order in which the various elements must be completed – this will be set out as part of the application process.

## **Appendix B**

### **Policy in Relation to the use of Criminal Record Information**

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

Your application will not progress until the Council has received your Enhanced Disclosure Certificate.

A copy of the authority's Statement of Policy for the recruitment of ex-offenders. However, it is important that you should understand that the Licensing Service does NOT employ or recruit any person for the purposes of becoming licensed to driver hackney carriage and/or private hire vehicles, but nonetheless the same principles will apply.

#### **Policy statement on the recruitment of ex-offenders**

The Council undertakes criminal record checks for successful applicants (where applicable) whilst ensuring their suitability for positions of trust. The Council complies fully with appropriate guidelines and undertakes to treat all applicants for positions fairly. It undertakes not to discriminate unfairly on the basis of a conviction or other information revealed.

The Council is committed to the fair treatment of its employees, potential employees or users of its services, regardless of race, gender, religion, and sexual orientation, responsibilities for dependents, age, physical/mental disability or offending background.

The Council actively promotes equality of opportunity for all and welcomes applications from a wide range of people, including those with criminal records. Applicants are invited to the selection process based only on their skills, qualifications, experience etc. as assessed against the defined criteria for the post.

Having a criminal record will not necessarily bar a person from working for the Council. This will depend on the nature of the position and the circumstances and background of the offences. Criminal records will only be taken into account when the conviction is relevant.

The Council only requests a criminal records check if it is deemed relevant to the post. If the post is identified in the Police Act 1997 then an enhanced check will be undertaken. Posts subject to the Basic Personnel Security Standard will be checked at the basic level. Where it is identified as a requirement the supporting recruitment documentation for the post (the job profile) will contain a statement indicating that the check will be requested in the event of the individual being offered the position.

If the post is deemed exempt from the Rehabilitation of Offenders Act 1974, applicants must provide details in their application of previous convictions **both** spent

and unspent (but not protected convictions).

The Council ensures that all those who are involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of offences. They will also have received appropriate guidance and training in the legislation relating to the employment of ex-offenders.

If applicable, at the selection process or in a separate discussion, the Council will undertake an open and measured discussion regarding offences or any other information disclosed that might be relevant to the position.

The Council abides by the [Code of Practice](#) (established under section 122 of Part V Police Act 1997) which every applicant, who is subject to a criminal records check, is advised to read.

The Council fully complies with the Code of Practice regarding correct handling, use, storage, retention and disposal of criminal record checks and related information. We also comply fully with our obligations under the Data Protection Act and other relevant legislation.

**Please note:**

Failure to declare a conviction, caution or pending police action, will disqualify the applicant from appointment or result in summary dismissal if the discrepancy comes to light later.

**The Rehabilitation of Offenders Act 1974**

The Rehabilitation of Offenders Act enables some criminal convictions to be ignored after a rehabilitation period. The purpose of the Act is to ensure that people do not have a lifelong blot on their records because of a relatively minor offence in their past. The rehabilitation period is automatically determined by the sentence, and starts from the date of the conviction. After this period, if there has been no further conviction the conviction is "spent" and, with certain exceptions, need not be disclosed by the ex-offender in any context e.g. when applying for a job.

Certain professions and employments are exempt from the Act so that individuals are not allowed to withhold details of previous convictions in relation to their job when applying for positions in similar fields. Those professions relevant to the Council include:

- Those working with children and other vulnerable groups, such as teachers and social workers
- Those working in professions associated with the justice system, such as solicitor, police, court clerk, probation officer, prison officer and traffic warden
- Accountants
- Certain officials and employees from government and public authorities with access to sensitive or personal information or official databases about children or vulnerable adults
- Any office or employment concerned with providing health services which would normally enable access to recipients of those health services
- Officers and other persons who execute various court orders
- Taxi drivers and other transport workers.

## **Appendix C**

### **Relevance of Previous Convictions Policy**

#### **1. Introduction**

- 1.1 This policy provides guidance to the Licensing Board and its sub-committee on the criteria to take into account when determining whether or not an applicant or an existing licence holder is a fit and proper person to be granted, have renewed or continue to hold a Hackney Carriage and / or Private Hire Driver Licence. Whilst criminal convictions will play a significant part in the Licensing Authority's determination on whether an individual is fit and proper or not, the Council will also take into account other factors such as demeanour, general character, non-criminal behaviour, driving abilities, and other police information.
- 1.2 Whilst this policy primarily applies to the determination of driver licences, the principles within it are equally applicable to the determination of Private Hire Operator and Vehicle / Hackney Carriage licence applications. Consequently, where a conviction (as defined below) is considered relevant to the fitness and propriety / suitability of an individual to hold (or be granted) a Private Hire Operator Licence or a vehicle licence, then this policy must be referred to in the determination of that licence / application.
- 1.3 It is the responsibility of the Council to issue Hackney Carriage and Private Hire licences under the Local Government (Miscellaneous Provisions) Act 1976. In exercising this duty, the Council will consider the need to ensure the safety of the public as its primary consideration. Licences will not be issued unless the person is 'fit and proper'.
- 1.4 In seeking to safeguard the safety of the public. The council will be concerned to ensure:
  - That a person is a fit and proper person in accordance with Sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 (Part II)
  - That the person does not pose a threat to the public
  - That the public are safeguarded from dishonest persons
  - The safety of children, young persons and vulnerable adults
- 1.5 The term "Fit and Proper Person" for the purposes of taxi and private hire licensing is not legally defined. However, in determining whether a person is fit and proper to hold a licence, those tasked with determining licences/ applications are asking the following question of themselves:

*Without any prejudice, and based on the information before you, would you allow a person for whom you care, regardless of their condition, to travel alone in a vehicle driven by this person at any time of day or night?*

All decisions on the suitability of an applicant or licensee should be made on the balance of probability. This means that an applicant or licensee should not be 'given the benefit of doubt'. If the board or delegated officer is only 50/50 as to whether the applicant or licensee is 'fit

and proper', they should not hold a licence. The threshold used here is lower than for a criminal conviction (that being beyond reasonable doubt) and can therefore include information that goes beyond criminal convictions.

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

- Criminality
- Period of holding a driver's licence
- Number of endorsed driving licence penalty points
- Right to work
- Medical fitness
- Standard of driving/ driving ability
- The conduct of the applicant in making the application
- The previous licensing history of existing/ former licence holders.

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

1.6 This policy provides guidance to any persons, but specifically:

- Applicants for a driver's licence
- Existing licensed drivers whose licences are being reviewed
- Licensing officers
- Members of the licensing committee/sub-committee
- Magistrates and Judges hearing appeals against local authority decisions

1.7 In considering this guidance, the Council will be mindful that each case must be considered on its individual merits and, where the circumstances demand, the committee may depart from the guidelines.

1.8 In this policy, the word "Conviction" is to be defined as including convictions, cautions, warnings, reprimands and other relevant information. In this policy 'from date sentence has ended' is taken to be the date which is reached once the whole of the period as sentenced by the court has elapsed and not the length of time served by the applicant. For example, if a sentence is 5 years imprisonment then the date that the sentence ends will be 5 years from the date of sentencing – regardless of the amount of time actually served by the applicant. If the sentence is amended by a court at a later date, then this new sentence becomes relevant to this policy. The term 'since completion of sentence' is to be construed in the same way.

1.9 In this policy, the word applicant refers to either new applicants, existing licence holders who are seeking renewal and existing licence holders that are the subject of periodic auditing. It also includes existing licence holders who are being considered by the Council by virtue of offending activity having recently come to light.

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

## **2. General Policy**

- 2.1 Whilst the Board may consider that a person with a conviction for a serious offence may not need to be automatically barred from obtaining a licence, it is however to be normally expected that the applicant would be required to:
  - a. Remain free of conviction for an appropriate period as detailed below; and
  - b. Show adequate evidence that they are a fit and proper person to hold a licence (the onus will be on the applicant to produce such evidence). Simply remaining free of conviction may not generally be regarded as adequate evidence that a person is a fit and proper person to hold a licence.
- 2.2 The standards and criteria set out in paragraphs 6 to 16 below are those that would normally be applied to applications and licences. The Council may depart from these criteria; however, it must only do so in exceptional circumstances. The otherwise good character and driving record of the applicant or licence holder will not ordinarily be considered as exceptional circumstances.

## **3. Appeals**

- 3.1 Any applicant refused a driver's licence, or who has their licence suspended or revoked on the grounds that the Council is not satisfied they are a fit and proper person to hold such a licence has a right to appeal to the Magistrate's Court within 21 days of the notice of refusal (Local Government (Miscellaneous Provisions) Act 1976, s 77 (1)).

## **4. Powers**

- 4.1 Section 61 of the Local Government Miscellaneous Provisions Act 1976 allows the Council to suspend, revoke or refuse to renew a licence if the applicant has been convicted of an offence involving dishonesty, indecency, violence; failure to comply with the provisions of the Town Police Clauses Act 1847; failure to comply with the provisions of Part II of the Local Government Act 1976; or any other reasonable cause.
- 4.2 The Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975, allows the Council to consider all convictions recorded against an applicant or the holder of a Private Hire or Hackney Carriage driver's licence, whether spent or not. Therefore, the Council will have regard to all relevant convictions, particularly where there is a long history of offending or a recent pattern of repeat offending. Applicants need to be aware that, in accordance with this Act, all convictions, cautions, warnings and reprimands must be declared.
- 4.3 Under the provisions of Sections 51, 55 and 59, Local Government (Miscellaneous Provisions) Act 1976, the Council is required to ensure that an applicant for the grant or renewal of a Hackney Carriage and / or a Private Hire Vehicle driver's licence is a "fit and proper" person to hold such a licence. However, if an applicant has any convictions,

warnings, cautions or charges awaiting trial, the council will look at:

- How relevant the offence(s) are to the licence being applied for;
- How serious the offence(s) were;
- When the offence(s) were committed;
- The date of the conviction, warning, caution etc.;
- Circumstances of the individual concerned;
- Any sentence imposed by the court;
- The applicant's age at the time of offence / incident leading to the conviction, warning, caution etc.;
- Whether they form part of a pattern of offending;
- Any other character check considered reasonable (e.g. personal references);
- Any other factors that might be relevant, for example:
  - The previous conduct of an existing or former licence holder;
  - Whether the applicant has intentionally misled the council or lied as part of the application process;
  - Information provided by other agencies / council departments.

- 4.4 Existing holders of driver's licences are required to notify the Council in writing should they receive a driving licence endorsement, fixed penalty notice, warning, reprimand, police caution, criminal conviction or other criminal proceedings (including their acquittal as part of a criminal case). In addition, licence holders must inform the council of their arrest for any matter (whether subsequently charged or not). Failure to do so will raise serious questions for the Council as to the honesty of the licence holder and will be taken into account as part of any subsequent renewal applications. The timescales within which the notifications must be made are detailed in the conditions attached to individual licences.
- 4.5 Applicants can discuss further what effect a caution/ conviction may have on any application by contacting Licensing.
- 4.6 The Council conducts enhanced disclosures from the Disclosure and Barring Service (DBS) of any applicant for a driver's licence. Applicants applying for the grant or a renewal of a driver's licence will be required to obtain an enhanced disclosure at their expense. This includes any fees payable to the DBS. Further details are provided in Appendix A and Appendix B of this policy.
- 4.7 The Council is also entitled to use other records and information that may be available to it in determining applications or an entitlement to continue holding a licence. This may include information held by the Council or other licensing authorities, and information disclosed by the police under the Common Law Police Disclosure Scheme or other similar arrangements. Examples of such information sources that may be used include social care information, benefits payments etc.
- 4.8 It is an offence for any person knowingly or recklessly to make a false declaration or to omit any material in giving information required by the application for a licence (s57 Local Government (Miscellaneous Provisions) Act 1976). Where an applicant has made a false statement or a false declaration on their application for the grant or renewal of a licence, the licence will normally be refused.



- 4.9 Any offences or behaviour not covered by this Policy will not prevent the Council from taking into account those offences or behaviours.

## **5 Options when determining an application/licence**

- 5.1 When determining an application, the Council have the following options:

- approve the application or take no further action
- refuse the application/revoke the licence/suspend the licence
- issue a warning which may include the use of enforcement penalty points
- For existing drivers who have accumulated 9 or more points on their DVLA driving licence, their drivers' licence will normally be suspended until the driver has successfully undertaken a driving test to a standard approved by the Council. Such a test will be at the licence holder's expense.

## **6. Serious offences involving violence**

- 6.1 Licensed drivers have close regular contact with the public. A firm line is to be taken with those who have convictions for offences involving violence. An application will be refused if the applicant has a conviction for an offence that involved the loss of life.

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

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

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

- Arson
- Malicious wounding or grievous bodily harm which is racially aggravated
- Actual, or Grievous bodily harm
- Robbery
- Possession of firearm
- Riot
- Assault Police
- Violent disorder
- Resisting arrest
- Any racially-aggravated offence against a person or property
- Common assault (including Battery)
- Affray
- Any offence that may be categorised as domestic violence

- Any Public Order Act offence (harassment, alarm or distress, intentional harassment or fear of provocation of violence)
  - Any offences (including attempted or conspiracy to commit offences) that are similar to those above.
- 6.4 Consideration may only be given to the granting / issuing of a licence if at least 5 years have passed since the completion of any sentence and / or licence period following conviction for an offence shown below:
- Obstruction
  - Criminal damage
  - Any offences (including attempted or conspiracy to commit offences) that are similar to those above.
- 6.5 A licence will not be granted if an applicant has more than one conviction for an offence of a violent nature.

## **7. Possession of a weapon**

- 7.1 If an applicant has been convicted of possession of a weapon or any other weapon related offence, this will give serious concern as to whether the person is fit to carry the public.
- 7.2 Depending on the circumstances of the offence, at least 7 years must have passed since the completion of the sentence, before a licence is granted.

## **8. Sexual and indecency offences**

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

- Rape
- Assault by penetration
- Offences involving children or vulnerable adults
- Trafficking, sexual abuse against children and / or vulnerable adults and preparatory offences (as defined within the Sexual Offences Act 2003).
- Making or distributing obscene material
- Possession of indecent photographs depicting child pornography.
- Sexual assault
- Indecent assault
- Exploitation of prostitution
- Soliciting (kerb crawling)
- Making obscene / indecent telephone calls
- Indecent exposure
- Any similar offences (including attempted or conspiracy to commit) offences which replace the above

- 8.2 In addition to the above the council will not grant a licence to any applicant who is currently on the Sex Offenders Register or any other similar register.

## **9. Exploitation**

- 9.1 Where an applicant or licensee has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment of another individual irrespective of whether the victim or victims were adults or children, they will not be licensed. This includes slavery, child sexual abuse, exploitation, grooming, psychological, emotional or financial abuse, but this is not an exhaustive list. Where such offences involve violence they will be dealt with in accordance with Paragraph 6.3 of this Policy.

## **10. Discrimination**

- 10.1 Where an applicant has a conviction involving or connected with discrimination in any form, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed. Where such offences involve violence they will be dealt with in accordance with Paragraph 6.3 of this Policy.

## **11. Dishonesty**

- 11.1 All licensed drivers are expected to be trustworthy. In the course of their working duties, drivers will deal with cash transactions and valuable property may be left in their vehicles. Drivers may well deal with customers who are vulnerable or intoxicated and potentially easily confused. For these reasons, a serious view is taken of any conviction involving dishonesty.
- 11.2 In general, a minimum period of 7 years free of conviction, or at least 7 years have passed since the completion of sentence (whichever is longer), should be required before granting a licence. Offences involving dishonesty include:
- theft
  - burglary
  - fraud
  - benefit fraud
  - handling or receiving stolen goods
  - forgery
  - conspiracy to defraud
  - obtaining money or property by deception
  - other deception
  - taking a vehicle without consent
  - fare overcharging
  - or any similar offences (including attempted or conspiracy to commit) offences which replace the above
- 11.3 Applicants or existing licence holders that are found to have intentionally misled the council, or lied as part of the application process, will not be issued with a licence. In addition, individuals that have sought to obtain an unfair advantage during the application process will also be refused a licence (for example, cheating on test or putting forward an

individual to undertake an element of the application process on their behalf.

## **12. Alcohol and Drugs**

- 12.1 A serious view is taken of any drug related offence. Taking drugs and driving poses an obvious risk to public safety, whilst applicants who have convictions for the supply of drugs should also be treated with considerable concern. The nature and quantity of the drugs, whether for personal use or supply are issues which will be considered carefully.
- 12.2 As licensees are professional vocational drivers, a serious view is taken of convictions for driving, or being in charge of a vehicle while under the influence of drink or drugs. More than one conviction for these offences raises significant doubts as to the applicant's fitness to drive the public. At least 7 years should elapse, after the restoration of the driving licence following conviction for driving under the influence of alcohol or drugs before an application will be granted. If there is any suggestion that the applicant is alcohol or drug dependent, a satisfactory special medical report must be provided before the application can be granted.
- 12.3 Because of a driver's involvement with the public, a licence will not be granted where the applicant has a conviction for an offence related to the supply or cultivation of illegal drugs.
- 12.4 A licence will not be granted where the applicant has a conviction for offences related to the possession of illegal / controlled drugs until at least 10 years have passed since the completion of any sentence and / or licence period, and only then after full consideration of the nature of the offence and the quantity / type of drugs involved.
- 12.5 If there is evidence of persistent drugs use, misuse or dependency a specialist medical examination (in accordance with DVLA Group 2 medical standards) and a satisfactory medical report may be required before the licence is granted. If the applicant was an addict, then they would be required to show evidence of 5 years free from drug taking after detoxification treatment.

## **13. Driving offences involving the loss of life**

- 13.1 A very serious view is to be taken of any applicant who has been convicted of a driving offence that resulted in the loss of life.

A licence will not be granted if an applicant has a conviction for:

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

## **14. Other traffic offences**

- 14.1 Traffic offences such as obstruction, some speeding offences (usually dealt with by

means of a fixed penalty), pedestrian crossing offences, traffic light offences waiting in a restricted area, or offences of a similar nature may not ordinarily merit refusal.

For existing drivers who have accumulated 9 or more points on their DVLA driving licence, their HC/PH driver licence will normally be suspended until the driver has successfully undertaken a driving test that meets the standards set by the Council (the nature of the test will be determined by the Council on a case by case basis). Such a test will be at the licence holder's expense.

- 14.2 Traffic offences such as driving without due care and attention, reckless driving, more serious speeding offences (usually dealt with by a court rather than a fixed penalty), or offences of a similar nature will give rise to serious doubts about the applicant's suitability to be a driving professional. An applicant with any such convictions will be required to show a period of at least 5 years free of such convictions. For applicants or licence holders where the offence has resulted in serious injury to a third party or significant damage to property, this period will be increased to 7 years.
- 14.3 In cases where the courts have imposed a disqualification in respect of the DVLA driving licence, the periods stated above should normally commence from the date of the restoration of the licence.
- 14.4 Unless covered by one of the above paragraphs, an application for the grant of a licence will be refused if the applicant has more than 7 points endorsed on their DVLA driving licence.
- 14.5 At least 3 years should elapse (after the restoration of the DVLA driving licence), before a licence would be granted.

## **15. Using a hand-held device whilst driving**

- 15.1 Where an applicant has a conviction for using a held-hand mobile telephone or a hand-held device whilst driving, a licence will not be granted until at least 5 years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later.

## **16. Insurance Offences**

- 16.1 A serious view will be taken of convictions of driving or being in charge of a vehicle without insurance. An isolated incident in the past will not necessarily stop a licence being granted provided he / she has been free of conviction for 7 years, however strict warning should be given as to future behaviour. More than one conviction for these offences will prevent a licence being granted.
- 16.2 An operator found guilty of aiding and abetting the driving of passengers for hire and reward whilst without insurance will have his Operator's Licence revoked immediately and will not be permitted to hold a licence for a period of at least 3 years.

## **17. Licensing Offences**

- 17.1 Certain offences under taxi legislation such as plying for hire, overcharging and refusing to

carry disabled persons will prevent a licence being granted or renewed until a period of 7 years has passed since conviction.

## **18. Convictions for other offences**

- 18.1 The Council recognises that an individual may be convicted of an offence that is not detailed within one of the categories in the policy. With that in mind, the following general principals should be applied to the consideration of offences other than those specified in the policy.
- 18.2 Where the activity that led to the conviction involved an element of deception or fraudulent activity intended to result in unfair or unlawful gain, the conviction should be handled in accordance with offences of dishonesty. This may include immigration offences, offences related to business practices and failing to provide information to an authority when legally required to do so.
- 18.3 Where the activity that led to the conviction involved a failure to adhere to rules / requirements regarding a specific activity, the conviction should be handled in accordance with licensing / insurance related offences. This would include carriage / disposal of waste without the required permissions or undertaking licensable activity without the required licence being in place.
- 18.4 Each case will however be considered on its individual merits.

## **19. Non-conviction information**

- 19.1 The Council will also take into account situations and circumstances that have not led to a conviction. This will include acquittals, circumstances in which convictions were quashed due to misdirection to the jury, circumstances where the decision was taken not to prosecute, situations where the person has been arrested and bailed but not yet charged, and complaints from the public. In considering the most appropriate action to take in relation to non-conviction information (or a complaint), the credibility of both the witness / complainant and the licence holder will be taken into account.
- 19.2 If an applicant has been arrested or charged, but not convicted, for a serious offence which suggests he could be a danger to the public, consideration should be given to refusing the application. Such offences would include violent and / or sexual offences.
- 19.3 In assessing the action to take, the safety of the travelling public must be the paramount concern.

## **20. Outstanding Charges or Summonses**

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

## **21. Persistent Criminality**

- 21.1 Individuals with more than one conviction, including sentences imposed by the Courts, may be considered as having a persistent disregard for the law even if they meet the relevant minimum period of time passed for each conviction. In these circumstances, a period of 5 years free of conviction should be added to the minimum time period of the most recent conviction before a person can be considered suitable for licensing.

## **22. Attempted or Aiding and Abetting Crime**

- 22.1 An individual with a conviction for an attempted crime or aiding and abetting a crime will be treated in the same way under this policy as if the applicant had been convicted of the substantive crime.

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

- 23.1 If an applicant has spent 6 continuous months or more overseas (since the age of 16) the council will expect to see evidence of a criminal record check from the country / countries visited covering the period.
- 23.2 Because of the potential lifetime relevance for some of the most serious offences mentioned in this policy, the Council will need to ensure that sufficient background checks are conducted for those applicants who have lived overseas. For EU nationals a disclosure that is similar to the UK DBS will be required, for those countries for which checks are not available, the council will require a certificate of good conduct authenticated by the relevant embassy.

## **24. Summary**

- 24.1 Whilst a criminal history in itself may not automatically result in refusal and a current conviction for a serious crime need not bar an applicant permanently from becoming licensed, in most cases, an applicant would be expected to have remained free from conviction for a minimum period of time before an application is likely to be successful. If there is any doubt about the suitability of an individual to be licensed, the committee needs to be mindful of the need to protect the public and caution should be exercised.
- 24.2 While it is possible that an applicant may have several convictions that, individually, meet the above guidelines, the overall offending history must be considered when assessing an applicant's suitability to be licensed. A series of offences over a period of time is more likely to give cause for concern than an isolated minor conviction. Some discretion can be afforded if an offence disclosed is isolated and there are mitigating circumstances, but the overriding consideration is the protection of the public.
- 24.3 A suspension or revocation of the licence of a driver takes effect at the end of the period of 21 days beginning with the day on which notice is given to the driver. If it appears that the interests of public safety require the suspension or revocation of the licence to have immediate effect, and the notice given to the driver includes a statement that is so and an explanation why, the suspension or revocation takes effect when the notice is given to the driver. (s61(2B) of the Local Government (Miscellaneous Provisions) Act 1976).

## Annex A – Motoring offences and penalty points

The following is a guide to the number of penalty points a court may impose, it does not reflect the fact that some offences may incur a disqualification. These codes are recorded from information supplied by the courts (accurate at the time of this document).

Code	Offence	Penalty Points
<b>Accident Offences</b>		
AC10	Failing to stop after an accident	5-10
AC20	Failing to give particulars or to report an accident within 24 hours	5-10
AC30	Undefined accident offences	4-9
<b>Disqualified Driver</b>		
BA10	Driving whilst disqualified by order of court	6
BA30	Attempting to driver while disqualified by order of court	6
<b>Careless Driving</b>		
CD10	Driving without due care and attention	3-9
CD20	Driving without reasonable consideration for other road users	3-9
CD30	Driving without due care and attention or without reasonable consideration for other road users	3-9
CD40	Causing death through careless driving when unfit through drink	3-11
CD50	Causing death by careless driving when unfit through drugs	3-11
CD60	Causing death by careless driving with alcohol level above the limit	3-11
CD70	Causing death by careless driving then failing to supply a specimen for analysis	3-11
CD71	Causing death by careless driving then failing to supply A specimen for drug analysis	3-11
CD80	Causing death by careless, or inconsiderate, driving	3-11
CD90	Causing death by driving: unlicensed, disqualified or Uninsured drivers	3-11
<b>Construction &amp; Use Of Offences</b>		
CU10	Using a vehicle with defective brakes	3
CU20	Causing or likely to cause danger by reason of use of unsuitable vehicles or using a vehicle with parts or accessories (excluding brakes, steering or tyres) in a dangerous condition	3
CU30	Using a vehicle with defective tyre(s)	3
CU40	Using a vehicle with defective steering	3
CU50	Causing or likely to cause danger by reason of load or passengers	3
C80	Using a mobile phone while driving a vehicle	3
<b>Dangerous Driving</b>		
DD40	Dangerous Driving	3-11
DD60	Manslaughter or culpable homicide while driving a	3-11



	vehicle	
DD90	Furious Driving	3-9
<b>Drink or Drugs</b>		
DR10	Driving or attempting to drive with alcohol level above limit	3-11
DR20	Driving or attempting to drive while unfit through drink	3-11
DR30	Driving or attempting to drive then failing to supply a specimen for analysis	3-11
DR40	In charge of a vehicle while alcohol level above limit	10
DR50	In charge of vehicle while unfit through drink	10
DR60	Failure to provide a specimen for analysis in circumstances other than driving or attempting to drive	10
DR61	Failure to supply a specimen for drug analysis in circumstances other than driving or attempting to drive	10
DR70	Failing to provide specimen for breath test	4
DR80	Driving or attempting to drive when unfit through drugs	3-11
DR90	In charge of a vehicle when unfit through drugs	3-11
<b>Insurance Offences</b>		
IN10	Using a vehicle uninsured against third party risks	6-8
<b>Licence Offences</b>		
LC20	Driving otherwise than in accordance with the licence	3-6
LC30	Driving after making a false declaration about fitness applying for a licence	3-6
LC40	Driving a vehicle having failed to notify a disability	3-6
LC50	Driving after a licence has been revoked or refused on medical ground	3-6
<b>Miscellaneous Offences</b>		
MS10	Leaving a vehicle in a dangerous position	3
MS20	Unlawful pillion riding	3
MS30	Play street offences	2
MS50	Motor racing on the highway	3-11
MS60	Offences not covered by other codes	As Appropriate
MS70	Driving with uncorrected defective eyesight	3
MS80	Refusing to submit to an eyesight test	3
MS90	Failure to give information as to identity of driver etc.	3
<b>Motorway Offences</b>		
MW10	Contravention of Special Roads Regulations (excluding speed limits)	3
<b>Pedestrian Crossings</b>		
PC10	Undefined Contravention of Pedestrian Crossing Regulation	3
PC20	Contravention of Pedestrian Crossing Regulations with moving vehicle	3
PC30	Contravention of Pedestrian Crossing Regulations with stationary vehicle	3
<b>Speed Limits</b>		
SP10	Exceeding goods vehicle speed limits	3-6

SP20	Exceeding speed limit for type of vehicle (excluding goods or passenger vehicles)	3-6
SP30	Exceeding statutory speed limit on a public road	3-6
SP40	Exceeding passenger vehicle speed limit	3-6
SP50	Exceeding speed limit on a motorway	3-6
<b>Traffic Directions And Signs</b>		
TS10	Failing to comply with traffic light signals	3
TS20	Failing to comply with double white lines	3
TS30	Failing to comply with 'Stop' sign	3
TS40	Failing to comply with direction of a constable/warden	3
TS50	Failing to comply with a traffic sign (excluding stop signs, traffic signs or double white lines)	3
TS60	Failing to comply with a school crossing patrol sign	3
TS70	Undefined failure to comply with a traffic direction sign	3
<b>Special Code</b>		
TT99	To signify a disqualification under totting-up procedure. If the total of penalty points reaches 12 or more within 3 Years, the driver is liable to be disqualified	
<b>Theft or Unauthorised Taking</b>		
UT50	Aggravated taking of a vehicle	3-11

Source [www.gov.uk](http://www.gov.uk)

## **Appendix D**

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

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

#### **1. Driver Licence**

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

#### **2. Driver Badge**

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

#### **3 Conduct of Driver**

- a. The driver must dress in accordance with the Council's Dress Code as set out in Appendix F.
- b. The driver must comply with the Council's Code of Conduct when working with vulnerable passengers which is contained within Appendix G.
- c. The driver must behave in a civil and orderly manner and comply with all reasonable requirements of any person hiring or being conveyed in the vehicle.
- d. The driver must afford all reasonable assistance with passenger luggage as may be required. At the conclusion of the journey, the driver must similarly offer all reasonable assistance to passengers leaving the vehicle and assist them with luggage or any disability aids or wheelchair.

- e. Particular care must be taken with unaccompanied children and vulnerable adults. Drivers must remain alert safeguarding matters related to children and vulnerable adults. Drivers should ensure that children and vulnerable adults leave the vehicle directly onto the kerb immediately outside their destination (if it is safe and legal to do so).
- f. The driver must take all reasonable steps to ensure the safety of passengers entering or conveyed in, or alighting from the vehicle, especially those passengers with a disability – see 4 below.
- g. The driver must not smoke, vape or use e-cigarettes, or any similar device or substance in the vehicle at any time as provided by the Health Act 2006.
- h. The driver must not, without the express consent of the hirer, drink or eat in the vehicle (water may be drunk) or play any radio or sound reproducing instrument or equipment in the vehicle other than for the sending or receiving messages in connection with the operation of the vehicle.
- i. The driver must at all times when driving a licensed vehicle ensure that such vehicle is maintained in a roadworthy and clean condition.
- j. The driver of a licensed vehicle must ensure that none of the markings / signs / notices that are required to be displayed on the vehicle become concealed from public view or be so damaged or defaced that any figure or material is rendered illegible.
- k. The driver of a private hire vehicle must if he/she is aware that the vehicle has been hired to be in attendance at an appointed time and place or he/she has otherwise been instructed by the operator or proprietor of the vehicle to be in attendance at an appointed time and place punctually attend at the appointed time and place unless delayed or prevented by sufficient cause.
- l. The use of scanner equipment is prohibited.
- m. The driver of a wheelchair accessible vehicle is required to hold a Driving Standards Agency (DSA) Wheelchair Assessment Certificate.
- n. Where there is a reasonable cause to believe that there is a need to assess a licence holders English language literacy and numeracy skills because of a substantiated complaint, or an expressed concern from an identified person, an authorised officer may require, in writing, a licensed driver to undertake such testing at his/her own expense. A reasonable time scale of up to three months will be set for the test to be successfully undertaken at a place designated by the Council. If unsuccessful, or there is a failure to attend, the licence of the driver may be suspended and consideration given to its revocation.
- o. During the lifetime of a drivers licence, an authorised officer of the Council may require a licence holder to undertake reasonable and appropriate

training to meet these expectations and requirements. Such a requirement would be in writing. A reasonable time scale of up to 3 months will be set for the training to be successfully undertaken at a place designated by the Council. If there is a refusal or failure to attend, or the licensed driver does not meaningfully participate in the training or attain the training accreditation, the licence may be suspended and consideration given to its revocation. The cost of such training will be borne by the licence holder.

- p. Drivers must undertake an inspection of any vehicle that they are driving whilst working as a private hire / hackney carriage driver. This inspection must be undertaken at least daily and before the first carriage of fare paying passengers in the vehicle whilst it is being driven by the licence holder. The checks to be carried out by the driver must include all vehicle maintenance items listed in the annex to the Highway Code entitled 'vehicle maintenance, safety and security'. In addition, a check must be made to ensure that all signage and notices that are required by the Council's licensing conditions are appropriately fixed to the vehicle. A record must be made by the driver to confirm that the checks have been undertaken and this record must be available for inspection by an authorised officer of the Council.
- q. The driver must ensure that the vehicle's taxi camera system is always operational when the vehicle is being used as a licensed vehicle (i.e. for the carriage of fare paying passengers). The system does not need to be operational during other times (for example, when being used for domestic purposes).
- r. Video recording must be active at all times. Audio recording must be active whenever an unaccompanied child (i.e. under 18) or vulnerable adult is being carried in the vehicle. In addition, audio recording must be activated by the driver at any time where the driver and customer are involved in a dispute, or the driver feels threatened by the behaviour of a passenger.
- s. The driver must not tamper or interfere with the system or footage that is contained within it (nor must the driver allow the system to be tampered or interfered with by any person that does not have the Council's express authority to do so), except as would be expected in order to operate the system in accordance with the manufacturer's directions.

#### **4 Fares and Farecards**

- a. The driver of a private hire vehicle must ensure that a notice is visibly displayed for the benefit of passengers to the effect that in the absence of a published fare scale, the fare should be agreed between passenger(s) and operator, and confirmed with the driver before commencement of the journey. When a fare scale is used, that fare scale must be displayed and be a similar size to the fare cards carried by Hackney Carriages. This must give an accurate reflection of the charge, including any specific additions (i.e. Bank Holiday and after midnight loading) the customer may be expected to pay.

- b. The driver must not, if driving a licensed vehicle fitted with a taximeter, cause the fare recorded thereon to be cancelled or concealed until the hirer has had the opportunity of examining it and has paid the fare.
- c. The driver must not demand from any hirer of a private hire vehicle, a fare in excess of any previously agreed for that hiring between the hirer and the operator. If the vehicle is fitted with a taximeter and there has been no previous agreement as to the fare, the fare shown on the face of the taximeter shall be required.
- d. The driver must, if requested by the hirer, provide a written receipt for the fare paid. The receipt should bear the name and address of the proprietor of the vehicle, alongside the badge number of the driver.

## **5 Passengers**

- a. The licence holder must not cause, suffer, or permit a greater number of persons exclusive of the driver than the number of persons specified in the licence issued in respect of that vehicle. In addition, the driver must ensure that seat belt legislation is complied with for all passengers, including children, within the vehicle.
- b. The driver must not allow to be conveyed in the front of a licensed vehicle:
  - i. more than one person unless the vehicle is manufactured to carry two front seat passengers and seat belts are fitted for both passengers, or
  - ii. subject to paragraph iv below, any child under the age of 10 years old,
  - iii. subject to paragraph iv below, any person between the ages of 10 and 18 years old, unless the passenger is part of a group that includes at least one person over the age of 18, or all other passenger seats in the vehicle are occupied by persons under the age of 18.
  - iv. Paragraphs ii and iii above do not apply in cases where it is not reasonably practicable for the child to sit in the rear of the vehicle due to them having impaired mobility or some other impairment that would mean that it is safer for them to sit in the front seat. The impairment must be confirmed by an appropriate adult (who is independent of the driver). The adult must be familiar with the child's specific needs and confirm that it is not reasonably practicable for the child to sit in the rear seat as a result of that impairment. In these cases, a record must be made of the adult's name and contact details and this record must be retained by the driver for at least 28 days.
- c. The driver must not, without the consent of the hirer of the vehicle, convey any other person in that vehicle for the length of the hirer's journey.

- d. The driver must provide all reasonable assistance to passengers, especially those with a disability.

## **6 Vulnerable Passengers**

- a. The driver must not fail or refuse to carry out a booking, or provide reasonable assistance to a passenger who is using a wheelchair or 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.
- b. 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.

Advisory note:

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

## **7 Found Property**

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

## **8 Medical Conditions**

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

## **9 Convictions, cautions and arrests**

- a. The licence holder must notify the Council in writing within 5 working days (or 3 working days in the case of arrest or voluntary interview) providing full details of any conviction, binding over, caution, warning, reprimand, arrest or voluntary interview for any matter (whether or not charged) imposed on him / her during the period of the licence.
- b. The 5 days excludes a Saturday or a Sunday, Christmas Eve, Christmas Day, Good Friday, Bank Holidays or any other day that the Council is closed.
- c. The following lists the type of offences that must be reported:

- i. Any conviction (criminal or driving matter);
  - ii. Any caution (issued by the Police or any other agency);
  - iii. Issue of any Magistrate's Court summonses / postal requisition against you;
  - iv. Issue of any fixed penalty notice for any matter;
  - v. Any harassment, or other form of warning or order within criminal law, including anti-social behaviour orders or similar.
  - vi. Arrest for any offence (whether or not charged).
  - vii. Any acquittal following a criminal case heard by a court.
- d. The driver must notify the Council in writing of the acceptance of any fixed penalty endorsement within **5 working days**. The driver must subsequently inform the Council immediately following its endorsement.
- e. Whether charged or not, the driver must notify the Council within 3 working days of their arrest or voluntary interview for an alleged offence(s).

## **10 Disclosure and barring service online update service**

- a. All licence holders must subscribe to the Disclosure and Barring Service Online Update Service. Any costs associated with maintaining this subscription must be met by the licence holder.
- b. The licence holder must give permission for the council to undertake checks of their DBS status should the Council consider it necessary to do so. The Council will use the update service to monitor the criminal record of licence holders.

## **11 Change of operator**

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

## **12 Change of address**

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

## **13 Working hours**

- a. Licensed drivers will not drive when their ability to do so is impaired by having worked excessive hours. The maximum daily driving time is nine hours, and drivers must have a break lasting at least forty-five minutes after driving for a maximum of four and a half hours. A break can be divided into two periods of fifteen and thirty minutes taken over the four and a half hour period.



## **14 Customer and other personal information**

- a. Drivers must ensure that any personal information obtained during the course of their business is stored securely, and only retained for as long as is absolutely necessary. Access to this information must be restricted to those that will use it for the purpose for which it has been collected.
- b. Personal information must not be used for any other purpose other than that for which it was collected without the express permission of the individual to which the information relates.
- c. For example, telephone numbers provided by customers so that they can be alerted / updated by SMS text message with regard to a booking they have made must only be used for this purpose. The information must not be retained by the driver after the text message has been sent, and / or used for any other purpose (such as unsolicited marketing calls).

## **15 Occasions when licensed drivers are not utilising their licenses for an extended period of time**

- a. If circumstances are such that a licensed driver does not intend to work as hackney carriage / private hire driver in Rotherham for a period exceeding four months, they must surrender their licence to the Council. The licence must be surrendered as soon as it becomes clear that the holder will not be working for a period exceeding this time.
- b. Once the Council is in receipt of the licence, the licence will be suspended until such time as the holder is in a position to commence work again. The Council reserves the right to undertake any checks in relation to the licence holder that may be required to ensure that the driver remains a fit and proper person to hold a licence. Such checks may include a medical examination, DBS disclosure and checks with other agencies.
- c. Examples of circumstances that may require the surrender of the licence include:
  - i. The licence holder intends to spend an extended period of time outside of the UK;
  - ii. The licence holder is ill or unable to work for some other reason;
  - iii. This is not an exhaustive list.

## **16 Duty to cooperate on regulatory matters**

- a. Licensed drivers must co-operate with authorised officers of the Council in all matters relating to the regulation of the licensed vehicle trade.
- b. However, this condition does not affect the licence holder's statutory protection afforded by other legislation.

## **17 Appearance of driver**

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

## **18 Accidents**

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

### **Notes**

- (i) These conditions should be read in conjunction with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976.
- (i) 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.
- (i) The use of a vehicle not licensed as a private hire vehicle or Hackney carriage to fulfil any private hire booking is prohibited even if no fare is charged for the journey or irrespective of when, how and to whom any fare is payable.
- (iv) A child can travel in a licensed vehicle without a child car seat, however the following must be observed:
  - a. children under 3 years of age can travel without a child's car seat or seat belt, but only on the back seat
  - b. children aged 3 years or older can travel without a child's car seat if they wear an adult seat belt
- (v) If at any time the conduct of the driver leads to concerns by the Council as to whether they remain a fit and proper person to hold a licence, the Council will investigate the conduct and if satisfied that the driver is no longer fit and proper person the driver licence may be suspended and subsequently revoked.
- (vi) Failure to declare any conviction within the required timescale together with the nature of the conviction will be taken into account in deciding

whether a licence holder is a fit and proper person to hold a hackney carriage/private hire driver licence. This may result in the suspension, revocation or refusal to renew the hackney carriage/private hire driver licence.

- (vi)** Any infringement of the licensing conditions could lead to suspension or revocation of the licence.
- (v i)** Any request for advice from the council in relation to licensing legislation should be in writing. A written response will be given to avoid any future dispute. This does not preclude you from obtaining your own independent legal advice.
- (ix)** Any person aggrieved by any condition specified in the licence may appeal to a magistrates' court within 21 days of issue.

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## **Appendix E**

### **Hackney Carriage Byelaws**

#### Borough of Rotherham Byelaws with respect to Hackney Carriages

Made under Section 68 of the Town Police Clauses Act 1847 and Section 171 of the Public Health Act 1875 by the Rotherham Borough Council with respect to hackney carriages within the Borough of Rotherham.

#### Interpretation

1. Throughout these byelaws the following expressions shall have the meanings hereby respectively assigned to them, that is to say:  
"The Council" means the Rotherham Borough Council.  
"District" means the Borough of Rotherham.  
"Approval" means approved by the Council.  
"Hours of Darkness" has the meaning assigned to it by the Road Traffic Act 1972

#### Provisions regulating the manner in which the number of each hackney carriage corresponding with the number of its licence shall be displayed.

2. (a) The proprietor of a hackney carriage shall:
  - (i) cause the hackney carriage licence plate provided by the Council and showing the number of the licence granted to him in respect of the carriage to be affixed on the outside of the carriage in such position as the Council may require;
  - (ii) cause the number of the licence issued by the Council in respect of the vehicle to be shown on the statement of fare provided in pursuance of Byelaw No. 18.
- (b) A proprietor or driver of hackney carriage shall:
  - (i) not willfully or negligently cause or suffer any such number to be concealed from public view while the carriage is standing or plying for hire;
  - (ii) not cause or permit the carriage to stand or ply for hire with any such plate so defaced that any figure or material particular is illegible.

#### Provisions regulating how hackney carriages are to be furnished or provided.

3. The proprietor of a hackney carriage shall:
  - (a) provide sufficient means by which any person in the carriage may communicate with the driver;
  - (b) cause the roof or covering to be kept water-tight;
  - (c) provide any necessary windows and a means of opening and closing not less than one window on each side;
  - (d) cause the seats to be properly cushioned or covered
  - (e) cause the floor to be provided with a proper carpet, mat or other suitable covering;

- (f) cause the fittings and furniture generally to be kept in a clean condition, well maintained and in every way fit for public service;
  - (g) provide means for securing luggage if the carriage is so constructed to carry luggage;
  - (h) provide an efficient and approve fire extinguisher which shall be carried in such a position as to be readily available for use;
  - (i) provide at least two doors for the use of persons conveyed in such carriage and a separate means of ingress and egress for the driver;
  - (j) provide the carriage with a spare wheel and tyre in such a condition that is readily available for use in case of a puncture or damaged tyre or wheel, together with all the necessary tools and equipment for readily effecting the replacement.
4. (a) The proprietor of a hackney carriage shall cause the same to be provided with a taximeter so constructed attached and maintained as to comply with the following requirements, that is to say:
- (i) if the taximeter is fitted with a flag or other device bearing the words "FOR HIRE":
    - (a) the words "FOR HIRE" shall be exhibited on each side of the flag or other device in plain letters at least 1½ inches in height and the flag or other device shall be capable of being illuminated and of being locked in a position in which the words are horizontal and legible;
    - (b) when the flag or other device is so locked the machinery of the taximeter shall not be in action and the means of bringing it into action shall be by moving the flag or other device so that the words are not conveniently legible;
    - (c) when the flag or other device is so locked that the aforesaid words are horizontal and legible no fare shall be recorded on the face of the taximeter;
  - (ii) if the taximeter is not fitted with a flag or other device bearing the words "FOR HIRE":
    - (a) the taximeter shall be fitted with a key or other device the turning of which will bring machinery of the taximeter into action and cause the word "HIRED" to appear on the face of the taximeter;
    - (b) such a key or other device shall be capable of being locked in such a position that the machinery of the taximeter is not in action and no fare is recorded on the face of the taximeter;
  - (iii) when the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in figures clearly legible and free from ambiguity a fare not exceeding the rate or fare which the proprietor or driver is entitled to demand and take in pursuance of Byelaw No. 17 for the hire of the carriage by distance between the hours of 6.00 a.m. and midnight.
  - (iv) The word "FARE" shall be printed on the face of the taximeter in plain letters so as they clearly apply to the fare recorded thereon;
  - (v) The taximeter shall be so placed that all letters and figures on the face

thereof may be at all times plainly visible to any person being conveyed in the carriage and for that purpose the letters and figures shall be suitably illuminated during any period of hiring;

- (vi) The taximeter and all the fittings thereof shall be so affixed to the carriage with seals or other appliances that it shall not be practicable for any persons to tamper with them except by breaking damaging or permanently displacing the seals or other appliances.
- (b) The proprietor of a hackney carriage provided with a taximeter not fitted with a flag or other device bearing the words "FOR HIRE" shall cause the carriage to be provided with a sign so constructed as to comply with the following requirements, that is to say:
  - (i) the sign shall bear the words "FOR HIRE" in plain letters at least 1½ inches in height;
  - (ii) the sign shall be capable of being so operated that it indicates clearly and conveniently to persons outside the carriage whether or not the carriage is for hire and of being suitably illuminated.
- (c) The proprietor of a hackney carriage shall cause the carriage to be fitted with a "TAXI" sign which shall be of an approved type and shall be capable of being illuminated. The sign shall be attached to the carriage in an approved manner and shall display to the front of the carriage the word "TAXI" horizontally in letters not less than 2 inches high to proportionate width and the proprietor's trading name shall be suitably included.

Provisions regulating the conduct of the proprietors and drivers of hackney carriages plying within the district in their several employments and determining whether such drivers shall wear and what badges:

- 5. The driver of a hackney carriage shall:
  - (a) if the taximeter is fitted with a flag or other device bearing the words "FOR HIRE":
    - (i) when standing or plying for hire keep such flag or other device locked in the position in which the words are horizontal and legible;
    - (ii) as soon as the hirer enters the carriage, or at such earlier times as the hirer may agree, bring the machinery of the taximeter into action by moving the flags or other device so that the words are not conveniently legible and keep the machinery of the taximeter in action until the termination of the hiring;
  - (b) if the taximeter is not fitted with a flag or other device bearing the words "FOR HIRE":
    - (i) when standing or plying for hire keep the taximeter locked in position in which no fare is recorded on the face of the taximeter and operate the sign provided in pursuance of Byelaw No. 4 so that the words "FOR HIRE" are clearly and conveniently legible by persons outside the carriage;
    - (ii) as soon as the carriage is hired whether by distance or time, operate

- the said sign so that the words "FOR HIRE" are not conveniently legible by persons outside the carriage;
- (iii) as soon as the hirer enters the carriage, or at such earlier time as the hirer may agree, bring the machinery of the taximeter into action by moving the key or other device fitted for the purpose so that the word "HIRED" is legible on the face of the taximeter and keep the machinery of the taximeter in action until the termination of the hiring.
- (c) Cause the dial of the taximeter to be kept properly illuminated throughout any part of a hiring which is during the hours of darkness and also at any other time at the request of the hirer.
- (d) Cause the "TAXI" and "FOR HIRE" signs to be illuminated during the hours of darkness only when the carriage is standing or plying for hire within the district.
6. A proprietor or driver of a hackney carriage shall not tamper with or permit any person to tamper with any taximeter with which the carriage is provided, with the fittings thereof, or with the seals affixed thereto.
7. The driver of a hackney carriage shall, when plying for hire in any street and not actually hired:
- (a) proceed with reasonable speed to one of the stands fixed
  - (b) if a stand, at the time of his arrival, is occupied by the full number of carriages authorised to occupy it, proceed to another stand;
  - (c) on arriving at a stand not already occupied by the full number of carriages authorised to occupy it, station the carriage immediately behind the carriage or carriages on the stand and so as to face in the same direction;
  - (d) from time to time when any other carriage immediately in front is driven off or moved forward cause his carriage to be moved forward so as to fill the place previously occupied by the carriage driven off or moved forward.
8. A proprietor or driver of a hackney carriage, when standing or plying for hire shall not, by calling out or otherwise, importune any person to hire such carriage and shall not cause or procure any other person for the purpose.
9. (a) The driver of a hackney carriage shall behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.
- (b) The driver shall:
- (i) not without the express consent of the hirer smoke, drink or eat in the vehicle;
  - (ii) not without the express consent of the hirer play any radio or sound reproducing instrument or equipment in the vehicle other than for the purpose of sending or receiving messages in connection with the operation of the vehicle;
  - (iii) at no time cause or permit the noise emitted by any radio or other previously mentioned equipment in the vehicle to be a source of nuisance or annoyance to any person, whether inside or outside the vehicle.



10. The proprietor or driver of a hackney carriage who has agreed or has been hired to be in attendance with the carriage at an appointed time and place shall, unless delayed or prevented by some sufficient cause punctually attend with such carriage at such appointed time and place.
11. The driver of a hackney carriage when hired to drive to any particular destination shall, subject to any directions, given by the hirer, proceed to that destination by the shortest available route.
12. The driver of a hackney carriage shall at all times when standing or plying for hire have a completed copy of these byelaws available for production on demand by any person hiring the hackney carriage.
13. A proprietor or driver of a hackney carriage shall not convey or permit to be conveyed in such carriage any greater number of persons than the number of persons specified on the plate affixed to the outside of the carriage.

For the purposes of this Byelaw two children under the age of ten years shall be counted as one person and a child aged ten years or over shall be counted as one person.

Provided nevertheless that:

- (a) insofar as a vehicle licensed to carry not more than six persons is concerned;
  - (i) where a total of more than six children under the age of ten years are conveyed each child after the sixth shall be counted as one person;
  - (ii) up to two children under the age of one year may be disregarded in calculating the number of persons;
- (b) insofar as a vehicle licensed to carry more than six persons but not exceeding eight persons is concerned;
  - (i) where a total of more than six children under the age of ten years are conveyed each child after the sixth shall be counted as one person;
  - (ii) up to two children under the age of one year may be disregarded in calculating the number of persons.
  - (iii) the driver shall not allow to be conveyed in the front of a hackney carriage vehicle:
    - (a) any child below the age of ten years; or
    - (b) more than one person above that age unless there are sufficient seat belts to enable the carriage of one or more than one person.
  - (iv) the driver shall not, without the consent of the hirer of the vehicle, convey or permit to be conveyed any other person in that vehicle.
14. If a badge has been provided by the Council and delivered to the driver of a hackney carriage he shall, when standing or plying for hire, and when hired, wear that badge in such a position and manner as to be plainly visible.
15. The driver of a hackney carriage so constructed as to carry luggage shall, when requested by any person hiring or seeking to hire the carriage:
  - (a) convey a reasonable quantity of luggage;

- (b) afford reasonable assistance in loading and unloading;
- (c) afford reasonable assistance in removing it to or from the entrance of any building, station, or place at which he may take up or set down such person.

Provisions fixing the stands of hackney carriages.

16. Each of the several places specified in the following list shall be a stand for such number of hackney carriages as are specified in the list:
- (a) Howard Street (opposite to Station entrance)
  - (b) Bus Station (adjacent to service Road Effingham Square)
  - (c) Corporation Street (north side - adjacent to "The Ring Shop")
  - (d) Market Place (north side - near the junction of Market Place)  
(and Market Street and Corporation Street)

The following hackney carriage stands will operate between the hours of 10.00 p.m. and 6.00 a.m. only except for (g) which will operate between 11.00 p.m. and 6.00 a.m. only:

- (e) Drummond Street (Service Road)  
on the south-west side from a point 55 metres south-east from its south-eastern junction with Henry Street for a distance of approximately 30 metres in a south-easterly direction
- (f) Brinsworth Street
  - (i) on the west side a distance of 11 metres north of its junction with Pool Green roundabout for approximately 12 metres in a northerly direction.
  - (ii) on the west side a distance of 38 metres north of its junction with Pool Green roundabout for approximately 18 metres in a northerly direction.
- (g) Masbrough Street
  - (i) on the south side from a point 95 metres east of its eastern junction with Providence Street in an easterly direction for approximately 18 metres.
  - (ii) on the south side from a point 138 metres east of its junction with Providence Street in an easterly direction for approximately 6 metres.
- (h) Ship Hill  
south-west side - adjacent to Nightclub premises.

17. (a) The proprietor of a hackney carriage shall be entitled to demand and take for the hire of the carriage the rate of rate prescribed by the existing table the rate or fare being calculated by distance unless the hirer expresses at the commencement of the hiring his desire to engage by time provided always that where a hackney carriage furnished with a taximeter shall be hired by distance the proprietor or driver thereof shall not be entitled to demand or take a fare greater than that recorded on the face of the

taximeter save for any extra charge which is authorised by the existing table.

- (b) The driver shall, if requested by the hirer, provide him with a written receipt for the fare paid.

#### Fares for Distance

- (i) (ii) (iii) - Refer to table of fares currently in force.

For the purpose of the extra charges hereinbefore authorised the following days in each year are classified as Bank Holidays:

1. New Year's Day
2. Good Friday
3. Easter Monday
4. Spring Holiday
5. Late Summer Holiday
6. Christmas Day
7. Boxing Day

18. (a) The proprietor of a hackney carriage shall cause a statement of the fares fixed by the Byelaw No. 17 to be exhibited inside the carriage in clearly distinguishable letters and figures.
- (b) The proprietor or driver of a hackney carriage bearing a statement of fares in accordance with this Byelaw shall not wilfully or negligently cause or suffer the letters or figures in the statement to be concealed or rendered illegible at any time while the carriage is plying or being used for hire.

#### Provisions securing the safe custody and delivery of any property accidentally left in hackney carriages and fixing the charges to be made in respect thereof.

19. The proprietor or driver of a hackney carriage shall immediately after the termination of any hiring or as soon as practicable thereafter carefully search the carriage for any property which may have been accidentally left therein.
20. The proprietor or driver of a hackney carriage shall, if any property accidentally left therein by any person who may have been conveyed in the carriage be found by or handed to him:
- (a) carry it as soon as possible and in any event within forty-eight hours if not sooner claimed by or on behalf of its owner to the Police Office, Main Street, Rotherham and leave it in the custody of the officer in charge of the office on his giving a receipt for it;
- (b) be entitled to receive from any person to whom the property shall be redelivered an amount equal to five pence in the pound of its estimated value (or the fare for the distance from the place of finding to the Police Office whichever be the greater) but not more than five pounds.

### Penalties

21. Every person who shall offend against any of these byelaws shall be liable on summary conviction to a fine not exceeding twenty pounds and in the case of a continuing offence to a further fine not exceeding five pounds for each day during which the offence continues after conviction, therefore.

### Repeal of Byelaws

22. Byelaws: (a) Sealed - 14th July, 1977  
(b) Confirmed - 26th July, 1977  
(c) Operative from - 5th September, 1977

## **Appendix F**

### **Licensed Driver Dress Code**

1. The purpose of a driver's dress code is to seek a standard of dress that provides a positive image of the hackney carriage and private hire trade in Rotherham to enhance a professional image of licensed drivers and ensure that public and driver safety is not compromised.

#### **Acceptable Standard of Dress**

2. All clothing worn by the driver must be clean and in good condition, and the driver must have good standards of personal hygiene.

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

As a **minimum** standard, females should wear long legged trousers, knee length skirt or dress and a shirt / blouse which has a full body and short sleeves.

#### **Footwear**

3. Footwear for all drivers shall fit around the heel of the foot.

#### **Unacceptable Standard of Dress**

4. The following are deemed to be unacceptable:
  - (a) Clothing that is not kept in a clean condition, free from holes and rips.
  - (b) Words or graphics on any clothing that is of an offensive or suggestive nature or which might offend.
  - (c) Sportswear (e.g. football / rugby kits, track suits, beach wear etc).
  - (d) Sandals with no heel straps, flip flops or any other form of footwear not secured around the heel.
  - (e) Drivers not having either the top or bottom half of their bodies suitably clothed.
  - (f) The wearing of hoods or other clothing that obscures the drivers vision or their identity

## **Appendix G**

### **Code of Conduct when working with Vulnerable Passengers**

A vulnerable passenger is a passenger whose age or disability means that they are more susceptible to harm than a typical passenger. This may be a child, an elderly person or somebody with learning difficulties for example. In addition, an individual should be considered vulnerable if they do not fall within the description above, but their condition is such as to render them more susceptible to harm than may otherwise be the case (for example as a result of being under the influence of alcohol).

This code of conduct aims to promote good safeguarding practice for drivers and staff working with vulnerable passengers in the taxi or private hire trade. The following safeguarding principles should be embedded into driver working practice:

- Drivers must carry photo ID at all times and wear it in accordance with the conditions of licence.
- A vulnerable passenger must not be transported in the front passenger seat of the vehicle.
- The driver / operator must confirm that appropriate provision has been made for the vulnerable person prior to accepting the booking or commencing the journey. This does not necessarily mean that the driver / operator is responsible for the provision of appropriate measures, however if appropriate measures are not in place then the driver / operator must not undertake the journey.
- When making a journey with vulnerable passengers, photo-identification should be produced to the carer responsible for the vulnerable person. If necessary, the driver should obtain a record of the carer's contact details if there is no chaperone.
- If a vulnerable passenger is refused service, a responsible person should be informed so that alternative arrangements can be made. For example, this situation may arise if the customer has an assistance dog and the driver has a medical exemption granted by the Council.
- Drivers should always ask if a vulnerable passenger needs help and should not make assumptions.
- Drivers must remain professional at all times and should not:
  - Touch a person inappropriately
  - Make offensive or inappropriate comments (such as the use of swearing or sexualised or discriminatory language)

- Behave in a way that may make a passenger feel intimidated or threatened
- Attempt to misuse personal details obtained via the business about a person

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

- A log should be maintained by drivers when a service has been provided to a vulnerable passenger including the details of any incidents occurring/ actions taken, or refusals of service.
- Drivers and operators must remain alert to issues around the safeguarding of children and vulnerable adults. If a driver/ operator is concerned about the safety, welfare or behaviour of a vulnerable person, they should report this to the police by telephoning 101 (or in cases of an immediate emergency by calling 999).
- If a driver/ operator is concerned about someone else's conduct, they should report their concerns to the Council's licensing department (01709 823153), police (101) or Crimestoppers (0800 555111).

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## **Appendix H**

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

Applications for vehicle licences will only be accepted in relation to vehicles that comply with:

1. The Council's specification for private hire vehicles, or hackney carriages (as appropriate), and
2. The Council's Vehicle Age and Emissions Policy.

In making an application for a vehicle licence, applicants must submit the following:

- The vehicle application form;
- The appropriate fee;
- The original of the Vehicle Registration Document (Log Book/V5) certificate of registration for the vehicle (the new keeper's supplement section of the V5 document will be accepted in the case of vehicles that are not licensed at the time that the application is made, and the vehicle has recently been purchased by the applicant (documentary evidence will be required). Licences will not be renewed unless the full V5 document is made available to the council at the time of application);
- The original insurance certificate or insurance cover note for the vehicle (this document must be provided before the plate is issued to the applicant)
- Any vehicle not manufactured with European Whole Vehicle Type Approval will be required to undergo Single Vehicle Approval (SVA) testing and evidence of that testing and the vehicle having obtained SVA produced to the licensing office.

The vehicle must be submitted for examination at the Council's nominated inspection facility. This inspection will include an assessment of the vehicle's mechanical and aesthetic condition and will exceed the MOT standards set by the Driver and Vehicle Standards Agency. The inspection is intended to assess the vehicle for licensing suitability. The Council will not issue an MOT certificate for the vehicle; however a Certificate of Compliance will be incorporated into the vehicle licence.

All vehicles will be issued with a 12 month licence, and vehicles under the age of five years will be issued with a licence plate (and additional notices) showing the actual date of expiry.

Vehicle licences will be issued for a one year period, commencing on the date that the licence is issued. Vehicles older than 3 years old on the day that the licence is granted will be issued with a 12 month licence; however the licence plate will show an expiry date either six or four months after the date that the licence is issued. A further plate will be issued covering the remainder of the licence period once the

vehicle has been subjected to a vehicle inspection at the Council's appointed testing facility (commonly referred to as an intermediate test). A licensed vehicle cannot be subjected to an intermediate test more than 4 weeks before the expiry date on the licence plate.

**The person presenting the vehicle for inspection must submit to the vehicle inspector all necessary documents before the start of the vehicle examination.**

In addition to the above, all vehicles are subject to an HPI check to see whether it has previously been written off. A check is completed every time an application is made for the vehicle (grant and / or renewal) – the Council will not licence a vehicle if it has ever been written off by an insurance company (category A, B, C or D).

Once the vehicle has been inspected, the inspection facility will confirm to the Licensing Office that a licensing inspection has taken place and the result of that inspection. This may be done by supplying the vehicle proprietor and the Licensing Office with the appropriate confirmation documentation.

This documentation must indicate to the proprietor of the vehicle

- if the vehicle “passed” or “failed” the inspection,
- what point(s) the vehicle failed on (where a failure is given),
- if a re-test inspection is required, and in what time scale this must be done (i.e. Within 48 hours or within 7 days) and how a re-test may be booked

Where a vehicle fails an inspection, the inspector must supply the proprietor and Licensing Officer with sufficient documentation to indicate what faults exist on the vehicle and are required to be rectified to enable the vehicle to pass a re-test (including body damage / dents / scratches or damage to fabrics / missing plates, notices or door signs). This document must be supplied to the proprietor of the vehicle at the end of that test inspection.

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

## **Appendix I**

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

Licences will not normally be granted in respect of vehicles that were first registered (or, in the case of imported vehicles, manufactured) before 1<sup>st</sup> September 2015.

Furthermore, licences will not normally be renewed in respect of any licensed vehicle that was first registered (or, in the case of imported vehicles, manufactured) more than 10 years prior to the date that the renewed licence will take effect. This is however subject to the exemptions below:

- i. Vehicles that meet the Council's Enhanced Quality Standards (detailed below) must be aged under 15 years old on the date that the renewed licence would take effect.
- ii. Vehicles that meet the Council's Enhanced Quality Standards and are capable of carrying a passenger seated in a wheelchair must be aged under 18 years old on the date that the renewed licence would take effect.

### **Enhanced Quality Standards**

The Council is mindful that the structural integrity and physical appearance of vehicles can diminish as the vehicle ages, and this is particularly true in vehicles that have a high annual mileage (such as licensed vehicles). The Council undertakes periodic inspections of licensed vehicles in order to ensure their safety. However, it is possible that an older vehicle may comply with the test standards but its overall appearance and integrity will undermine the intentions of this policy.

The Council has therefore developed a number of "Enhanced Quality Standards" that are applicable to vehicles that are older than 10 years old on the date that a licence takes effect. All of these standards must be met in order for a vehicle older than 10 years old to be issued with a licence.

The Enhanced Quality Standards are:

- The vehicle must pass the Council's compliance test and be must free from minor issues at the time that the test is passed. A minor issue is one that on its own would not result in a test failure at that time, but in the opinion of the tester will require remedy before the next test in order to avoid becoming a failure item (advisory notes provided at the time of an MOT inspection are an example of a minor issue).
- The vehicle's emissions must comply with, or exceed, the Euro 6 emissions standard.
- The vehicles bodywork must be in a condition that does not adversely affect the overall appearance of the vehicle.
- The interior trim, panels, seating, carpets and upholstery are clean and free from any condition that would adversely affect the appearance of the vehicle interior.

Compliance with emissions requirements will be assessed with reference to the information detailed on the vehicle's V5 (logbook) and through emissions testing carried out at the Council's testing depot (including as part of the required compliance test).

The assessment of a vehicle against the Enhanced Quality Standards will primarily be carried out by the Council's authorised vehicle testers at the Council's testing depot, but may occasionally be carried out by other persons authorised to make the assessment on behalf of the Council (for example, Licensing Officers).

The exemptions detailed in paragraphs i) and ii) above will only apply whilst the vehicle meets or exceeds the enhanced quality standards. If a vehicle aged over 10 years is found (at any time) not to meet the Enhanced Quality Standards, then the licence on that vehicle will be immediately suspended until such time as the standards are met.

### **Exceptional Condition Criteria**

A vehicle may be considered for licensing beyond the age limits detailed above if it is in 'exceptional condition'. A vehicle will be considered to be in 'exceptional condition' if **all** of the following apply:

1. The vehicle must not have failed the Council's vehicle inspection (or standard MOT if the vehicle has not been licensed previously) on any significant item within the previous five years. For the purposes of this criteria, a significant item is defined as any item that would make the vehicle ineligible for a free partial retest had the item been identified as failing to meet the requirements during a standard MOT test.
2. The vehicle passes the Council's vehicle inspection.
3. The bodywork is in near perfect condition with no signs of panel age deterioration, dents, scratches, stone chips, or rust or any other abrasions that may detract from the overall appearance of the vehicle.
4. The general paint condition should show no signs of fading, dis-colouration or mismatching that may detract from the overall appearance of the vehicle.
5. The interior trim, panels, seating and carpets and upholstery are in excellent condition, clean and free from damage and dis-colouration.
6. The boot or luggage compartment is in good condition, clean and undamaged.
7. Passenger areas are free from damp or any other odours that may cause passenger discomfort.
8. The vehicle must be in excellent mechanical condition and in all respects safe and roadworthy, with no signs of corrosion to the mechanical parts, chassis, underside or bodywork.
9. The vehicle must have a full and complete service record to show that it has been properly serviced and maintained in accordance with the manufacturer's service specification. Stamps in a service book will only be accepted if the service was carried out by a member of a main dealer network or a recognised service scheme

(such as RAC, AA or Bosch). Where this is not the case, service history must be supported by additional documentation (such as invoices / receipts etc.).

## **Vehicle testing requirements**

All vehicles licensed by Rotherham MBC must meet the standards set out in Appendix N of this policy at all times.

Vehicle licence holders must make arrangements for the licensed vehicle to be presented at the Council's nominated testing facility according to the following frequencies:

- Vehicles aged under 5 years of age on the date that the licence takes effect must pass a compliance test before the licence is granted. This compliance test must have been passed a maximum of 4 weeks before the date that the licence takes effect.
- Vehicles aged between 5 and 7 years old on the date that the licence takes effect must pass a compliance test before the licence is granted. This compliance test must have been passed a maximum of 4 weeks before the date that the licence takes effect.

The vehicle must then pass a second compliance test which becomes due 6 months after the licence has taken effect. This test must be passed within a maximum of 4 weeks before the compliance test becomes due. A vehicle which has not passed the compliance test within 4 weeks from the date that the test becomes due will have its licence suspended until the test is passed.

- Vehicles aged over 7 years old on the date that the licence takes effect must pass a compliance test before the licence is granted. This compliance test must have been passed a maximum of 4 weeks before the date that the licence takes effect.

The vehicle must then pass a second compliance test which becomes due 4 months after the licence has taken effect, followed by a third test 4 months after that. These tests must be passed within a maximum of 4 weeks before each of the compliance tests becomes due. A vehicle which has not passed a compliance test within 4 weeks from the date that the test becomes due will have its licence suspended until the test is passed.

The arrangements for the booking of a compliance test must be made in accordance with the Council's process for the booking of vehicle tests (annual and intermediate tests).

The age of the vehicle on the date that licence takes effect will be calculated based on the date that the vehicle was registered, or in the case of imported vehicles, the date that the vehicle was manufactured.

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## **Appendix J**

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

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

##### **a. General Principles**

1. The vehicle must comply with all relevant statutory requirements contained in the Road Vehicles (Construction and Use) Regulations 1986.
2. The vehicle must meet the criteria set out in the Council's Vehicle Age and Emissions Policy.
3. The vehicle must have no material alteration or change in the specification, design, condition or appearance from time of manufacture of that vehicle (without written approval of the Council).
4. If the vehicle was originally constructed to seat more than 8 passengers (excluding the driver) it must not have been converted, modified or altered in any way which permanently allows it to carry eight or less passengers (excluding the driver) (unless notified to H.M. Customs and Excise immediately on completion of the conversion, modification or alteration).
5. The vehicle must have 4 road wheels and a minimum of 4 doors, 2 to each side of the vehicle. The vehicle must meet the approved manufacturer's method of dealing with punctured tyres. The number of doors in the case of vehicles to be licensed for less than 4 passengers this will be determined on its own merits.
6. The vehicle must be right hand drive. However, in certain circumstances a left hand drive may be considered suitable for licensing – this will be at the discretion of the council (and will include some limousines for example).
7. The vehicle must have sufficient seating capacity to carry a minimum of 4 and not more than 8 passengers. Except where application is made for a vehicle wishing to carry less than 4 passengers in which case its suitability to be licensed will be checked on its own merits.
8. In the case of MPVs where there is a rearmost row of seats and seats capable of being the rearmost seats e.g. fold away seats – these must be forward facing
9. The seating capacity will be determined by the Council based upon the manufacturer's specification as stated on the vehicle registration document, the orientation of the seating and the dimensions of the seating.
10. Each 400 millimetres of seat base will constitute a seat, (unless it is impossible for a person to sit there, e.g. due to no leg room.) All measurements are taken across the front of the seat cushion.

11. The seating must be capable of being configured to achieve 600 millimetres minimum leg room available to any passenger. The measurement will be taken from the base of the seat to the rear of the seat in front. Where there is no seat in front the measurement will be taken from the base of the seat to the nearest obstruction in front.
12. All seats within the vehicle, front and rear, must be fitted with working seatbelts.
13. The vehicle must, if using LPG as a fuel, either wholly or as an alternative means of propulsion, be appropriately and safely converted in line with regulations that are in force / applicable at the time of inspection. Where a doughnut tank is fitted in the boot for LPG the spare wheel if still carried in the boot must be properly secured. Alternately a spare wheel cage installed to manufacturers and British Standards may be fitted to the underside of the vehicle.
14. The vehicle must not have displayed on or from the vehicle any sign or notice, mark, or illumination which consists of or includes the word 'taxi' or 'cab' or leads a person to believe the vehicle is a hackney carriage.
15. The vehicle must not have any other feature which may suggest to a person seeking to hire a vehicle that the vehicle is a hackney carriage.
16. The vehicle must be in the colour it was originally manufactured, and no advertisement be displayed on the vehicle (without the written approval of the council in accordance with Appendix O).
17. The vehicle must have provided and maintained at all times safety equipment that will be, from time to time, specified by the Licensing Authority and detailed in the Private Hire Vehicle and Hackney Carriage examination and testing requirements (see Appendix N).
18. The Licensing Authority may, from time to time, make alterations to this specification to reflect changes in road vehicles regulations, manufacturing, and government guidance or conditions. Such changes will be notified as appropriate to proprietors.
19. In addition to the foregoing the proprietor / licensee is required to comply with statutory requirements and attention is drawn in particular to the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976.
20. The vehicle must not have sustained accident damage resulting in structural distortion beyond the accepted limits of the vehicle manufacturer, or, have been disposed of under an insurance salvage agreement (written off). An exemption may be applied to vehicles written off as Category N, provided that the vehicle was licensed at the time of the write off and has remained licensed since that time.

## **b. Wheelchair Facilities**

1. Suitable anchorages must be provided for the wheelchair and chair bound



disabled person. These anchorages must be either chassis or floor linked and be capable of withstanding stresses to a dynamic deceleration test of 15g peak at 20 m.p.h. Restraints for wheelchair and occupants must be independent of each other. Anchorages must also be provided for the safe stowage of a wheelchair when not in use, whether folded or otherwise, if carried within the passenger compartment. All anchorages and restraints must be so designed that they do not cause any danger to other passengers.

2. The door and doorway must be so constructed as to permit an unrestricted opening across the doorway of at least 75 cm. The minimum angle of the door when opened must be 90 degrees.
3. The clear height of the doorway must be not less than 120 cm.
4. Grab handles must be placed at door entrances to assist the elderly and disabled.
5. The top of the tread for any entrance must be at floor level of the passenger compartment and must not exceed 38 cm above ground level when the vehicle is unladen. The outer edge of the floor at each entrance must be fitted with non-slip treads.
6. The vertical distance between the highest part of the floor and the roof in the passenger compartment must be not less than 1.3 meters.
7. Where seats are placed facing each other, there must be a minimum space of 42.5 cm between any part of the front of a seat and any part of any other seat which faces it, provided adequate foot room is maintained at floor level. Where all seats are placed facing to the front of the vehicle, there must be a clear space of at least 66 cm in front of every part of each seat squab.
8. A ramp or ramps for the loading of a wheelchair and occupant must be available at all times for use at the nearside rear passenger door. An adequate locating device must be fitted to ensure that the ramp/ramps do not slip or tilt when in use. Provision must be made for the ramps to be stowed safely when not in use.

### **c. Passenger Capacity**

1. The occasional seats must be at least 40 cm in width and the minimum distance from the back of the upholstery to the front edge of the seat must be 35.5 cm.
2. The occasional seats must be so arranged as to rise automatically when not in use. They must be symmetrically placed and at least 4 cm apart. When not in use, front seats must not obstruct doorways.
3. The rear seat dimensions must be adequate to carry two or three adult passengers comfortably in vehicles licensed to carry four or five passengers respectively.
4. Suitable means must be provided to assist persons to rise from the rear seat with particular attention to the needs of the elderly and disabled.

#### **d. Driver's Compartment**

1. The driver's compartment must be so designed that the driver has adequate room, can easily reach and quickly operate the controls and give hand signals on the offside of the vehicle.
2. The controls must be so placed as to allow reasonable access to the driver's seat and, when centrally placed, must be properly protected from contact with luggage.
3. A serviceable device for demisting the windscreen must be fitted.
4. Every vehicle must be provided with an approved means of communication between the passenger and the driver. When a sliding window is fitted on the glazed partition, the maximum width of the opening must not exceed 11.5 cm.

## **Appendix K**

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

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

##### **a. General Principles**

1. The vehicle must comply with all relevant statutory requirements contained in the Road Vehicles (Construction and Use) Regulations 1986.
2. The vehicle must meet the criteria set out in the Council's Vehicle Age and Emissions Policy.
3. The vehicle must have no material alteration or change in the specification, design, condition or appearance from time of manufacture of that vehicle (without written approval of the Council).
4. If the vehicle was originally constructed to seat more than 8 passengers (excluding the driver) it must not have been converted, modified or altered in any way which permanently allows it to carry eight or less passengers (excluding the driver) (unless notified to H.M. Customs and Excise immediately on completion of the conversion, modification or alteration).
5. The vehicle must have 4 road wheels and a minimum of 4 doors, 2 to each side of the vehicle. The vehicle must meet the approved manufacturer's method of dealing with punctured tyres. The number of doors in the case of vehicles to be licensed for less than 4 passengers this will be determined on its own merits.
6. The vehicle must have sufficient seating capacity to carry a minimum of 4 and not more than 8 passengers. Except where application is made for a vehicle wishing to carry less than 4 passengers in which case its suitability to be licensed will be checked on its own merits.
7. In the case of MPVs where there is a rearmost row of seats and seats capable of being the rearmost seats e.g. fold away seats – these must be forward facing.
8. The seating capacity will be determined by the Council based upon the manufacturer's specification as stated on the vehicle registration document, the orientation of the seating and the dimensions of the seating.
9. Each 400 millimetres of seat base will constitute a seat, (unless it is impossible for a person to sit there, e.g. due to no leg room.) All measurements are taken across the front of the seat cushion.
10. The seating must be capable of being configured to achieve 600 millimetres minimum leg room available to any passenger. The measurement will be taken from the base of the seat to the rear of the seat in front. Where there is no seat

in front the measurement will be taken from the base of the seat to the nearest obstruction in front.

11. All seats within the vehicle, front and rear, must be fitted with working seatbelts.
12. The vehicle must, if using LPG as a fuel, either wholly or as an alternative means of propulsion, be appropriately and safely converted in line with regulations that are in force / applicable at the time of inspection. Where a doughnut tank is fitted in the boot for LPG the spare wheel if still carried in the boot must be properly secured. Alternately a spare wheel cage installed to manufacturers and British Standards may be fitted to the underside of the vehicle.
13. The vehicle must be white in colour. No advertisement is to be displayed on the vehicle without the written approval of the council in accordance with Appendix O.
14. The vehicle must always have provided and maintained safety equipment that will be, from time to time, specified by the Licensing Authority and detailed in the Private Hire Vehicle and Hackney Carriage examination and testing requirements (see Appendix N).
15. The Licensing Authority may, from time to time, make alterations to this specification to reflect changes in road vehicles regulations, manufacturing, and government guidance or conditions. Such changes will be notified as appropriate to proprietors.
16. In addition to the foregoing the proprietor / licensee is required to comply with statutory requirements and attention is drawn in particular to the provisions of the Town Police Clauses Act 1847 and Part II of the Local Government (Miscellaneous Provisions) Act 1976.
17. The vehicle must not have sustained accident damage resulting in structural distortion beyond the accepted limits of the vehicle manufacturer, or, have been disposed of under an insurance salvage agreement (written off). An exemption may be applied to vehicles written off as Category N, provided that the vehicle was licensed at the time of the write off and has remained licensed since that time.

#### **b. Wheelchair Facilities**

1. Suitable anchorages must be provided for the wheelchair and chair bound disabled person. These anchorages must be either chassis or floor linked and be capable of withstanding stresses to a dynamic deceleration test of 15g peak at 20 m.p.h. Restraints for wheelchair and occupant must be independent of each other. Anchorages must also be provided for the safe stowage of a wheelchair when not in use, whether folded or otherwise, if carried within the passenger compartment. All anchorages and restraints must be so designed that they do not cause any danger to other passengers.
2. The door and doorway must be so constructed as to permit an unrestricted

opening across the doorway of at least 75 cm. The minimum angle of the door when opened must be 90 degrees.

3. The clear height of the doorway must be not less than 120 cm.
4. Grab handles must be placed at door entrances to assist the elderly and disabled.
5. The top of the tread for any entrance must be at floor level of the passenger compartment and must not exceed 38 cm above ground level when the vehicle is unladen. The outer edge of the floor at each entrance must be fitted with non-slip treads.
6. The vertical distance between the highest part of the floor and the roof in the passenger compartment must be not less than 1.3 meters.
7. Where seats are placed facing each other, there must be a minimum space of 42.5 cm between any part of the front of a seat and any part of any other seat which faces it, provided adequate foot room is maintained at floor level. Where all seats are placed facing to the front of the vehicle, there must be a clear space of at least 66 cm in front of every part of each seat squab.
8. A ramp or ramps for the loading of a wheelchair and occupant must be available at all times for use at the nearside rear passenger door. An adequate locating device must be fitted to ensure that the ramp/ramps do not slip or tilt when in use. Provision must be made for the ramps to be stowed safely when not in use.

#### **c. Passenger Capacity**

1. The occasional seats must be at least 40 cm in width and the minimum distance from the back of the upholstery to the front edge of the seat must be 35.5 cm.
2. The occasional seats must be so arranged as to rise automatically when not in use. They must be symmetrically placed and at least 4 cm apart. When not in use, front seats must not obstruct doorways.
3. The rear seat dimensions must be adequate to carry two or three adult passengers comfortably in vehicles licensed to carry four or five passengers respectively.
4. Suitable means must be provided to assist persons to rise from the rear seat with particular attention to the needs of the elderly and disabled.

#### **d. Driver's Compartment**

1. The driver's compartment must be so designed that the driver has adequate room, can easily reach and quickly operate the controls and give hand signals on the offside of the vehicle.
2. The controls must be so placed as to allow reasonable access to the driver's seat and, when centrally placed, must be properly protected from contact with luggage.
3. A serviceable device for demisting the windscreen must be fitted.
4. Every vehicle must be provided with an approved means of communication between the passenger and the driver. When a sliding window is fitted on the glazed partition, the maximum width of the opening must not exceed 11.5 cm.

## **Appendix L**

### **Private Hire Vehicle Conditions**

#### **Section 48 Local Government (Miscellaneous Provisions) Act 1976**

##### **1 Vehicle Type and Design**

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

##### **2 Liquefied Petroleum Gas (LPG)**

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

##### **3 General Condition, Cleanliness and Appearance of Vehicle**

- a. Every vehicle must be maintained in a safe and clean condition at all times and is subject to such examinations as are required by the Council.
- b. Seats must still be fully 'sprung', free of stains, tears, cigarette burns or repair, and not threadbare. Floor coverings must not be unduly worn and present no trip hazards. Household carpeting or similar is unacceptable and must not be used. Upholstery (headlining and side panel coverings) must be free of ingrained grime, fractures and maintained in the manufacturers original style.

- c. Luggage and storage areas must be kept as free space for passenger's luggage.
- d. If at any time the vehicle is involved in an accident, however minor, the driver must inform the Council of this fact as soon as possible and in any event within 1 working day as described in Appendix D of this policy. An accident record form must be completed and submitted to the Council as described in Appendix D.
- e. The vehicle must be presented for inspection at the Council's authorised testing station as soon as possible after the accident has taken place. The appointment will be arranged by the Council following receipt of the accident notification who will notify the vehicle proprietor of the date and time. Failure to present the vehicle for the appointment may result in the vehicle's licence being suspended until such time as the vehicle is presented for examination.
- f. If the vehicle is so damaged that it cannot be driven, then the vehicle proprietor must inform the Council of this fact. The Council will then advise the proprietor of the action to be taken. In such cases the proprietor is advised to take photographic evidence of the vehicle's condition that clearly illustrates the reasons why the vehicle cannot be driven / presented for examination.
- g. All repairs must be carried out without undue delay and the Council may require the vehicle to be inspected by the Council's examiners once repairs have been made.
- h. Bodywork must be maintained to a good condition; paintwork must be sound, well maintained and free of corrosion, inferior re-spray work or 'cover up' temporary repairs.
- i. The proprietor/driver employed to drive the vehicle must ensure that the licensed vehicle has a daily safety check. As a minimum this must be a visual check on all lights, oil, water, tyres, mirrors and seat belts. A written record must be made of each safety check, details of faults recorded, and remedial action taken. The record must be signed by the person undertaking the safety checks and kept in the vehicle for a minimum of 30 days and then for a further six months by the proprietor.
- j. On being so required by a Police Officer or Authorised Officer or Vehicle Examiner the driver must produce, to that officer, the recorded daily checks kept in the vehicle and the proprietor, on request by that officer, must produce those recorded checks in his possession and/or those kept in the vehicle.



#### **4 Vehicle Signage and Markings**

- a. The following must be in place at all times, except when the vehicle is parked outside the registered, permanent home address of the driver.
  - i. A licence plate securely affixed to the rear of the vehicle, in a holder supplied by the Council.
  - ii. A sign / notice securely affixed to each front door of the vehicle.
  - iii. A notice permanently fixed to the interior glazed surface of the quarter light of both rear doors so that the contents of the notice are visible from both the outside and inside of the vehicle.
  - iv. A notice permanently fixed to the interior glazed surface of the front windscreen so that the contents of the notice are visible from the outside of the vehicle.
  - v. A notice on the dashboard, clearly visible from the passenger all seats and passenger compartment, identifying the current driver of the vehicle, as prescribed by the Council.
  - vi. A notice which clearly alerts passengers to the presence of an audio activation button within the vehicle and details the steps required for activation, and the reasons why audio may be activated within the vehicle.
- b. Requirements iii, iv, and vi must be permanently affixed to the interior of the vehicle at all times.
- c. Requirement v must be securely affixed to a holder prescribed by the Council at any time when the vehicle is being used as a licensed vehicle.
- d. No other signs, notices, advertisements, plates, marks, numbers, letters, figures, symbols, emblems or devices whatsoever shall be displayed on, in or from the vehicles except as may be required by any statutory provision, except for when a taximeter is fitted to the vehicle.
- e. In certain circumstances (such as in cases of executive hire), the Council will permit a deviation from these conditions. A request for such a deviation will need to be made in writing to the Council and will be determined by the Licensing Board.
- f. A private hire vehicle must not display:
  - i. Any notice which consists of, or includes the word 'taxi' or 'cab' whether singular or plural; or 'for hire' or any word of similar meaning or appearance to any of those words whether alone or as part of another word; or
  - ii. any sign, notice, mark, illumination or other feature which, having regard to that time and place at which it is displayed, may suggest to a person seeking to hire a taxi that the vehicle is a taxi.

## **5 Equipment and Fittings**

- a. The vehicle and all fittings and equipment must, at all times when the vehicle is in use or available for hire, be kept in an efficient, safe, tidy and clean condition and all relevant statutory requirements must be fully complied with.
- b. There must be provided and maintained in the vehicle at all times when it is in use or available for hire a suitable fire extinguisher of a make and type suitable for use on a motor vehicle and approved by the Council, i.e. 2.0kgs dry powder or 2.0 litre AFFF (Aqueous Film Forming Foam). All fire extinguishers must be fitted with a gauge. Such fire extinguisher shall be fitted in a bracket in such a position in the vehicle as to be readily available for immediate use in an emergency. The extinguisher must be checked every 12 months by a competent person to check that 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 as to be readily available for immediate use in an emergency.
- e. The registration number of the vehicle must be permanently and legibly marked on the first aid kit.
- f. If a Driver Safety Shield is fitted (either before the licence has been granted or during the currency of the licence) the following applies:
  - i. It will be of a make, type and design previously approved by Authorised Officers of the Council (for fittings during the licence);
  - ii. it must not be changed in any way from its original design and must remain free of damage;

- iii it must remain clear and translucent; free of scratches, clouding or stickers which would impede the driver's or passenger's visibility;
  - iv it must not impede entry and egress or present a trip hazard to passengers using the vehicle; and
  - v the installation and continued subsequent maintenance must be in accordance with manufacturer's specifications and recommendations.
- g. Taxi camera equipment, capable of recording both audio and video, must be installed in all licensed vehicles. The system must meet or exceed the Council's specification for taxi camera systems and must be operational at all times that the vehicle is being used as a licensed vehicle (i.e. for the carriage of fare paying passengers). The system does not need to be operational during other times (for example when being used for domestic purposes).
- h. Video recording must be active at all times. Audio recording must be active whenever an unaccompanied child (i.e. under 18) or vulnerable adult is being carried in the vehicle.
- i. In addition, audio recording must be activated by the driver at any time where the driver and customer are involved in a dispute or the driver feels threatened by the behaviour of a passenger.
- j. In addition, the following provisions apply to the taxi camera system:
  - i It must be of a make, type and design previously approved by the Council;
  - ii it must not be changed in any way from its original design, be free of damage and maintained in working condition;
  - iii The vehicle must carry appropriate signs, approved by the Council, informing the public that camera surveillance is active in the vehicle.
  - iv The recording system and hard drive (or other image memory recording system) must be securely stored within the vehicle and away from public access.
  - v Installation and maintenance must be in accordance with manufacturer's specifications and recommendations.
  - vi The images contained in the recording device can only be downloaded by an Authorised Officer of the Council or Police Officer as data controllers under legislation.
- k. All audio equipment must be factory fitted as original standard equipment, or a factory fitted optional upgrade. No additional audio equipment e.g. Boom Boxes in boots / additional speakers are allowed to be fitted in and

connected to the vehicle.

## **6 Meters, Fares and Farecards**

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

## **7 Seats and Passengers**

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

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

- a All passengers must have access to at least two side doors, one of which must be on the nearside of the vehicle.

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

## **9 Passengers with a requirement for wheelchair accessibility**

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

## **10 Communication equipment**

- a. Radio communication equipment licensed by the Department for Business, Energy and Industrial Strategy (BEIS) may be fitted for use in connection with the Private Hire Operator's base station. Where fitted it must be in a manner approved by the Council. Citizen Band Radio, or similar non-commercial radio capable of both sending and receiving messages which are not licensed by the Department for BEIS cannot be installed in any licensed vehicle. The use of scanner equipment is also prohibited.
- b. Equipment fitted for the use of the driver to receive information on bookings must be fitted securely in the vehicle and in a manner, which does not obstruct the view of the driver through the windscreen. Any wires used for connection of the equipment must not be left in a dangerous manner.

## **11 Drivers**

- a. Any person who drives the vehicle for any purpose must hold a private hire drivers licence issued by the Council, even when the vehicle is not being used for booked journeys. Each proprietor must, before a driver commences to drive the vehicle, satisfy him/herself that the driver holds a valid private hire drivers licence.

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

## **12 Insurance and Insurance Cover**

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

insurance effected by the policyholder is nevertheless fully effective for private hire purposes.

### **13 Convictions**

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

### **14 Transfer of licence and control of vehicle**

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

### **15 Change of address**

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

### **16 Change of operator**

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

### **17 Requirements to undertake additional tests**

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

## **Notes**

- i** These conditions should be read in conjunction with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976.

- ii** Any person who commits an offence against any of the provisions of the Act pursuant to Section 76 may be liable on summary conviction to a fine not exceeding Level 3 on the standard scale. The licence holder(s) should ensure compliance at all times as the proprietor(s) stated on the vehicle licence will be the person(s) against whom the Council will ordinarily proceed for any offence or mis-demeanour.

- iii** **Health and Safety of Passengers (Duty of Care)**

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

- iv** **Cautionary Advice**

You are strongly advised not to purchase a vehicle or any equipment or fittings, without first reading the Council's policy and preconditions to the grant of a licence and also these conditions. If in doubt about any aspect you should make an appointment with the Vehicle Examiner at the Council's appointed testing centre. Licensing administration staff are not qualified to make technical assessments and are under instruction not to offer such advice. If a vehicle does not meet the conditions, it is unlikely that a licence will be granted.

- v** A licence will not be granted to a vehicle if it has sustained accident damage resulting in structural distortion beyond the accepted limits of the vehicle manufacturer, or, has been disposed of under an insurance salvage agreement (any category).



## **Appendix M**

### **Hackney Carriage Vehicle Conditions**

#### **Section 48 Local Government (Miscellaneous Provisions) Act 1976**

##### **1. Vehicle Type and Design**

- a. The vehicle and all its fittings and equipment must at all times when the vehicle is in use or available for hire, be kept in an efficient, safe, tidy and clean condition in accordance with Bye-law No. 3 and all relevant statutory requirements (including in particular those contained in Road Vehicles (Construction and Use) Regulations 1986 must be fully complied with.
- b. No material alteration or change in the specification, design, condition or appearance of the vehicle must be made subsequent to the inspection of the vehicle by the Council at any time while the licence is in force and at all times the vehicle shall comply with the specifications of the Council for a licensed hackney carriage. (Vehicles which have been modified in any way from the manufacturer's standard of construction may not be considered suitable for licensing purposes depending upon the nature of modification).
- c. All glazing must at all times comply with Road Vehicles (Construction and Use) Regulations 1986 regulation 32 with regards to the level of tint. A minimum light transmission value of 70% shall be maintained in all windows except a windscreen, which shall have a minimum light transmission value of 75%. Tinted films applied to the vehicle windows are not permitted.

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

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

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

- a. Every vehicle must be maintained in a safe and clean condition at all times and is subject to such examinations as are required by the Council.
- b. Seats must still be fully 'sprung', free of stains, tears, cigarette burns or repair, and not threadbare. Floor coverings must not be unduly worn and present no trip hazards. Household carpeting or similar is unacceptable and must not be used. Upholstery (headlining and side panel coverings)

must be free of ingrained grime, fractures and maintained in the manufacturers original style.

- c. Luggage and storage areas must be kept as free space for passenger's luggage.
- d. If at any time the vehicle is involved in an accident, however minor, the driver must inform the Council of this fact as soon as possible and in any event within 1 working day as described in Appendix D of this policy. An accident record form must be completed and submitted to the Council as described in Appendix D.
- e. The vehicle must be presented for inspection at the Council's authorised testing station as soon as possible after the accident has taken place. The appointment will be arranged by the Council following receipt of the accident notification who will notify the vehicle proprietor of the date and time. Failure to present the vehicle for the appointment may result in the vehicle's licence being suspended until such time as the vehicle is presented for examination.
- f. If the vehicle is so damaged that it cannot be driven, then the vehicle proprietor must inform the Council of this fact. The Council will then advise the proprietor of the action to be taken. In such cases the proprietor is advised to take photographic evidence of the vehicle's condition that clearly illustrates the reasons why the vehicle cannot be driven / presented for examination.
- g. All repairs must be carried out without undue delay and the Council may require the vehicle to be inspected by the Councils examiners once repairs have been made.
- h. Bodywork must be maintained to a good condition; paintwork must be sound, well maintained and free of corrosion, inferior re-spray work or 'cover up' temporary repairs.
- i. The proprietor/ driver employed to drive the vehicle must ensure that the licensed vehicle has a daily safety check. As a minimum this must be a visual check on all lights, oil, water, tyres, mirrors and seat belts. A written record must be made of each safety check, details of faults recorded and remedial action taken. The record must be signed by the person undertaking the safety checks and kept in the vehicle for a minimum of 30 days and then for a further six months by the proprietor.
- j. On being so required by a Police Officer or Authorised Officer or Vehicle Examiner the driver must produce, to that officer, the recorded daily checks kept in the vehicle and the proprietor, on request by that officer, must produce those recorded checks in his possession and/or those kept in the vehicle.

#### **4. Vehicle Signage and Markings**

- a. The following must be in place at all times, except when the vehicle is parked outside the registered, permanent home address of the driver.
  - vii A licence plate securely affixed to the rear of the vehicle, in a holder supplied by the Council.
  - viii A sign / notice securely affixed to each front door of the vehicle.
  - ix A notice permanently fixed to the interior glazed surface of the quarter light of both rear doors so that the contents of the notice are visible from both the outside and inside of the vehicle.
  - x 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.
  - xi A notice on the dashboard, clearly visible from the passenger all seats and passenger compartment, identifying the current driver of the vehicle, as prescribed by the Council.
  - xii 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.
- b. Requirements iii, iv, and vi must be permanently affixed to the interior of the vehicle at all times.
- c. Requirement v must be securely affixed to a holder prescribed by the Council at any time when the vehicle is being used as a licensed vehicle.
- d. No other signs, notices, advertisements, plates, marks, numbers, letters, figures, symbols, emblems or devices whatsoever shall be displayed on, in or from the vehicles except as may be required by any statutory provision, except for when a taximeter is fitted to the vehicle.
- e. In certain circumstances (such as in cases of executive hire), the Council will permit a deviation from these conditions. A request for such a deviation will need to be made in writing to the Council and will be determined by the Licensing Board.
- f. A private hire vehicle must not display:
  - i Any notice which consists of, or includes the word 'taxi' or 'cab' whether singular or plural; or 'for hire' or any word of similar meaning or appearance to any of those words whether alone or as part of another word; or
  - ii any sign, notice, mark, illumination or other feature which, having regard to that time and place at which it is displayed, may suggest to a person seeking to hire a taxi that the vehicle is a taxi.

## **5. Equipment and fittings**

- a. The vehicle and all fittings and equipment must, at all times when the vehicle is in use or available for hire, be kept in an safe, tidy and clean condition and relevant statutory requirements must be complied with.
- b. There must be provided and maintained in the vehicle at all times when it is in use or available for hire a suitable efficient fire extinguisher of a make and type suitable for use on a motor vehicle and approved by the Council, i.e. 2.0kgs dry powder or 2.0 litre AFFF (Aqueous Film Forming Foam). All fire extinguishers must be fitted with a gauge. Such fire extinguisher shall be fitted in a bracket in such a position in the vehicle as to be readily available for immediate use in an emergency. The extinguisher must be checked every 12 months by a competent person to check that is still in working order and the certificate of inspection must be retained by the vehicle proprietor for at least 12 months.
- c. The registration number of the vehicle must be permanently and legibly marked on the extinguisher.
- d. There must be provided and maintained in the vehicle at all times when it is in use or available for hire a suitable and comprehensive first aid kit of a type that meets the requirements of British Standard BS8599-2 (medium sized kit). Such kit must be kept in such a position so as to be readily available for immediate use in an emergency.
- e. The registration number of the vehicle must be permanently and legibly marked on the first aid kit.
- f. If a Driver Safety Shield is fitted (either before the licence has been granted or during the currency of the licence) the following applies:
  - i It will be of a make, type and design previously approved by Authorised Officers of the Council (for fittings during the licence);
  - ii it must not be changed in any way from its original design and must remain free of damage;
  - iii it must remain clear and translucent; free of scratches, clouding or stickers which would impede the drivers or passengers visibility;
  - iv it must not impede entry and egress or present a trip hazard to passengers using the vehicle; and
  - v the Installation and continued subsequent maintenance must be in accordance with manufacturer's specifications and recommendations.
- g. All audio equipment must be factory fitted as original standard equipment, or a factory fitted optional upgrade. No additional audio equipment e.g. Boom Boxes in boots / additional speakers are allowed to be fitted in and connected to the vehicle.

- e. 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.
- f. 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.
- g. 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.
- h. All audio equipment must be factory fitted as original standard equipment, or a factory fitted optional upgrade. No additional audio equipment e.g. Boom Boxes in boots / additional speakers are allowed to be fitted in and connected to the vehicle.

## **6. Meters, fares and farecards**

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

- c. If a fare has not been agreed between the driver (or operator) and the customer, then the fare charged must be that which is shown on the meter. A statement to this effect must be made on the notice referred to in b. above.

## **7. Seats and passengers**

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

## **8. Vehicles with third row of seats**

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

## **9. Passengers with a requirement for wheelchair accessibility**

- a. Passengers who require travel and are within a wheelchair must face either forward or rearward to the direction of travel. Rearward facing wheelchairs must be appropriately secured against a bulkhead. Occupied wheelchairs must be restrained by a suitable method.

- b. A full static harness or a lap and diagonal inertia-reel belt must be available for each wheelchair passenger. Whichever type of restraint is used must engage into the same floor tracking as the wheelchair restraints or other system as approved by the Council. Such equipment must be fully adjustable for the safety and comfort of the wheelchair passenger and capable of quick release in an emergency situation.

## **10. Communication equipment**

- a. Radio communication equipment licensed by the Department for Business, Energy and Industrial Strategy (BEIS) may be fitted for use in connection with the Private Hire Operator's base station. Where fitted it must be in a manner approved by the Council. Citizen Band Radio, or similar non-commercial radio capable of both sending and receiving messages which are not licensed by the Department for BEIS cannot be installed in any licensed vehicle. The use of scanner equipment is also prohibited.
- b. Equipment fitted for the use of the driver to receive information on bookings must be fitted securely in the vehicle and in a manner which does not obstruct the view of the driver through the windscreen. Any wires used for connection of the equipment must not be left in a dangerous manner.

## **11. Drivers**

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

of every driver of the hackney carriage detailed in this licence:

- i. the name and address and date of birth of the driver of the vehicle;
  - ii. the number and date of expiry of every licence issued in respect of the driver under Section 51 of the Local Government (Miscellaneous Provisions) Act 1976 during such time as the driver is driving the vehicle.
  - iii. the date on which the driver commenced driving the vehicle;
  - iv. the date on which the driver ceased driving the vehicle.
- f. The proprietor must keep the records prescribed above for a period of two years from the date on which the driver first commenced driving the vehicle. These records must be made available upon request to any Police Officer and/or Authorised Officer of the Council.

## **12. Insurance and Insurance Cover**

- a. At all times, the proprietor must, during the period of this licence:
- i. keep in force in relation to the use of the vehicle as a hackney carriage vehicle a policy of insurance complying with the requirements of Part VI of the Road Traffic Act 1988.
  - ii. On being so required by an authorised officer, produce for examination at the Licensing Office within seven days of such request, the certificate of insurance issued by an insurer in respect of the vehicle for the purpose of Part VI of the Road Traffic Act 1988.
- b. Failure to comply with this condition may result in the suspension of the vehicle licence.

## **13. Convictions**

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

## **14. Transfer of Licence**

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



hackney carriage has been transferred.

**15. Change of address**

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

**16. Requirements to undertake additional tests**

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

**17. Advertisements**

- a. Advertisements may be displayed on the vehicle, provided that:
  - i. the advertisement is in accordance with the Council's published conditions in relation advertisements on vehicles, and
  - ii. the Council has provided written approval for the advertisement to be displayed.
- b. The hackney carriage proprietor submitting any advertisement for approval must pay an appropriate fee to cover the cost of the administration involved.

**18. Colour**

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

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

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## **Appendix N**

### **Requirements for Vehicle Examination**

<b><u>SECTION 1 - Vehicle conformance to standards set by RMBC</u></b>		
<b>Testable Items</b>	<b>Reason for Failure</b>	<b>Additional Information</b>
<u>Ensure that:</u>		
1. The vehicle is fitted with a minimum of 4 road wheels and 4 doors (excluding boot doors). <b><i>Unless the vehicle is to be licensed for less than 4 passengers where the number of doors maybe less.</i></b>	1. The vehicle is fitted with fewer than 4 road wheels and 4 doors (excluding boot doors).	Check to ensure that the vehicle satisfies detailed conformance requirements.  Acceptable certification will include certificates issued by recognised converters.
2. The vehicle must comply at all times with the relevant sections of the Road Traffic Act, Construction and Use Regulations and Road Vehicles Lighting Regulations that may apply.	2. The vehicle fails to comply with either, the Road Traffic Act, Construction and Use Regulations or Road Vehicles Lighting Regulations.	Items not detailed within the MOT testing manual but required for licensing standards of fitness reasons are listed in this document or the main policy document.
3. The vehicle satisfies Motor Vehicle Type Approval Regulations, or European Whole Vehicle Type Approval Regulations, or a Minister's Approval Certificate is in force for the vehicle or the vehicle is a historic vehicle.	3. The vehicle <u>fails</u> to satisfy either Motor Vehicle Type Approval Regulations, or European Whole Vehicle Type Approval regulations, or there is no evidence that a Minister's Approval certificate is in force and the vehicle is not a historic vehicle.	The V5 must show that the vehicle is registered with the DVLA, or a Single Vehicle Approval Certificate or Minister's Approval Certificate is presented if required this checking purpose.
4. The vehicle will be tested in accordance with the applicable parts of the DVSA (formerly VOSA) MOT Testing Manual for Class 3, 4, 5 and 7 vehicles. The vehicle must meet or exceed the standards detailed in the manual.	4. The vehicle <u>fails</u> to satisfy the applicable standards as detailed in the MOT Testing Manual.	
5. The vehicle will also be examined to verify that it meets the additional requirements set out within this document are met (as applicable).	5. The vehicle <u>fails</u> to meet any of the applicable requirements as detailed in this document.	

<p>6. Where the vehicle has been converted, including stretched limousines, ensure that the conversion is certified.</p> <p>7. Any modification or conversion to the vehicle's braking system, steering, engine, transmission, fuel system (inc. LPG), suspension or lighting is supported by certification from an appropriate agency.</p> <p>8. The vehicle complies with all the vehicle specifications laid out in the Specification of vehicle type's document.</p> <p>9. All tyres fitted to the vehicle must be fit for purpose, inflated to the correct pressure and have a tread depth of at least 2.0 mm throughout a continuous band in the centre 3/4 of the tread and around the entire circumference of the tyre.</p> <p>10. The vehicle must be fitted with a fully operational taxi camera system approved by the council and appropriately installed in accordance with the manufacturer's instructions.</p>	<p>6. A conversion is not supported by an appropriate certificate and an exemption has not been granted by the Licensing Authority.</p> <p>7. A modification or conversion to the vehicle's braking system, steering, engine, transmission, fuel system, suspension or lighting is not supported by a certificate from an appropriate agency or by written exemption granted by the Licensing Authority.</p> <p>8. The vehicle fails to comply with the vehicle specifications set out by the council.</p> <p>9. The tyres fail to conform to the standard set by the council.</p> <p>10. The vehicle is not fitted with an appropriate taxi camera system, or it is not installed / functioning as required by the manufacturer / council.</p>	
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**SECTION 2 – Vehicle Identification Number (VIN)**

<b>Testable Items</b>	<b>Reason for Failure</b>	<b>Additional Information</b>
Ensure that:  1. The VIN plate is accessible.  2. The VIN plate is fitted to the vehicle.  3. The VIN plate has not been tampered with.  4. The VIN plate is consistent with any other documentation presented.  5. All information and vehicle details are clear and legible.	1. The VIN plate is not accessible as appropriate to the vehicle type.  2. The VIN plate is not fitted to the vehicle.  3. The VIN plate has been tampered with.  4. The VIN plate is not consistent with any other documentation presented.  5. Information and vehicle details are not clear and/or not legible	Visually check for any obvious sign of defect, damage, replacement or alteration.  Report any suspicious VIN identification to the appropriate authority (i.e. Police, VOSA, DVLA)  Note: VIN plates may be located in engine compartments, dash boards or other locations depending on vehicle manufacturers.  Visually check all excise licence details.

### **SECTION 3 – Top Side / External Body Inspection**

<b>Testable Items</b>	<b>Reason for Failure</b>	<b>Additional Information</b>
<p>Ensure that:</p> <ol style="list-style-type: none"> <li>1. There is no evidence of significant damage to the external body panels.</li> <li>2. Ensure that where there is only one passenger door that door is on the nearside (kerbside) of the vehicle.</li> <li>3. There is no evidence of crudely repaired or, insecure body panels. (visual examination).</li> <li>4. That there is no evidence of significant rusting and/or corrosion.</li> <li>5. The paintwork is finished and presents a satisfactory appearance (visual examination).</li> <li>6. Any additional lighting is secure and complies with lighting regulations.</li> <li>7. Any exterior alteration or modification has been approved.</li> <li>8. All windows are clean, undamaged and free from unapproved advertising medium.</li> <li>9. There is sufficient space to affix the licence identifiers to the front and rear windscreens and that there is no material present that would prevent the discs being affixed directly to the screens.</li> </ol>	<ol style="list-style-type: none"> <li>1. There is evidence of significant damage to the external body panels.</li> <li>2. Single passenger door is not on the nearside (roadside) of the vehicle.</li> <li>3. There is evidence of crudely repaired or insecure body panels.</li> <li>4. There is evidence of significant rusting and/or corrosion.</li> <li>5. Paintwork is poor and presents an unsatisfactory appearance making the vehicle unsuitable for use.</li> <li>6. Additional lighting does not comply with lighting regulations.</li> <li>7. The exterior alteration or modification is not approved and/or presents a safety hazard.</li> <li>8. The windows are soiled /dirty, damaged or contain unapproved advertising.</li> <li>9. There is insufficient space to affix the licence identifiers (RMBC disks) to the front windscreens and/or there is material present that would prevent the discs being affixed directly to the</li> </ol>	<p>Significant means:</p> <p>One or more body panels having sustained disproportionate amount of damage and/or poses a potential risk to the passengers, driver or other road users.</p> <p>Visual inspection of all body panels.</p> <p>Satisfactory appearance means:</p> <p>No panel should show the base primer, should not show signs of body filler and should not be dull in appearance. I.e. there must be a reasonable sheen.</p> <p>Do not attempt to make holes in the body work or enlarge any hole that already exists.</p> <p>Ensure that the discs can be mounted in accordance with the PHV regs. and that affixing the discs will not cover any safety notice such as airbag warnings etc.</p> <p>Ensure that there are no clear plastic films, waxes or other such materials preventing the discs being affixed directly to the vehicle screens.</p> <p>Note: No signs or advertising material shall be displayed on the vehicle, except badges or emblems on the radiator or windscreen issued by an organisation (a) Providing</p>

10. In the case of private hire vehicles, the vehicle is not of such design that it could lead any person to believe it was a Rotherham Hackney Carriage.	<p>screens. The disk is not fitted or readable.</p> <p>10. The vehicle is of such design that it is inappropriate to be a hackney carriage or private hire vehicle, or the vehicle could lead any person to believe it was a hackney carriage vehicle when it was licensed for private hire purposes.</p>	vehicle repair or recovery service; or (b) required by law.
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#### **SECTION 4 – Underside Inspection**

<b>Testable Items</b>	<b>Reason for Failure</b>	<b>Additional Information</b>
<p>Ensure that:</p> <p>1. There are no signs of water or fluid leaks from under the vehicle.</p> <p>2. There are no signs of oil leaks from under the vehicle.</p> <p>3. The exhaust pipe is secure.</p> <p>4. The towing assembly is fully secured to the vehicle (if applicable).</p>	<p>1. There is evidence of water or fluid leaks from under the vehicle.</p> <p>2. There are signs of oil leaks from under the vehicle.</p> <p>3. The exhaust pipe not fully secure to the vehicle.</p> <p>4. The towing assembly is not fully secured to the vehicle (if applicable).</p>	<p>Visually inspect the underside of the vehicle for any fluid leaks.</p>

### **SECTION 5 – Passenger Compartment**

<b>Testable Items</b>	<b>Reason For Failure</b>	<b>Additional Information</b>
<p>Ensure that:</p> <ol style="list-style-type: none"> <li>1. All tinted windows comply with the relevant RTA and/or C&amp;U regulations.</li> <li>2. The upholstery, headlining, carpets and door trims are not damaged or soiled.</li> <li>3. The devices designed for opening any passenger windows are in place and operate correctly.</li> <li>4. All passenger doors can be opened from inside and outside the vehicle.</li> <li>5. All passenger doors close securely.</li> <li>6. Passenger courtesy lights operate correctly.</li> <li>7. All passenger seat adjustment Mechanisms are in good working condition.</li> <li>8. All passengers, seats, are fitted with seat belts.</li> <li>9. The passenger seats are in good condition and the inner fibre is not exposed.</li> <li>10. The passenger seat frame is secured.</li> </ol>	<ol style="list-style-type: none"> <li>1. Any tinted window does not comply with the relevant RTA and/or C&amp;U regulations.</li> <li>2. The upholstery, headlining, carpets and door trims are damaged or soiled.</li> <li>3. Passenger windows are not in place and/or fail to operate correctly.</li> <li>4. Any passenger door, or doors, cannot be opened from inside and/or outside the vehicle.</li> <li>5. Any passenger door, or doors, fails to close securely.</li> <li>6. Passenger courtesy lights are inoperative.</li> <li>7. Any passenger seat adjustment mechanism is not in good working condition.</li> <li>8. Passenger seat belts are not fitted and/or are missing.</li> <li>9. The passenger seats are not in good condition or the inner fibre is exposed.</li> <li>10. Passenger seat frame not secure.</li> </ol>	<p>Visual inspection to ensure window glass complies with RTA or C&amp;U Regulations.</p> <p><b>Note:</b> If there is any doubt about the level of tint applied to any of the windows, carryout measurement using a correctly calibrated TINTMASTER.</p> <p>For the purpose of this section, all passenger doors must open and close from both inside and outside of the vehicle.</p> <p>Check that all child locks are disengaged and operate freely.</p> <p><b>Note:</b> that centre doors fitted to stretched limousines are not required to be fitted with child locks.</p>



<p>11. The child locks can be engaged and disengaged.</p> <p>12. All fixtures and fittings are approved by the Licensing Authority.</p> <p>13. All mechanisms designed to release the passenger seat which enable access to another seat are in good working order.</p> <p>14. All passenger doors allow safe access and egress for the number of passengers.</p>	<p>11. The child locks do not operate correctly.</p> <p>12. There are unapproved fixtures and fittings.</p> <p>13. The passenger seat mechanism does not release to enable access to another seat.</p> <p>14. There is insufficient space to allow safe access and egress for the number of passengers.</p>	
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## **SECTION 6 – Driver Front/Passenger Compartment**

<b>Testable Items</b>	<b>Reason For Failure</b>	<b>Additional Information</b>
<p>Ensure that:</p> <ol style="list-style-type: none"> <li>1. The driver / front passenger compartment is clean and accessible.</li> <li>2. Any fixtures such as taxi radio, satellite navigation or CCTV equipment are fitted safely and securely and do not adversely encroach the passenger's area and do not impact on the safety of the driver, passengers or other road users.</li> <li>3. The devices for opening/closing the driver or front passenger windows operate correctly.</li> <li>4. The driver's seat adjustment mechanisms are in good working condition.</li> <li>5. The driver's seat is in good condition and the inner fibre is not exposed.</li> <li>6. The driver's seat frame is fully secured to the vehicle.</li> <li>7. A taxi meter has been fitted to the vehicle (hackney carriage renewals only)</li> </ol>	<ol style="list-style-type: none"> <li>1. The driver/ front passenger compartment is not clean and/or not accessible.</li> <li>2. Additional fixtures are so fitted as to encroach adversely the passenger area or will impact on the safety of the driver, passengers or other road users.</li> <li>3. The devices for opening/closing the driver or front passenger window fail to operate correctly.</li> <li>4. The driver's seat adjustment mechanisms are defective or inoperative.</li> <li>5. The driver's seat is in poor condition and/or the inner fibre is exposed to an area greater than 1cm square.</li> <li>6. The driver's seat frame is not fully secured to the vehicle.</li> <li>7. A taxi meter is not fitted to the vehicle (hackney carriage renewals only)</li> </ol>	<p>Visually inspect the position and condition of fixtures and fittings.</p> <p><b>Safety enhancement features:</b> Visually/aurally check that the safety enhancement equipment, such as airbags, seatbelt tensioners, warning lights appear to be in order.</p>

8. There are no signs of damage to the airbag housing that prevents deployment.	8. There are signs of damage to the airbag housing that will prevent deployment.	
9. The driver/passenger headrest has not been removed and is fitted securely.	9. The driver/passenger headrest has been removed and/or is insecure.	
10. Any safety warning device designed to alert the driver of a fault with any of the vehicle's safety features is not disabled or malfunctioning.	10. There is evidence to show a safety warning device in respect of vehicles safety features is deliberately disabled or is malfunctioning.	

### **SECTION 7 – Luggage/Boot Compartment**

<b>Testable Items</b>	<b>Reason for Failure</b>	<b>Additional Information</b>
<p>Ensure that:</p> <p>1. The luggage area is uncluttered, is suitable for use and is capable of carrying the amount of luggage for which the vehicle is designed.</p>	<p>1. The luggage area is cluttered and/or is unsuitable for use; and/or is not capable of carrying the amount of luggage for which the vehicle is designed.</p>	<p>Visual check for adequate luggage/boot space</p>

**SECTION 8 – External Signage**

<b>Testable Items</b>	<b>Reason For Failure</b>	<b>Additional Information</b>
Ensure that:  1. The content of any external signage complies with PHV regulations or HCV regulations and/or RMBC guidelines.  2. The content of any external signage has been approved by the Licensing Authority.  3. Signage is of an appropriate size.  4. Any signage is displayed in an appropriate or approved place.	1. The content of any external signage does not comply with PHV regulations or HCV regulations and/or RMBC guidelines.  2. The content of any external signage has not been approved by the Licensing Authority.  3. Signage is of an incorrect size.  4. Signage is displayed in an unapproved or inappropriate place.	 Check that any external signage, complies with RMBC guidelines and that the Licensing Authority has approved the content.  Check that the signage is of an appropriate size and is displayed in an approved place.

## **SECTION 9 – Additional Items**

<b>Testable Items</b>	<b>Reason For Failure</b>	<b>Additional Information</b>
Ensure that:		
1. Any wheelchair restraints are in good condition and operate correctly (where applicable).	1. Wheelchair restraints are in poor condition and/or operate incorrectly or are inoperative.	Check all certificate dates of expiry if available.
2. Wheelchair restraints are BSI or CE approved (where applicable).	2. Wheelchair restraints are not BSI or CE approved.	Check for evidence of tampering, forgery, and authenticity.
3. A valid test certificate for the lifting or winching equipment is available for inspection.	3. A valid test certificate for the lifting or winching equipment is not presented.	Where additional lighting has been fitted as an after-market product ensure that the installation complies with RTA, C&U and/or Lighting Regulations.
4. Any additional fuels cut-off switches are correctly identified. (Where available).	4. Any additional fuels cut-off switches are not correctly or clearly identified.	<b>Note:</b> No additional lights are permitted on the exterior of the vehicle.
5. A valid fuel conversion installation certificate or safety report is presented for inspection.	5. A valid fuel conversion installation certificate or safety report has not been or cannot be presented for inspection.	Check that the radio is fitted safely and securely, does not adversely encroach into the passenger area, and any visible wiring is safe, permanent and does not present a hazard to the passenger or driver.
6. Any two way radio has been installed correctly and safely.	6. Any two way radio has not been installed correctly or safely.	Where the equipment has been installed as an after-market product the criteria for a radio installation applies.
7. Any satellite navigation equipment has been installed correctly or safely.	7. Any satellite navigation equipment has not been installed correctly or safely.	Ensure that the mobile phone equipment has not been installed so that it is <u>directly</u> in front of the passenger seat.
8. Any data dispatch equipment has been installed correctly or safely.	8. Any data dispatch equipment has not been installed correctly or safely.	
9. Any hands free mobile phone equipment has been installed correctly or safely.	9. Any hands free mobile phone equipment has not been installed correctly or safely.	Ensure that the installation is fitted safely and securely, does not adversely encroach the passenger area and that any wiring is permanent and does not present a hazard to the passenger or driver.
10. Any additional lighting has	10. Any additional lighting has	

<p>been installed correctly or safely.</p> <p>11. Any additional lifting equipment is fully and correctly operative.</p> <p>12. Ensure that any modification has been approved by the Licensing Authority</p> <p>13. A suitable fire extinguisher must be installed within the vehicle.</p> <p>14. A suitable first aid kit must be stored within the vehicle.</p>	<p>not been installed correctly or safely.</p> <p>11. Any additional lifting equipment is inoperative.</p> <p>12. Unapproved modification fitted or approved modification fitted in a dangerous or incorrect manner.</p> <p>13. Fire extinguisher not present, of correct type or in serviceable condition.</p> <p>14. First aid kit not present, of correct type or in serviceable condition.</p>	<p>Fire extinguisher and first aid kit requirements are detailed in the RMBC conditions of licence.</p>
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**SECTION 10 – Other Defects**

<b>Testable Items</b>	<b>Reason for Failure</b>	<b>Additional Information</b>
Ensure that:  1. The vehicle appears to be in a roadworthy condition.          2. The vehicle is of a suitable type and capable of carrying the number of persons for which the vehicle is designed and purpose it is to be licensed for by the authority.	Luggage Compartment.  1. The vehicle has a mechanical defect is not in a roadworthy condition.       2. The vehicle is not of a suitable type and/or capable of carrying the number of persons for which the vehicle is designed and/or is not fit for the purpose it is to be licensed by the authority.	During the inspection a mechanical defect is noted that would result in the vehicle failing standard MOT test.       During the inspection a defect or damage of other type is noted that may affect its “fitness” to be a licensed vehicle.

## **SECTION 11 – General Information**

<b>Passes</b>	<b>Failures</b>	<b>Additional Information</b>
<p><b>If the vehicle <u>passes</u> the licensing inspection the vehicle inspector will:</b></p> <ol style="list-style-type: none"> <li>1. Update documentation and / or database (as appropriate).</li> <li>2. Issue the inspection pass certificate / documentation to the vehicle proprietor/driver.</li> <li>3. Advise the proprietor / driver they must return the “pass” certificates to the Licensing Office immediately.</li> </ol>	<p><b>If the vehicle fails the licensing inspection, the vehicle inspector will:</b></p> <ol style="list-style-type: none"> <li>1. Update documentation and/or database. (as appropriate).</li> <li>2. Issue a VIR and any other appropriate documents indicating why a licence has been refused.</li> <li>3. Advise the owner/ driver they have failed to present a vehicle in a suitable condition and must return for a retest on all failed items to obtain a “pass” certificate and / or appropriate documentation.</li> <li>4. Allocate a retest appointment for minor retest points which can be retested in 15 minutes or less.</li> <li>5. Advise the proprietor/ driver they must contact the Licensing Office to book a re-test appointment for major retest points which take 30 minutes or more.</li> <li>6. Advise the proprietor/ driver the vehicle was not in a condition under which any test could be conducted, and the test has been “Stopped”. Advise the proprietor/driver they must contact the Licensing Office to book a full test appointment (not a retest) and this test will take 45 minutes or more to conduct.</li> </ol>	<p>If the applicant wishes to appeal against the failure decision.</p> <p>The vehicle inspector will;</p> <ol style="list-style-type: none"> <li>1. Inform the vehicle owner of their rights of appeal.</li> <li>2. The vehicle inspector will provide the complainant with the RMBC vehicle inspection complaints procedure documentation.</li> <li>3. Notify / inform the Depot Manager of the complainant's details.</li> <li>4. Advise the complainant to make an official notification of complaint to the Depot Manager.</li> </ol>



## **SECTION 12 – Guidance Notes**

The vehicle inspector will need to check all appropriate documents against the vehicle to ensure that they relate to the vehicle being inspected and to ensure that the requirements of the inspection criteria are met.

The vehicle inspector will check the VIN plate for evidence of tampering. (Any evidence of tamper must be reported by the tester to the Police traffic division (or DVSA or other appropriate body).

The vehicle inspector will check the vehicle road fund licence (tax disk) and report any vehicle with no disk or an incorrect or illegal disk to the DVLA. (This may be done on line at [http://dvla.gov.uk/onlineservices/report\\_unlicensed.aspx?ext=dg](http://dvla.gov.uk/onlineservices/report_unlicensed.aspx?ext=dg)).

If the vehicle presented has been modified without authorisation, or an exemption from the licensing criteria has not been approved, this will cause the vehicle to fail the inspection. The tester should ask for evidence of written confirmation of alterations such as tow-bars or plate display exemptions etc.

In the event that the vehicle inspector observes a defect that poses a risk to the driver, passengers, other road users or vehicle inspectors/testers, or compromises the roadworthiness or safety of the vehicle, the inspector will immediately report the defect to a senior inspector and a decision on whether to continue with the test at that stage will be taken.

The vehicle inspectors/testers or Depot Manager may contact any other appropriate agencies such as the DVLA, DVSA or South Yorkshire Police if any discrepancies with the vehicle or owner details are identified during a vehicle licensing inspection.

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## **Appendix O**

### **Vehicle Advertisement Conditions**

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

- a. That advertisements shall only be allowed on both rear passenger doors and the bonnet of a vehicle;
- b. That the advertisement shall be the same size as the existing private hire door signs, or will cover a similar area if different in shape;
- c. That no advertisement should promote tobacco or alcohol products;
- d. That no advertisement shall be of a sexual, religious or political nature and that it shall not be likely to cause offence;
- e. That no advertisement be displayed without the written approval of the Assistant Director of Community Safety and Street Scene.
- f. In the case of private hire vehicles, the proposed advertisement is to be submitted for approval by a licensed operator, not an individual vehicle owner;
- g. That the licensed operator/ hackney carriage proprietor submitting any advertisement for approval, pay an appropriate fee to cover the cost of the administration involved. The fee amount is available on request by asking the Licensing Office.
- h. Any advertisement fitted to a vehicle must not obscure any signs, plates or notices that are required under a condition of licence for a hackney carriage or private hire vehicle.

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## **Appendix P**

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

#### **Section 55 of the Local Government (Miscellaneous Provisions) Act 1976 - Part II**

##### **1. Operator Licence**

- a. The operator is responsible for all persons that they employ, contract or use in the course of their business. To that end, the operator must undertake sufficient checks to satisfy themselves that only suitable drivers and ancillary staff are used (and continue to be used) in the course of their business. The failure of an operator to ensure that appropriate checks are carried out may call into question the operator's fitness and propriety. In addition, a failure to take appropriate action in relation to drivers that persistently breach licence conditions may also be detrimental to the continued fitness and propriety of the operator.
- b. The operator licence is not transferable and the person to whom it is issued must display it in a prominent position at each business premises recorded on the licence at all times during the currency of the licence, so as to be on view to members of the public, except on such occasions as the licence is presented to the Licensing Authority for amendment, or if it is required to be produced for inspection by an Authorised Officer of the Council or a Police Officer.
- c. A separate licence will be issued in respect of each approved secondary booking office, if any.
- d. Applications in relation to any intended change of business premises must be made in writing and approval obtained before being so used.
- e. The Operator must notify the Council in writing of any change in partnership, directorship, ownership, management or control of the business within 5 working days.
- f. The Operator must notify the Council in writing within 7 days of any other material change affecting the licence during its validity.
- g. The operator must not at any time operate more private hire vehicles than are specified on his/her licence without the prior consent of the council and by applying to increase the number of vehicles allowed to be operated on his/her licence.
- h. A licensed operator must inform the council if they are going to be absent from the day to day running of the business for a period of 2 consecutive months. In doing this, the operator must give the name of the person that will be responsible for the running of the business on their behalf.

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

## **2. Business premises**

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

## **3 Record of bookings**

- a. The operator must keep an accurate record of every booking of a private hire vehicle or hackney carriage accepted by him/her. The loss of records by theft or otherwise must be reported to the Council in writing within 24 hours, and also immediately to the police in the event of theft being suspected. Separate records must be kept at each premises from which the Operator conducts business. The records must be kept at all times at the business premises and not removed.
- b. All such records must be in English, permanent, legible and preserved for a period of not less than 12 months following the date of the last entry.

- c. Records must be kept in one of the following forms:
  - i. a bound book with consecutively numbered pages (loose leaf registers are not acceptable) or;
  - ii. on continuous stationery which has been generated in the form of an instantaneous print out by a computerised system. The Operator must ensure that adequate supplies of continuous stationery and ink cartridges are maintained and that the printer is appropriately replenished to ensure that at all times full and legible booking details are printed, or;
  - iii. a computerised recording system which automatically generates a permanent entry onto a secure memory device, at the same time the booking is entered onto the system. Satisfactory certification from the program supplier/installers must be produced to the Council before using any such system for the recording of bookings required by law to be maintained. Such certification must confirm that the system stored or recorded is tamper- proof; and once, inputted cannot be altered, amended, deleted or added to in any way. Any change to the recording system must only be by way of prior written agreement from the Council.
  - iv. The storage device should be kept in a secure place at the premises for production on demand by the Police or an Authorised Officer.
- d. In respect of whichever system is used the Operator must, at the time the booking is taken, enter therein:
  - v. the date and time the booking was received, any subsequent cancellation, and the signature (or in the case of a computer system, the identity) of the person taking the booking;
  - vi. the name and address of the hirer;
  - vii. the time of the journey, together with the journey date if different from the booking date; the address or name of the premises from which it is to commence (ie the point of pick-up of the passenger(s)) and the address or place of destination;
  - viii. the private hire/hackney carriage plate number of the vehicle to be used for the journey (personal code systems are not acceptable);
  - ix. the badge number of the driver of the vehicle used;
  - x. remarks (including details of any sub-contracting to another licensed operator).
- e. Where any bookings are sub-contracted either by the operator to another licensed operator, or are accepted by the operator from another operator, a full record of the booking (in line with point d above, and notes must be included; including the name of the sub-contractor and contact information).

- f. No alterations to records may be made – any amendment must be made to the original record by way of an addition.
- g. Entries in the bound book, or on the digital copy generated by a computerised system, must cover a twenty-four hour period and must contain information in relation to only one private hire firm and no details in connection with the bookings of other private hire firms. The Operator must ensure that any booking clerk involved is competent in the recording of bookings and operating the system used.
- h. The records of bookings must be maintained and kept up to date at all times and must be made available for inspection at all reasonable times without notice by any duly Authorised Officer of the Council or any Police Officer. Such Officers must be permitted to photograph and / or remove such records howsoever kept from the premises is so required.
- i. The Operator must ensure that any personal information obtained during the course of their business is stored securely, and only retained for as long as is absolutely necessary. Access to this information must be restricted to only those persons who will use it for the purpose for which it has been collected.
- j. Personal information must not be used for any other purpose other than that for which it was collected without the express permission of the individual to which the information relates.
- k. For example, telephone numbers provided by customers so that they can be alerted / updated by SMS text message with regard to a booking they have made must only be used for this purpose. The information must not be retained by the Operator after the text message has been sent, and / or used for any other purpose (such as unsolicited marketing calls).
- l. The Operator must keep records of the particulars of all private hire vehicles and drivers operated by him/her. Such records must include details of the owners, registration numbers and drivers of such vehicles, together with any radio communications equipment fitted.
- m. The Operator must keep these records for a period of two years from the date on which the driver first commenced driving for the Operator.

#### **4 GENERAL CONDITIONS**

- n. The Operator must not operate a private hire vehicle / hackney carriage unless the vehicle and driver are licensed by the Council. The Operator must personally examine vehicle licences and insurance certificates to satisfy himself / herself as to their validity.
- o. The Operator must not fail or refuse to accept a booking by or on behalf of a disabled person accompanied by an 'assistance dog' when the reason for failure or



refusal is that the disabled person will be accompanied by the 'assistance dog'.

- p. The Operator must not accept any booking for a particular private hire vehicle / hackney carriage which would require that vehicle to carry more passengers than is licensed to carry.
- q. The Operator must not operate a private hire vehicle / hackney carriage without the driver thereof being licensed by the Council. The Operator must personally examine the drivers' licences issued by the Council and satisfy himself / herself as to their validity.
- r. The Operator must bring to the attention of all drivers their legal obligations regarding the use of seat belts by both adults and children under 14 years of age.
- s. The Operator must bring to the attention of all drivers their legal obligation regarding no smoking in vehicles under the Health Act 2006.
- t. The Operator must ensure that all drivers are aware of their obligations under any other legislation relevant to the work of a private hire vehicle.
- u. The Operator must ensure that all licensed drivers who carry out work on behalf of their company act in a civil and orderly manner both towards customers and any other member of the public.
- v. The operator must provide a prompt, efficient and reliable service to members of the public at all reasonable times and, for this purpose, must in particular:
  - i. Ensure that when a private hire vehicle has been hired to be in attendance at an appointed time and place, the vehicle must, unless delayed or prevented by sufficient cause, punctually attend at the appointed time and place.
  - ii. Behave in orderly and civil manner and must take all reasonable precautions to ensure the safety of all persons conveyed in licensed vehicles operating from his/her office premises.
- w. Only equipment licensed by the Department for Business, Energy and Industrial Strategy (BEIS) must be used for the purpose of conducting the business authorised by this licence. The BEIS licence must be produced on request to the Police or an Authorised Officer. CB apparatus must not be used in connection with any private hire booking at any operating address or in any private hire vehicle/hackney carriage available from such operating base.
- x. The use of scanner equipment is prohibited.
- y. Any advertising of the Operator's business, no matter in what form, must include

the Operator's name and/or trade name as approved by the Council in accordance with the name entered on the Operator's Licence issued by the Council.

- z. The Operator must not trade under any name for private hire purposes unless such trade name has been approved by the Council and has accordingly been entered on the Private Hire Operator's Licence issued by the Council.
- aa. The operator must supply a copy of advertising materials to the Council for recording on file.
- bb. The operator must ensure that all advertising materials comply with Advertising Standards Authority requirements and do not contain offensive, misleading or potentially inflammatory wording which could be seen as defamatory.
- cc. The Operator must ensure that Public Liability Insurance is in force throughout the validity of the licence for each and every operating base open to the public to a minimum cover of £2 million. Certification must be produced on demand to the Licensing Office or any Authorised Officer.
- dd. The Operator must affix a properly printed notice in a prominent position inside the business premises, so as to be easily read by any person seeking to hire a private hire vehicle/hackney carriage, stating that any complaints regarding a hiring relating to his/her business should be addressed to:

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

- ee. Such notice must also state that the Council does not control the fares for private hire vehicles and that, in the absence of any fare scale published by the Operator, the fare should be agreed before the journey commences. Any fare scale in operation must be on prominent public display and be an accurate reflection of the charge, including any specific additions i.e. Bank Holidays and after midnight loading (including any waiting times) which the customer may be expected to pay.
- ff. The operator must notify the Council in writing within 5 working days (or 3 working days in the case of arrest or voluntary interview) providing full details of any conviction, binding over, caution, warning, reprimand, arrest or voluntary interview for any matter (whether or not charged) imposed on him / her (or if the Operator is a Company or Partnership on any of the Directors, Secretary or Partners) during the period of the licence.
- gg. The Operator must notify the Council in writing within 7 days of any change of home address whether permanent or temporary.
- hh. Where any property is left by a customer in the business premises, or in any vehicle used for any hiring and placed in the Operator's safekeeping by the driver thereof, the operator must endeavour to arrange to return such property to its rightful owner,

failing which it must be dealt with in accordance with legal requirements and handed in as found property to the police within twenty-four hours.

- ii. The operator must not, by him/herself, his agents, or any other person importune, or cause or permit to be importuned any person by calling out or by any other means whatsoever to hire any of the licensed vehicles under his control.
- jj. The operator must not cause or permit the private hire vehicle licence plate or any notices that are required to be displayed on the inside or outside of a private hire vehicle to be:
  - i. Concealed from public view
  - ii. Defaced
  - iii. Disfigured
- kk. The operator must ensure that the licence plate and notices are always legible and displayed in accordance with the conditions of the private hire vehicle licence.
- ll. All licence holders must subscribe to the Disclosure and Barring Service Online Update Service. Any costs associated with maintaining this subscription must be met by the licence holder.
- mm. The licence holder must give permission for the Council to undertake checks of their DBS status should the Council consider it necessary to do so. The Council will use the update service to monitor the criminal record of licence holders.
- nn. Licence holders are required to provide Basic DBS checks for all ancillary staff that take bookings and dispatch vehicles for the Operator. The operator is responsible for keeping a register of all staff that take bookings, dispatch vehicles or have access to the operators booking system, and keep an accurate record of DBS checks for all individuals listed. These records are required to be provided to the Council, on request from an authorised officer, by the relevant private hire Operator for all such individuals. Where a DBS check cannot be completed for an individual who resides outside of the UK, the Operator will provide equivalent evidence of employment checks which will be presented to Licensing Board for consideration.
- oo. The operator must notify the Council within five working days if any driver is subject to the operator's internal disciplinary processes or any other action that results in the driver being permanently or temporarily removed from the operator's system of allocating work to the driver.
- pp. Any passenger that makes a complaint to the operator regarding the conduct of a driver that they operate (or operated at the time of the conduct) must be informed that they should also make the Council, and if appropriate the police, aware of their complaint.

- qq. The Operator must notify the council without delay if the operator receives a complaint about a driver operated by them if the complaint relates to any of the following:
- i. allegations of sexual impropriety (including the use of sexualised language)
  - ii. violence (including verbal aggression)
  - iii. theft
  - iv. any other serious misconduct (including motoring related matters).
- rr. Operators must not use, or facilitate the use of, any software, technology or other device that is capable of impeding the lawful activities of enforcement agencies or the regulatory activity of the Council. Such software would include Greyball and similar technologies.
- ss. The Private Hire Operator must inform the customer at the time of acceptance of the booking that the booking they have made will be sub-contracted to another Private Hire Operator. If this is not known at the time of booking then the customer must be informed as soon as practicable (and in any event, the customer must be informed before the vehicle is dispatched to undertake the booking).
- uu. Private Hire Operators must maintain records of each sub-contracted booking. These records must include (as a minimum):
- i. The time and date that the booking was sub-contracted to the third-party operator.
  - ii. The time and date that the customer was informed that their booking had been sub-contracted.
  - iii. The name and Private Hire Operator number of the operator that the booking was sub-contracted to.
  - iv. The details of the vehicle and driver that undertook the sub-contracted booking.

**In these Conditions:**

“Operator” means the person who is the current holder of an Operator’s Licence “Business premises” means the operating premises from which the Operator conducts the business

## NOTES

- i These conditions should be read in conjunction with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976.
- ii Any person who commits an offence against any of the provisions of the Act pursuant to Section 76 may be liable on summary conviction to a fine not exceeding Level 3 on the standard scale.
- iii The use of a licensed private hire vehicle to fulfil any private hire booking requires the driver to hold a currently valid private hire driver's licence even if no fare is charged for the journey or irrespective of when, how and to whom any fare is payable. Operators are reminded that the use of free fare cars/courtesy cars which are not licensed as private hire vehicles is not permitted for private hire journeys. Every contract for the hire of a licensed private hire vehicle is deemed to be made with the Operator who accepted the booking for the hire vehicle whether or not the Operator provided the vehicle.
- iv Any failure on the part of the operator to make appropriate enquiries as to the licensing status of drivers and/or vehicles for any purpose could be construed as reasonable cause to suspend or revoke the licence. The onus remains with the Operator to clarify any legal requirements which he or she may be required by law to observe.
- v Any applicant not currently licensed by the Council as an Operator or driver must submit to the Council a Basic Criminal Records Disclosure as to unspent convictions. Such Disclosure to be no more than 1 month old at the time of submission.
- vi Where an operator licence is revoked by the council, the name (or a similar name) of the private hire company associated with that licence cannot be used by another operator until such time as six months has elapsed since the date of revocation or the date on which all appeal processes have been concluded (whichever is the longer).
- v Any infringement of the licensing conditions could lead to suspension or revocation of the licence.
- vi Any request for advice from the council in relation to licensing legislation should be in writing to which a written response will be given so as to avoid any future dispute as to the advice given. This does not preclude you from obtaining your own independent legal advice.
- vii Any person aggrieved by any condition specified in the licence may appeal to a Magistrates Court within 21 days of issue.



## Appendix Q

### Taxi Camera Technical Specification and System Requirements

In order to be considered suitable for installation in a Rotherham Council Licensed vehicle, a taxi camera system must meet the following requirements:

#### 1.0 Operational Technical Specifications

Reference	Specification	Details
1.1	100% solid state design or a proven vibration and shock resistant system	The system should not have any fan and the recording should be vibration and shock proof, i.e.: <ul style="list-style-type: none"> <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	<p>The in-vehicle taxi camera system must be compliant with the Council Directives:</p> <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.
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>
1.16	The system must be capable of recording audio time synchronized to the recorded images.	
1.18	The audio playback, when triggered, shall be in 'real time' and synchronised with the images that are captured.	



1.19	Digital sampling of the audio signal must exceed 8KHz	
1.20	Digital resolution of the audio samples must exceed 10 bits.	
1.21	The audio microphone shall be integrated within the camera head.	
1.22	Audio data and image data must be stored together, not in separate files, and must be protected against unauthorized access or tampering.	
1.23	The system must support testing of the audio function for installation set-up and inspection purposes.	
1.24	The system must 'go to sleep' to reduce battery drain during prolonged idle time. It must be capable of immediate reactivation	
1.25	Images recorded by the system shall not be displayed within the vehicle.	
1.26	The system must have at least two emergency activation triggers (panic buttons).	<p>One of the triggers / panic buttons must be capable of being operated by the driver – this must be independent of the audio recording activation switch.</p> <p>At least one other trigger / panic button must be capable of being operated by a passenger from any passenger seat in the vehicle. Once activated, this switch must trigger the recording of video and audio in accordance with section 6.1 below.</p>
1.27	The system must include a visual indicator that will clearly show when audio recording is taking place. This indicator must be visible to all passengers within the vehicle.	This may take the form of an indicator LED built into the audio activation switch, or a remote LED that can clearly be seen by passengers.

## 2.0 Storage Capacity Technical Specification

Reference	Specification	Details
2.1	Minimum of twenty-one days of recording capacity	The camera system must be capable of recording and storing a minimum of twenty-one days of images of HD1 (720/288) size or better.
2.2	Images must be clear in all lighting conditions	System to provide clear images in bright sunshine, shade, dark and total darkness. Also, when strong back light is present.

## 3.0 Camera Head Technical Specification

Reference	Specification	Details
3.1	Camera installation non-obstructive	The camera and all system components shall be installed in a manner that does not interfere with the driver's vision or view of mirrors or otherwise normal operation of the vehicle.
3.2	Protected camera disconnect	The camera head shall be designed to disconnect for ease of removal and replacement by maintenance personnel.
3.3	Special tools for adjustment/removal	To prevent inappropriate interference only tools supplied to authorised fitters should be capable of carrying out adjustments or removal.
3.4	Field of view to capture all passengers in the vehicle	The lens of the camera must be of a type that captures the driver and all passengers of the vehicle on the recorded image. The lens must be of a style not to create a "fishbowl" effect.
3.5	Images must be clear	System to provide clear images in all lighting conditions and allow different skin tones to be detected
3.6	Compatible for use in vehicles with a partition (shield)	The camera system must be adaptable to provide clear images when a vehicle is equipped with a shield. This may be accomplished with the use of multiple camera heads.
3.7	Multiple cameras	The unit shall be capable of supporting up to four (4) cameras. Four cameras may be required to provide adequate coverage in larger vehicles and/or certain purpose built vehicles.

#### 4.0 Storage Device (Recorder) Technical Specification

Reference	Specification	Details
4.1	Impact and shock resistance	The recorder shall be impact resistant, sufficient to withstand a typical car accident, or striking with a large, heavy object such as a suitcase.
4.2	Controller in concealed location	The storage unit shall be concealed from view and effectively inaccessible except by authorised personnel.
4.3	Download port provision	The recorder shall be equipped with a communication port for downloading by authorised personnel.
4.4	Download port shall be located in an easily accessible location such as a glove compartment.	The recorder download port shall be located in the glove box if practicable, if not then in a location that does not require the removal of panels and is accessible.
4.5	Download port cable length (1 foot minimum)	Download port shall be at least one foot in length for ease of download.
4.6	Recorder to be securely affixed to the vehicle	
4.7	Log to register each user access	
4.8	Log to register camera system parameter modifications	
4.9	Log to register each image download session	
4.10	Log to register modification/ manipulation of downloaded images	
4.11	Log to register exporting of downloaded images	
4.12	Log to register exporting of downloaded clips	
4.13	Log file protected against un- authorised access	
4.14	Time/date stamp	All stored images must be time and date stamped.
4.15	Vehicle ID number stamp	All stored images must have two fields for vehicle identification (VIN & number plate).
4.16	Controller non-modifiable ID code stamp	Each recorded image shall be automatically stamped with a unique and non-modifiable code that identifies the controller that was used to record the image.
4.17	Controller (Storage Recorder)	Manufacturer to supply Rotherham MBC with a supply of specialised tools to allow for removal of the controller and download of data when required.

## 5.0 Specifications for video and audio recording rate

Reference	Specification	Details
5.1	Video image recording on system activation (when audio is not activated).	The system shall record images at the rate of four images per second.
5.2	Video image recording when audio is activated.	The system shall record images at the rate of twenty five images per second during periods when audio recording is activated (either due to time requirement, or through activation by the driver trigger switch or passenger panic button).
5.3	When activated, audio recording must be in real time and synchronised with the video recording.	
5.4	System to continue to record images (and audio when applicable) when engine is off.	System must continue to record images (and audio when applicable) for 30 minutes after engine / ignition is switched off.

## 6.0 Specification for activation via driver or passenger trigger / panic buttons

Reference	Specification	Detail
6.1	The activation of a trigger button must provide for overwrite-protected image storage when activated by driver or passenger.	The system must be fitted with at least two trigger buttons that once activated will trigger the protected recording of audio and video (see also 1.17 and 1.26 above).
6.2	Emergency image overwrite protection capability	Image sequences resulting from emergency activation shall be recorded in an area of memory which is protected from being overwritten
6.3	Overwrite protection capacity for at least 3 activations	
6.4	Overwrite protection self-clear on 96 hr timer	

## 7.0 Downloading Technical Specification

Reference	Specification	Details
7.1	Time to download complete memory not to exceed 30 minutes	Time to download to be accomplished in 30 minutes or less.
7.2	Provision of necessary software, cables, security keys to the Council's Licensing Team.	
7.3	Windows 10 compatible.	
7.4	Downloaded images stored in non-volatile media	
7.5	Downloaded images stored in secure format	

7.6	Verifiable image authenticity	Each image shall be stamped with controller ID and vehicle ID and be tamperproof.
7.7	Provision of technical support to Rotherham MBC Licensing team when necessary.	To assist in accessing system in case of damage to the vehicle or to the system in case of accident within 1 hour during normal working hours and within 8 hours otherwise.
7.8	Wireless Download Prohibited	Unit must not allow for wireless downloads. Wireless diagnostic may be used. All wireless hardware to be disabled.
7.9	Filter the specific images for events and times for the approximate time of the crime committed.	

## 8.0 Requirements in relation to System Information

Reference	Requirement	Details
8.1	Provision of service log sheet with each unit shipped	The unit manufacturer shall have a service log shipped with the unit. The manufacturer shall also enclose detailed instructions for the drivers with each unit shipped. An installation manual shall also be furnished to authorised installers and fleet operators.
8.2	Serial number indication on service log	The unit will be marked with a serial number
8.3	Installation date indication on service log	The provision for the installer to indicate the installation date
8.4	Provision of driver instruction card with each unit shipped	
8.5	Provision of installation manual to installers and fleet operators	
8.6	Clarity of operating instructions	The system shall be provided with clear and concise operation instructions which are written with due consideration to varying levels of literacy.
8.7	Installation by authorised agents	The unit shall be installed by manufacturer's authorised agents, or other installers approved by the council (subject to agreement with the manufacturer).
8.8	Provision of authorised agents list to Rotherham MBC Licensing Team	The manufacturer shall provide a list of all authorised agents to Rotherham MBC Licensing Team.
8.9	Documentation	The manufacturer must provide clear and concise operating instructions which are written in layman's terms. (Details on how the system records the images)
8.10	Image Protection	All captured images must be protected using encryption software that meets or exceeds the current FIPS 140-2 (level 2) standard or equivalent.

## 9.0 System requirements in relation to Vehicle Inspection Facility – Inspections

Reference	Requirement	Details
9.1	Provision of system status/health indicator	The driver shall have an indicator showing when the system is operational and when there is a malfunction.
9.2	Mounting location of system status/health indicator to be seen by driver only	The indicators shall be mounted/installed for the driver's vision only. The indication system must be in accordance with section 9.3 and 9.4 below.
9.3	Additional indicator requirement	Where a system is fitted with an indicator to show that the system is on, this indicator shall be separate to those listed above or of a different colour to avoid any possible confusion on the part of the drivers using the system.
9.4	Designed / installed to be testable by Rotherham MBC Licensing Team (or persons acting on behalf of the council – such as vehicle inspectors)	The system shall be designed and installed such that the system may be easily tested by Rotherham MBC Licensing Team staff to ensure that all features are operating and that images are being recorded as prescribed.

## 10.0 General System Requirements

Reference	Requirement	Details
10.1	Vandal and tamper resistance	
10.2	Provision of statement of compliance	In addition to a formal test of all aspects of this requirement specification, a statement of compliance shall be provided and signed by an officer of the company.
10.3	Reliability in operational and environmental conditions	The system shall provide reliable and full functionality in all operational and environmental conditions encountered in the operation of taxis.
10.4	Programmability of image timing parameters	It shall be possible to change timing and parameters without the requirement to change components.
10.5	Training and Technical Support and Equipment	Manufacturer must provide Rotherham MBC Licensing Team with a Training and Technical Manual. Supply a working unit to Rotherham MBC Licensing for testing purposes.
10.6	Software and Hardware	Manufacturer to supply Rotherham MBC Licensing Team with a supply of cables and software to be installed under the supervision of the council's authorised staff.
10.7	Agreement between the Camera Manufacturer and Rotherham MBC	Agreement to allow Rotherham MBC access to the relevant software from the manufacturer so that in the event the manufacturer goes out of business, council will be able to support the system.

These requirements may be amended by the Council as technology develops and more improved systems become available.