

Licensing Committee

Thursday 29 September 2016 at 2.00 pm

**To be held at at the Town Hall,
Pinstone Street, Sheffield, S1 2HH**

The Press and Public are Welcome to Attend

Membership

Councillors David Barker, Alan Law, Andy Bainbridge, Jack Clarkson, Neale Gibson, Kieran Harpham, Adam Hurst, George Lindars-Hammond, Anne Murphy, Andy Nash, Moya O'Rourke, Josie Paszek, Vickie Priestley, Bob Pullin and Cliff Woodcraft

PUBLIC ACCESS TO THE MEETING

The Licensing Committee carries out a statutory licensing role, including licensing for taxis and public entertainment.

A copy of the agenda and reports is available on the Council's website at www.sheffield.gov.uk. You can also see the reports to be discussed at the meeting if you call at the First Point Reception, Town Hall, Pinstone Street entrance. The Reception is open between 9.00 am and 5.00 pm, Monday to Thursday and between 9.00 am and 4.45 pm. on Friday.

You may not be allowed to see some reports because they contain confidential information. These items are usually marked * on the agenda.

Recording is allowed at Licensing Committee meetings under the direction of the Chair of the meeting. Please see the website or contact Democratic Services for details of the Council's protocol on audio/visual recording and photography at council meetings.

If you would like to attend the meeting please report to the First Point Reception desk where you will be directed to the meeting room.

If you require any further information please contact Harry Clarke on 0114 273 6183 or email harry.clarke@sheffield.gov.uk.

FACILITIES

There are public toilets available, with wheelchair access, on the ground floor of the Town Hall. Induction loop facilities are available in meeting rooms.

Access for people with mobility difficulties can be obtained through the ramp on the side to the main Town Hall entrance.

**LICENSING COMMITTEE AGENDA
29 SEPTEMBER 2016**

Order of Business

- 1. Welcome and Housekeeping Arrangements**
- 2. Apologies for Absence**
- 3. Exclusion of Public and Press**
To identify items where resolutions may be moved to exclude the press and public
- 4. Declarations of Interest**
Members to declare any interests they have in the business to be considered at the meeting.
- 5. Minutes of Previous Meetings**
To approve the minutes of the meetings held on:-

19 July 2016
21 July 2016
25 July 2016
26 July 2016
28 July 2016
2 August 2016
9 August 2016
11 August 2016
16 August 2016
18 August 2016
23 August 2016
25 August 2016
30 August 2016
1 September 2016
6 September 2016
- 6. Private Hire Operator and Vehicle Policy**
Report of the Chief Licensing Officer

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ADVICE TO MEMBERS ON DECLARING INTERESTS AT MEETINGS

If you are present at a meeting of the Council, of its executive or any committee of the executive, or of any committee, sub-committee, joint committee, or joint sub-committee of the authority, and you have a **Disclosable Pecuniary Interest (DPI)** relating to any business that will be considered at the meeting, you must not:

- participate in any discussion of the business at the meeting, or if you become aware of your Disclosable Pecuniary Interest during the meeting, participate further in any discussion of the business, or
- participate in any vote or further vote taken on the matter at the meeting.

These prohibitions apply to any form of participation, including speaking as a member of the public.

You **must**:

- leave the room (in accordance with the Members' Code of Conduct)
- make a verbal declaration of the existence and nature of any DPI at any meeting at which you are present at which an item of business which affects or relates to the subject matter of that interest is under consideration, at or before the consideration of the item of business or as soon as the interest becomes apparent.
- declare it to the meeting and notify the Council's Monitoring Officer within 28 days, if the DPI is not already registered.

If you have any of the following pecuniary interests, they are your **disclosable pecuniary interests** under the new national rules. You have a pecuniary interest if you, or your spouse or civil partner, have a pecuniary interest.

- Any employment, office, trade, profession or vocation carried on for profit or gain, which you, or your spouse or civil partner undertakes.
- Any payment or provision of any other financial benefit (other than from your council or authority) made or provided within the relevant period* in respect of any expenses incurred by you in carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

*The relevant period is the 12 months ending on the day when you tell the Monitoring Officer about your disclosable pecuniary interests.

- Any contract which is made between you, or your spouse or your civil partner (or a body in which you, or your spouse or your civil partner, has a beneficial interest) and your council or authority –
 - under which goods or services are to be provided or works are to be executed; and
 - which has not been fully discharged.

- Any beneficial interest in land which you, or your spouse or your civil partner, have and which is within the area of your council or authority.
- Any licence (alone or jointly with others) which you, or your spouse or your civil partner, holds to occupy land in the area of your council or authority for a month or longer.
- Any tenancy where (to your knowledge) –
 - the landlord is your council or authority; and
 - the tenant is a body in which you, or your spouse or your civil partner, has a beneficial interest.
- Any beneficial interest which you, or your spouse or your civil partner has in securities of a body where -
 - (a) that body (to your knowledge) has a place of business or land in the area of your council or authority; and
 - (b) either -
 - the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
 - if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you, or your spouse or your civil partner, has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

If you attend a meeting at which any item of business is to be considered and you are aware that you have a **personal interest** in the matter which does not amount to a DPI, you must make verbal declaration of the existence and nature of that interest at or before the consideration of the item of business or as soon as the interest becomes apparent. You should leave the room if your continued presence is incompatible with the 7 Principles of Public Life (selflessness; integrity; objectivity; accountability; openness; honesty; and leadership).

You have a personal interest where –

- a decision in relation to that business might reasonably be regarded as affecting the well-being or financial standing (including interests in land and easements over land) of you or a member of your family or a person or an organisation with whom you have a close association to a greater extent than it would affect the majority of the Council Tax payers, ratepayers or inhabitants of the ward or electoral area for which you have been elected or otherwise of the Authority's administrative area, or
- it relates to or is likely to affect any of the interests that are defined as DPIs but are in respect of a member of your family (other than a partner) or a person with whom you have a close association.

Guidance on declarations of interest, incorporating regulations published by the Government in relation to Disclosable Pecuniary Interests, has been circulated to you previously.

You should identify any potential interest you may have relating to business to be considered at the meeting. This will help you and anyone that you ask for advice to fully consider all the circumstances before deciding what action you should take.

In certain circumstances the Council may grant a **dispensation** to permit a Member to take part in the business of the Authority even if the member has a Disclosable Pecuniary Interest relating to that business.

To obtain a dispensation, you must write to the Monitoring Officer at least 48 hours before the meeting in question, explaining why a dispensation is sought and desirable, and specifying the period of time for which it is sought. The Monitoring Officer may consult with the Independent Person or the Council's Standards Committee in relation to a request for dispensation.

Further advice can be obtained from Gillian Duckworth, Director of Legal and Governance on 0114 2734018 or email gillian.duckworth@sheffield.gov.uk.

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Licensing Sub-Committee

Meeting held 19 July 2016

PRESENT: Councillors Alan Law (Chair), Andy Bainbridge, Kieran Harpham and Anne Murphy

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1. APOLOGIES FOR ABSENCE

1.1 There were no apologies for absence.

2. EXCLUSION OF PUBLIC AND PRESS

2.1 No items were identified where resolutions may be moved to exclude the public and press.

3. DECLARATIONS OF INTEREST

3.1 Councillor Andy Bainbridge declared an interest in item 5 on the agenda (Licensing Act 2003 – 99 Cross Hill, Sheffield, S35 9WR), insofar as the premises are within the Ward that he represents.

4. LICENSING ACT 2003 - 99 CROSS HILL, SHEFFIELD, S35 9WR

4.1 The Chief Licensing Officer submitted a report to consider an application for a Premises Licence made under Section 17 of the Licensing Act 2003, in respect of the premises known as 99 Cross Hill, Sheffield, S35 9WR.

4.2 Present at the meeting were Shaun Price (Applicant), Frank Cooper, Joan Cooper, Brian Barber and David Harper (Objectors), Georgina Hollis (Licensing Enforcement and Technical Officer), Marie-Claire Frankie (Solicitor to the Sub-Committee) and Jennie Skiba (Democratic Services).

4.3 Marie-Claire Frankie outlined the procedure which would be followed during the hearing.

4.4 Georgina Hollis presented the report to the Sub-Committee and it was noted that representations had been received from four members of the public and a petition containing 24 signatures had also been received, and these were attached at Appendix 'C' to the report.

4.5 Frank Cooper circulated a number of photographs to Members of the Sub-Committee and stated that these had been taken during the day when Cross Hill was relatively quiet. He further stated that the area is a well-populated residential area with on-street parking for most of the residents being at a premium and cars very often doubled parked. Mr. Cooper felt that customers of the premises would cause further parking problems and possibly park on the footpaths. He added that Cross Hill is the main highway between Sheffield Lane Top and Chapeltown with

a police station at the bottom of the road and the hospital nearby, and on many occasions emergency service vehicles travel along the road at excessive speed. He further added that the premises are not large enough to hold many customers inside and that he believed there would be overspill onto the small forecourt and the footpath. Mr. Cooper stated that on either side of the premises are driveways that lead to the back of the row of houses and public open space where children often go to play. He further stated that because the area is mainly residential and there are a number of small children living and playing in the vicinity, there would be a risk to the children being subjected to undesirable language and people smoking when passing the premises and that further hazards could be caused by broken glass from discarded bottles and glasses, vomit, litter and customers using the driveway as urinals.

- 4.6 David Harper stated that he had lived on Cross Hill for 25 years or more and believes the whole dynamic of the area would change if this application was to be granted. He reiterated the point already made with regard to cars parked on both sides of the road particularly after 5.00 p.m. when local residents are returning from work. He added that the road is a very busy bus route, with buses travelling along every few minutes. Mr. Harper further stated that the driveway immediately adjacent to the premises provided vehicle access to the rear of six houses, one of which was his own, and on a number of occasions he had been prevented from exiting the driveway by customers or suppliers to the premises.
- 4.7 Brian Barber stated that he had studied the application and his concern was that the applicant had intended to employ experienced staff but what would happen once such staff had left and younger, less experienced staff were left to run the bar. Mr. Barber asked the question, would the applicant feel that experienced staff were necessary as he envisaged anti-social behaviour by his customers. He further stated that there were other places within the area to buy alcohol and felt that another licensed premise served no useful purpose.
- 4.8 In response to questions from Members of the Sub-Committee, the objectors stated that the premises are within equal distance to the remaining two public houses in the area. The driveways to the side of the premises lead to allotments as well as the public open space but are not linked to any houses. The objectors also believed that the public houses in the area have large forecourts and car parks and are more able to cope with parking so as not to cause a public nuisance. The objectors were also concerned that should the premises be opened as a micro-brewery, would there be an odour emanating from the property.
- 4.9 Shaun Price, the applicant, stated that it was his intention to open a micro-pub, not a micro-brewery so therefore there would be no brewing on the premises, only the sale of cask ales. He added that as it was his intention to open for a limited number of hours, he would run the pub himself. Mr. Price further added that he has 20 years' experience as a publican in both rural and city centre locations and is well able to spot any potential anti-social behaviour inside or outside the premises. The main reason for opening this type of business is for local people to be able to gather and socialise whilst drinking cask ales, there would not be any bottled beers, shots and drinks promotions sold at any time. Mr. Price further

stated that he does not envisage the nature of the business would attract young people. He added that there are bus stops either side of the premises for his customers to use rather than cars.

- 4.10 In response to questions from Members of the Sub-Committee and officers, Shaun Price stated that he had been looking for a property in the area to set up a new business venture for the past six months and this one would be ideal, as it was not too large, serving approximately no more than 40 customers, was a single building and the rent was affordable. He felt that as the bar area would face the doorway, he would be able to manage both the inside and exterior of the premises. He added that he would display proper signage in the doorway of what would be expected of his patrons. Shaun Price informed Members that there would only be one delivery per week.
- 4.11 In summing up, Shaun Price stated that he had done his homework regarding the area and can understand local residents' concerns, but feels that a micro-pub is a different concept to the usual type of public house and is hoping that this business will turn out to be a long-term successful venture.
- 4.12 Georgina Hollis outlined the options open to the Sub-Committee in relation to the application.
- 4.13 RESOLVED: That the public and press and attendees involved in the application be excluded from the meeting before further discussion takes place on the grounds that, in view of the nature of the business to be transacted, if those persons were present, there would be a disclosure to them of exempt information as described in paragraph 5 of Schedule 12A to the Local Government Act 1972, as amended.
- 4.14 Marie-Claire Frankie reported orally, giving legal advice on various aspects of the application.
- 4.15 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 4.16 RESOLVED: That the Sub-Committee agrees to grant a Premises Licence in respect of 99 Cross Hill, Sheffield S35 9WR, in the terms requested and agreed with the responsible authorities, and subject to the following conditions:-
- (a) no alcohol to be taken outside;
 - (b) appropriate notices to be displayed stating that:-
 - (i) no alcohol to be taken outside; and
 - (ii) customers to leave the premises quietly;
 - (c) the immediate external area be cleared of any litter after each period of opening;
 - (d) there be no tables outside the premises; and

(e) the Challenge 25 scheme is to be adopted and used in the premises.

(NOTE: The full reasons for the Sub-Committee's decision will be included in the written Notice of Determination).

**5. URGENT ITEM OF BUSINESS - LICENSING ACT 2003 - WILLEY STREET
CAR PARK, WILLEY STREET, SHEFFIELD S3 8JU**

5.1 A notice of objection to a temporary event notice for an event at Willey Street Car Park, Willey Street, Sheffield S3 8JU, on 24th July, 2016, proposed to be considered as an urgent item of business, was withdrawn from consideration by the applicant.

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 21 July 2016

PRESENT: Councillors David Barker (Chair), Kieran Harpham, Alan Law and Josie Paszek

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1. APOLOGIES FOR ABSENCE

1.1 There were no apologies for absence.

2. EXCLUSION OF PUBLIC AND PRESS

2.1 RESOLVED: That the public and press be excluded from the meeting before discussion takes place on item 4 on the grounds that, if the public and press were present during the transaction of such business, there would be a disclosure to them of exempt information as described in paragraphs 1 and 2 of Schedule 12A to the Local Government Act 1972, as amended.

3. DECLARATIONS OF INTEREST

3.1 There were no declarations of interest.

4. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING - INDIVIDUAL CASES

4.1 The Chief Licensing Officer submitted details in respect of three cases relating to hackney carriage and private hire licensing.

4.2 The applicant in Case No. 49/16 attended the hearing and addressed the Sub-Committee.

4.3 The licence holder in Case No. 50/16 attended the hearing with a representative and they both addressed the Sub-Committee.

4.4 The applicant in Case No. 51/16 attended the hearing with a representative and they both addressed the Sub-Committee.

4.5 RESOLVED: That the cases now submitted be determined as follows:-

<u>Case No.</u>	<u>Licence Type</u>	<u>Decision</u>
49/16	Application to renew a Private Hire Vehicle Licence	Refuse to grant a licence on the grounds that the applicant has not provided sufficient evidence to convince the Sub-Committee that there are exceptional reasons to deviate from the current policy relating to the age limit of vehicles.

50/16	Review of a Hackney Carriage and Private Hire Driver's Licence	In light of the information contained in the report and the responses to the questions raised, the licence holder be issued with a final warning, such warning to remain active for the life of the licensee's first four licences.
51/16	Application to renew a Hackney Carriage and Private Hire Driver's Licence	Refuse to grant a licence in the light of the circumstances of the case, the information now reported, the responses to the questions raised and in accordance with the Council's policy on plying for hire.

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 25 July 2016

PRESENT: Councillors Alan Law (Chair), George Lindars-Hammond and Josie Paszek

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1. APOLOGIES FOR ABSENCE

1.1 No apologies for absence were received. Councillor Andy Bainbridge attended the meeting as a reserve Member, but was not required to stay.

2. EXCLUSION OF PUBLIC AND PRESS

2.1 No items were identified where resolutions may be moved to exclude the public and press.

3. DECLARATIONS OF INTEREST

3.1 There were no declarations of interest.

4. LICENSING ACT 2003 - CROSSFIT SCI, UNIT 8, FARFIELD INDUSTRIAL ESTATE, 12 HILLFOOT ROAD, SHEFFIELD, S3 8AA

4.1 The Chief Licensing Officer submitted a report to consider an application for a Premises Licence made under Section 17 of the Licensing Act 2003, in respect of the premises known as Crossfit SCI, Unit 8, Farfield Industrial Estate, 12 Hillfoot Road, Sheffield, S3 8AA.

4.2 Present at the meeting were Sean Gibbons (Health Protection Service, Objector), Benita Mumby (South Yorkshire Police, Objector), Neil Pates (Environmental Protection Service, Objector), Julie Hague (Sheffield Safeguarding Children Board, Objector), Andy Ruston (Licensing Enforcement and Technical Officer), Marie-Claire Frankie (Solicitor to the Sub-Committee) and John Turner (Democratic Services).

4.3 The applicant, who had been invited, did not attend the hearing, and the Sub-Committee agreed to consider the application in her absence.

4.4 Marie-Claire Frankie outlined the procedure which would be followed during the hearing.

4.5 Andy Ruston presented the report to the Sub-Committee, and it was noted that objections had been received from the Health Protection Service, South Yorkshire Police, Environmental Protection Service and the Sheffield Safeguarding Children Board, and were attached at Appendices 'B', 'C', 'D' and 'E', respectively.

4.6 Julie Hague stated that the Sheffield Safeguarding Children Board had a number

of concerns with regard to the application, relating mainly to the lack of detail, specifically with regard to safeguarding. There were no details in terms of whether Challenge 21 or 25 would be used in terms of the adult events at the venue and very little detail, if any, relating to what safeguarding steps would be taken in connection with children's events. Ms Hague stated that she had notified the applicant of two suggested conditions, relating to safeguarding, but the applicant had failed to respond.

- 4.7 Sean Gibbons circulated a number of photographs of the premises and its surroundings. He indicated that the Health Protection Service had a number of concerns regarding the application, which had been raised with the applicant at a site meeting held on 6th June 2016. Some of these concerns included a lack of detail in respect of the plan of the premises, its capacity, the location of any proposed bar area and the general operation of the premises. He stated that it had been very difficult for the Service to make any assessment of the application as the applicant had been very unresponsive. He raised further concerns regarding the lack of detail relating to proposed boxing or wrestling events, live music events, late night refreshments and the footfall of customers arriving and leaving the premises on the basis that it was situated on an industrial estate. Whilst the structure of the premises was generally suitable for the planned events, there were insufficient toilet/washing facilities, and the mezzanine area was not guarded or load bearing. Mr Gibbons also stated that the Service had experienced problems in contacting the applicant, and with the applicant not responding.
- 4.8 Benita Mumby stated that the police's objections related to the lack of detail in the application, and lack of clarity in terms of the different events proposed at the premises. She stated that there were also concerns in terms of public safety and public nuisance, both relating to the nature of the surrounding area in terms of events held at night, and regarding the safety of young children, again due to the nature of the surrounding area and the heavy traffic. The police had specific concerns with regard to the proposal to open for 24 hours at weekends, and were concerned that there was a high potential for a drain on their resources linked to the operation of the premises.
- 4.9 Neil Pates expressed similar views to the other objectors in that he considered the application to be very open, vague and flexible, which had resulted in the Service not being able to provide appropriate advice to the applicant. The Service was in a position to provide a wide range of advice in terms of sound management but, in the light of the lack of clarity in terms of the applicant's plans, as well as her failing to respond to correspondence, this had proved very difficult. He expressed concern at the potential for events to be held at the premises, with no appropriate controls, or any measures to deal with noise breakout, both during the night and during the day.
- 4.10 In response to questions from Members of, and the Solicitor to, the Sub-Committee, it was stated that, in terms of contact with the applicant, the Sheffield Safeguarding Children Board had received no response at all to their queries, and, although the other services had met with the applicant on 6th June 2016, she had not got back to them, despite promising to do so following a number of

queries and concerns raised at this meeting. It was believed that the applicant's father either owned or leased the unit, which was currently being used as a gym, and it was the intention for his daughter, the applicant, to manage the business. It was confirmed that Arthur's Skips were based very close to the premises, which, along with other businesses on the industrial estate, could cause problems with regard to health and safety, particularly if young children were attending the venue.

- 4.11 RESOLVED: That the public and press and attendees involved in the application be excluded from the meeting before further discussion takes place on the grounds that, in view of the nature of the business to be transacted, if those persons were present, there would be a disclosure to them of exempt information as described in paragraph 5 of Schedule 12A to the Local Government Act 1972, as amended.
- 4.12 Marie-Claire Frankie reported orally, giving legal advice on various aspects of the application.
- 4.13 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 4.14 RESOLVED: That in the light of the information contained in the report now submitted, together with the representations now made, and the responses to the questions raised, the application for the grant of a Premises Licence in respect of Crossfit SCI, Unit 8, Farfield Industrial Estate, 12 Hillfoot Road, Sheffield, S3 8AA, be rejected.

(The full reasons for the Sub-Committee's decision will be included in the written Notice of Determination.)

5. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 - STREET TRADING - STATIC STREET TRADING CONSENT - DEVONSHIRE GREEN, SHEFFIELD CITY CENTRE

- 5.1 The Chief Licensing Officer submitted a report to consider an application, under the Local Government (Miscellaneous Provisions) Act 1982, for the grant of a Static Street Trading Consent for Devonshire Green, Sheffield City Centre (Case No. 63/16).
- 5.2 Present at the meeting were Ian Pointon (Applicant), Andy Ruston (Licensing Enforcement and Technical Officer), Marie-Claire Frankie (Solicitor to the Sub-Committee) and John Turner (Democratic Services).
- 5.3 Marie-Claire Frankie outlined the procedure which would be followed during the hearing.
- 5.4 Andy Ruston presented the report, and it was noted that comments on the application had been received from Lucy Bond, Planning Development Team Manager, and were attached at Appendix 'B' to the report.

- 5.5 Ian Pointon stated that he was aware that there were issues in terms of the application not fully meeting the requirements of the City Centre Qualitative Criteria for Street Trading, but stressed that the colour and design of the trailer would not have an adverse effect on the local surroundings. He added that the trailer was eco-friendly, and that the food on offer would be all locally sourced, and of good quality.
- 5.6 In response to questions from Members of, and the Solicitor to, the Sub-Committee, Mr Pointon stated that to get the trailer on site, it would have be towed as far as possible, then moved into position by hand. Although he had not spoken to any Council officers with regard to the style and design of the trailer, he had discussed this with a number of shop owners in the area, who had indicated that they had no issues. Whilst he accepted that the trailer did not meet the Council's City Centre Qualitative Criteria in terms of its size, he indicated that it would be difficult to find a suitable trailer to enable him to operate as he planned, and that he had seen other catering vans in the City Centre which were bigger than his. Mr Pointon stated that he had traded in other areas of the City, and had used the trailer for catering purposes at a number of weddings and other events. Whilst he would not wish to change the colour of the trailer, he indicated that he would be happy to consider any suggestions in terms of amendments to its design in order to make it more attractive. The trailer met all the necessary health and safety requirements.
- 5.7 RESOLVED: That the public and press and attendees involved in the application be excluded from the meeting before further discussion takes place on the grounds that, in view of the nature of the business to be transacted, if those persons were present, there would be a disclosure to them of exempt information as described in paragraph 5 of Schedule 12A to the Local Government Act 1972, as amended.
- 5.8 Marie-Claire Frankie reported orally, giving legal advice on various aspects of the application.
- 5.9 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 5.10 RESOLVED: That, following consideration of the information contained in the report now submitted, together with the information now reported, the meeting be adjourned pending a site visit, to allow Members to view the trailer in the context of its surroundings.

RECONVENED MEETING ON 11TH AUGUST 2016

PRESENT: Councillors Alan Law (Chair), George Lindars-Hammond and Josie Paszek

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1. APOLOGIES FOR ABSENCE

1.1 No apologies for absence were received.

2. EXCLUSION OF PUBLIC AND PRESS

2.1 No items were identified where resolutions may be moved to exclude the public and press.

3. DECLARATIONS OF INTEREST

3.1 There were no declarations of interest.

4. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 - STREET TRADING - STATIC STREET TRADING CONSENT - DEVONSHIRE GREEN, SHEFFIELD CITY CENTRE

4.1 The Chief Licensing Officer submitted a report to consider an application, under the Local Government (Miscellaneous Provisions) Act 1982, for the grant of a Static Street Trading Consent for Devonshire Green, Sheffield City Centre (Case No. 63/16).

4.2 The Chief Licensing Officer reported that the meeting of the Sub-Committee on 25th July 2016, had been adjourned to allow Members to undertake a site visit, to allow them to view the trailer in the context of its surroundings.

4.3 Present at the meeting were Ian Pointon (Applicant), Guy Biggin (Ambassador Supervisor), Steve Cooper (City Centre Resources Manager), Andy Ruston (Licensing Enforcement and Technical Officer) and Marie-Claire Frankie (Solicitor to the Sub-Committee).

4.4 RESOLVED: That, following the site visit now made, approval be given for the grant of a Static Street Trading Consent for Devonshire Green, Sheffield City Centre (Case No. 63/16), for a period of 12 months, excluding any events held on Devonshire Green.

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SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 26 July 2016

PRESENT: Councillors David Barker (Chair), Neale Gibson and Cliff Woodcraft

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1. APOLOGIES FOR ABSENCE

1.1 No apologies for absence were received. Councillor Jack Clarkson attended the meeting as a reserve Member, but was not required to stay.

2. EXCLUSION OF PUBLIC AND PRESS

2.1 RESOLVED: That the public and press be excluded from the meeting before discussion takes place on item 4 on the grounds that, if the public and press were present during the transaction of such business, there would be a disclosure to them of exempt information as described in paragraphs 1 and 2 of Schedule 12A to the Local Government Act 1972, as amended.

3. DECLARATIONS OF INTEREST

3.1 There were no declarations of interest.

4. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING - INDIVIDUAL CASES

4.1 The Chief Licensing Officer submitted details in respect of four cases relating to hackney carriage and private hire licensing.

4.2 The applicant in Case No. 52/16 attended the hearing and addressed the Sub-Committee.

4.3 The applicant in Case No. 53/16 attended the hearing with a representative and they both addressed the Sub-Committee.

4.4 The applicant in Case No. 54/16 attended the hearing with a representative and they both addressed the Sub-Committee.

4.5 The applicant in Case No. 55/16 attended the hearing with a representative and they both addressed the Sub-Committee.

4.6 RESOLVED: That the cases now submitted be determined as follows:-

<u>Case No.</u>	<u>Licence Type</u>	<u>Decision</u>
52/16	Application for a first Hackney Carriage and Private Hire Driver's Licence	Grant a licence for the shorter term of 12 months, in the light of the offences and convictions now reported and, on renewal, authority be given to grant the

		applicant a licence for up to the maximum term of 36 months subject to there being no further cause for concern.
53/16	Application for a new Hackney Carriage and Private Hire Driver's Licence	(a) Grant a licence for the shorter term of three months, subject to the applicant successfully completing the BTEC Level 2 Certificate 'The Introduction to the Role of Professional Private Hire and Taxi Driver' and an advanced driving test and (b) on the first renewal, authority be given to grant the applicant a six month licence and, on the subsequent renewal, a 12 month licence, as applied for by the applicant, subject to there being no further cause for concern.
54/16	Application for a new Hackney Carriage and Private Hire Driver's Licence	Grant a licence for the term of 12 months, as requested.
55/16	Application for a new Hackney Carriage and Private Hire Driver's Licence	Grant a licence for the term of 36 months, as requested.

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 28 July 2016

PRESENT: Councillors Alan Law (Chair), Andy Bainbridge and George Lindars-Hammond

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1. APOLOGIES FOR ABSENCE

1.1 An apology for absence was received from Councillor Vickie Priestley. Councillor Andy Bainbridge attended the meeting in her absence.

2. EXCLUSION OF PUBLIC AND PRESS

2.1 No items were identified where resolutions may be moved to exclude the public and press.

3. DECLARATIONS OF INTEREST

3.1 There were no declarations of interest.

4. LICENSING ACT 2003 - SOUTH SEA, 3 SPOONER ROAD, SHEFFIELD S10 5BL

4.1 The Chief Licensing Officer submitted a report to consider an application made under Section 51 of the Licensing Act 2003 for the review of premises licence in respect of the premises known as South Sea, 3 Spooner Road, Sheffield, S10 5BL.

4.2 Present at the meeting were Julie Hague (Licensing Manager, Sheffield Safeguarding Children Board (SSCB), Applicant), Andrea Marsden (South Yorkshire Police Licensing Officer), David Hancock (Licence Holder, South Sea), Iain West (Designated Premises Supervisor, South Sea), Emma Rhodes (Licensing Enforcement and Technical Officer), Brendan Twomey (Solicitor to the Sub-Committee) and Jennie Skiba (Democratic Services).

4.3 Brendan Twomey outlined the procedure which would be followed during the hearing.

4.4 Emma Rhodes presented the report to the Sub-Committee and it was noted that the application for the review of the licence had been received from Sheffield Safeguarding Children Board and was attached at Appendix A and representations had been received from South Yorkshire Police Licensing and these were attached at Appendix B to the report.

4.5 Julie Hague stated that her core objective in this matter was the protection of children from harm. She added that she had, over the past three years, held a number of meetings with the Licence Holder and the Designated Premises

Supervisor (DPS) regarding risk management in relation to persons under the age of 18. Julie Hague stated that the premises management had always been very co-operative and receptive to any advice that had been given. Ms. Hague further stated that she had advised against the holding of live music events produced by performing arts students from schools within the City and the holding of 18th birthday parties at the premises, as these types of occasions had a tendency to attract young people under the age of 18 who were either already drunk and/or intended to purchase alcohol and illegal highs.

- 4.6 Julie Hague referred to the chronology of events at Annex 1, Appendix A to the report. As can be seen, no issues at the premises arose between October 2013 and February 2015. Julie Hague then referred to an incident at the premises on the 17th February, 2015 in which a 16 year old female was drunk and had been taken to hospital. The premises management had said that the event was booked as an 18th birthday party but was in fact an “end of term” party and had been “gatecrashed” by a number of Somalian young men who had caused trouble and been subsequently barred from entering the premises in the future. She stated that there had been no booking form for the party or a responsible adult in attendance. The management of the premises agreed not to hold 18th birthday parties. Ms. Hague added that a multi-agency action plan had been implemented which included additional staff training on control measures for the premises.
- 4.7 Julie Hague then referred to an incident that occurred on 11th March, 2016 when the Police had been called to an incident outside the premises. There were a number of young people on the premises with false I.D. or without any I.D. at all. A 17 year old girl told the Police she was accompanying the D.J. that was working there that evening and that she had not purchased any alcohol from the bar. Julie Hague referred to another incident that occurred on 31st March, 2016, involving a vulnerable 16 year old female who had been admitted to hospital with a stomach complaint and who had stated she had attended the South Sea, had been given drink by a man and had snorted a white powder. The 16 year old also mentioned that she had been informed that another young female, aged 17, had kissed a member of the club door staff and that when the 17 year old had been missing, the police had searched the club DJ’s address. Julie Hague stated that on the 7th April, 2016, she informed the Manager that if there was no improvement at the premises, she would have no alternative but to review the licence.
- 4.8 At this stage in the proceedings, Brendan Twomey referred to Annex 1(f) which contained confidential/sensitive information and asked if all parties had had sight of the document and they confirmed that they had.
- 4.9 Julie Hague stated that she had been informed that a “rapping” event involving under 18s had been arranged for the 17th May and she subsequently arranged a meeting with the management of the premises to discuss ongoing activities. The management were advised, if effective methods of control proposals were not made, an application for review of the licence would be made. I.D. scanners and membership schemes were options discussed. No proposals were received and she was subsequently informed that David Hancock had handed in his notice.
- 4.10 Andrea Marsden reiterated many of the points raised by Julie Hague as she too

had been involved as Licensing Officer for the premises and attended meetings with the management of the public house since 2012. She also referred to an additional incident, that occurred on 23rd June, 2016, where the police had been called, whereby a 17 year old female, who indicated she had taken something, required hospitalisation and a 16 year old male was arrested for being drunk and disorderly.

- 4.11 David Hancock stated that he had moved to Sheffield in September 2011 and was aware of the poor reputation the premises had gained over the previous 12 years. He further stated that, to his knowledge, several High Court Orders had been issued to remove previous managers and it had been obvious the premises had been totally abused. Mr. Hancock added that he was experienced in running music events and after investing in the property it was his intention to rid the premises of its bad reputation.
- 4.12 David Hancock referred to the incident regarding the group of men from the Somalian community who had entered the premises through the fire door and had started a fight. He stated that the door staff had taken the names of the men and removed them from the premises, telling them that they were barred. He added that this was the only time in five years that the Police had been called to an incident inside the premises. Following this incident, David Hancock stated that he had attended a multi-agency meeting and an action plan for improvement had been agreed and he and members of his staff had attended a training workshop. He said that he felt confident that the action plan put in place had been adhered to, that the door staff were very strict in checking I.D. and the bar staff were thorough about serving alcohol to over 18s only. David Hancock further stated that some customers have already consumed alcohol before entering the premises as there are other licensed premises and three supermarkets selling alcohol within the area. When he and his staff were cleaning up at the end of the night, he often found empty drinks cans that were not sold at the premises. Mr. Hancock added that he felt victimised by the over-zealous scrutiny of the premises due to its previous history. He referred to the fact that no under 18s had been prosecuted, nor did there appear to be vigorous supervision in the selling of alcohol from the local supermarkets.
- 4.13 In response to questions from Members of the Sub-Committee and officers, David Hancock stated that he had been appreciative of the action plan and was always willing to put any suggestions for improvement made in place. He added that he was a community based man and his objectives were to inspire and nurture young talent but felt victimised by the local authority in trying to achieve this and the main purpose for attending the meeting was to defend his reputation as he had been involved in the promotion of live music for the past 20 years. David Hancock said that he had left the premises and was no longer involved in any way.
- 4.14 In summing up, Julie Hague stated that there had been four incidents resulting in young people being hospitalised and there had been a failure to uphold the four licensing objectives. She did suggest some final options to the management of the premises, but they had decided to leave.
- 4.15 RESOLVED: That the public and press and attendees involved in the application

be excluded from the meeting before further discussion takes place on the grounds that, in view of the nature of the business to be transacted, if those persons were present, there would be a disclosure to them of exempt information as described in paragraph 5 of Schedule 12A to the Local Government Act 1972, as amended.

- 4.16 Brendan Twomey reported orally, giving legal advice on various aspects of the application.
- 4.17 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 4.18 RESOLVED: That, in the light of the information contained in the report now submitted and the representations now made, the Sub-Committee agrees to modify the conditions of the Premises Licence, in respect of the premises known as South Sea, 3 Spooner Road, Sheffield S10 5BL as follows:-
- (a) no under 18's to be on the premises at any time;
 - (b) all staff to undertake the SSCB training at the earliest opportunity;
 - (c) at all times that the premises is open to the public, a person who has undertaken the SSCB training is to be on the premises and responsible for controlling access to the premises;
 - (d) regular staff refresher training is to be undertaken (minimum six monthly), and records are to be kept and made available to officers, such records to be kept for a minimum of two years;
 - (e) a single refusal log is to be used at the premises and made available for inspection by officers, such logs to be kept for a minimum of two years; and
 - (f) the Challenge 25 scheme is to be operated.

(The full reasons for the Sub-Committee's decision will be included in the written Notice of Determination.)

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 2 August 2016

PRESENT: Councillors David Barker (Chair), Neale Gibson and Josie Paszek

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1. APOLOGIES FOR ABSENCE

1.1 An apology for absence was received from Councillor Moya O'Rourke (Reserve Member).

2. EXCLUSION OF PUBLIC AND PRESS

2.1 RESOLVED: That the public and press be excluded from the meeting before discussion takes place on item 4 on the grounds that, if the public and press were present during the transaction of such business, there would be a disclosure to them of exempt information as described in paragraphs 1 and 2 of Schedule 12A to the Local Government Act 1972, as amended.

3. DECLARATIONS OF INTEREST

3.1 There were no declarations of interest.

4. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING - INDIVIDUAL CASES

4.1 The Chief Licensing Officer submitted details in respect of three cases relating to hackney carriage and private hire licensing.

4.2 The applicant in Case No. 66/16 attended the hearing and addressed the Sub-Committee.

4.3 The licensee in Case No. 67/16 attended the hearing and addressed the Sub-Committee.

4.4 The licensee in Case No. 68/16 attended the hearing with a representative and they both addressed the Sub-Committee.

4.5 RESOLVED: That the cases now submitted be determined as follows:-

<u>Case No.</u>	<u>Licence Type</u>	<u>Decision</u>
66/16	Application for a new Hackney Carriage and Private Hire Driver's Licence	Agree to grant a licence for a shorter term of 18 months in the light of the offence and conviction now reported and on the basis that the applicant requires a further medical examination in 18 months' time.
67/16	Application to	(a) Agree to grant a licence for the term

	renew a Hackney Carriage and Private Hire Driver's Licence	requested, subject to the licensee (i) either producing a BTEC Level 2 Certificate 'The Introduction to the Role of Professional Private Hire and Taxi Driver', or completing that course within a period of 12 months from the grant of the licence and (ii) producing a Disclosure and Barring Service Certificate and (b) in the light of the offence and conviction now reported, the applicant be given a written warning, indicating that if there is any further cause for concern, the licence will be referred back to the Sub-Committee.
68/16	Application to renew a Hackney Carriage and Private Hire Driver's Licence	Refuse to grant a licence as the Sub-Committee does not consider the licensee to be a fit and proper person in the light of the offences now reported.

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 9 August 2016

PRESENT: Councillors Alan Law (Chair), Jack Clarkson and Anne Murphy

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1. APOLOGIES FOR ABSENCE

1.1 No apologies for absence were received. Councillor Andy Bainbridge attended the meeting as a reserve Member, but was not required to stay.

2. EXCLUSION OF PUBLIC AND PRESS

2.1 RESOLVED: That the public and press be excluded from the meeting before discussion takes place on item 4 on the grounds that, if the public and press were present during the transaction of such business, there would be a disclosure to them of exempt information as described in paragraphs 1 and 2 of Schedule 12A to the Local Government Act 1972, as amended.

3. DECLARATIONS OF INTEREST

3.1 There were no declarations of interest.

4. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING - INDIVIDUAL CASES

4.1 The Chief Licensing Officer submitted details in respect of six cases relating to hackney carriage and private hire licensing.

4.2 The applicant in Case No. 56/16 attended the hearing with a representative and they both addressed the Sub-Committee.

4.3 The applicant in Case No. 57/16 attended the hearing with a representative and they both addressed the Sub-Committee.

4.4 The applicant in Case No. 58/16 attended the hearing with a representative and they both addressed the Sub-Committee.

4.5 The applicant in Case No. 59/16 attended the hearing with a representative and they both addressed the Sub-Committee.

4.6 The applicant in Case No. 60/16 attended the hearing with a representative and they both addressed the Sub-Committee.

4.7 The applicant in Case No. 61/16 attended the hearing with a representative and they both addressed the Sub-Committee.

4.8 RESOLVED: That the cases now submitted be determined as follows:-

<u>Case No.</u>	<u>Licence Type</u>	<u>Decision</u>
56/16	Application for a Hackney Carriage and Private Hire Driver's Licence	(a) Grant a licence for the term requested, subject to there being no issues in terms of the applicant's Disclosure and Barring Service Certificate and (b) in the light of the offences and convictions now reported, the applicant be given a written warning, to remain on the licence for a period of 12 months, indicating that if there is any further cause for concern, the licence will be referred back to the Sub-Committee.
57/16	Application for a Hackney Carriage and Private Hire Driver's Licence	(a) Grant a licence for a shorter term of 18 months, subject to the applicant completing the BTEC Level 2 Certificate "The Introduction to the Role of Professional Private Hire and Taxi Driver", within the term of the licence and (b) in the light of the offences and convictions now reported, the applicant be given a written warning, to remain on the licence for a period of 12 months, indicating that if there is any further cause for concern, the licence will be referred back to the Sub-Committee.
58/16	Application for a Hackney Carriage and Private Hire Driver's Licence	(a) Grant a licence for the term requested and (b) in the light of the offences and convictions now reported, the applicant be given a written warning, to remain on the licence for a period of 12 months, indicating that if there is any further cause for concern, the licence will be referred back to the Sub-Committee.
59/16	Application for a Hackney Carriage and Private Hire Driver's Licence	Refuse to grant a licence as the Sub-Committee does not consider the licensee to be a fit and proper person, in the light of the offences and convictions now reported and the responses given to the questions raised.
60/16	Application for a Hackney Carriage and Private Hire	(a) Grant a licence for the term requested and (b) in the light of the

	Driver's Licence	offences and convictions now reported, the applicant be given a written warning, to remain on the licence for a period of 12 months, indicating that if there is any further cause for concern, the licence will be referred back to the Sub-Committee.
61/16	Application for a Hackney Carriage and Private Hire Driver's Licence	(a) Grant a licence for the term requested, subject to (i) the applicant completing the BTEC Level 2 Certificate "The Introduction to the Role of Professional Private Hire and Taxi Driver", within the term of the licence and (ii) there being no issues with his Disclosure and Barring Service Certificate and (b) in the light of the offences and convictions now submitted, the applicant be given a written warning, to remain on the licence for a period of 12 months, indicating that if there is any further cause for concern, the licence will be referred back to the Sub-Committee.

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SHEFFIELD CITY COUNCIL

Licensing Committee

Meeting held 11 August 2016

PRESENT: Councillors David Barker, Alan Law, Andy Bainbridge, Jack Clarkson, Neale Gibson, Kieran Harpham, Adam Hurst, George Lindars-Hammond, Anne Murphy, Andy Nash, Moya O'Rourke, Josie Paszek, Bob Pullin and Cliff Woodcraft

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1. APOLOGIES FOR ABSENCE

1.1 An apology for absence was received from Councillor Vickie Priestley.

2. EXCLUSION OF PUBLIC AND PRESS

2.1 No items were identified where resolutions may be moved to exclude the public and press.

3. DECLARATIONS OF INTEREST

3.1 There were no declarations of interest.

4. MINUTES OF PREVIOUS MEETINGS

4.1 The minutes of meetings of (a) the Committee held on 12th and 18th May 2016, and (b) the Sub-Committee held on 19th and 26th April, 16th May, 2nd, 7th, 9th and 14th June 2016, were approved as correct records.

5. REQUEST FOR INCREASE IN HACKNEY CARRIAGE FARES

5.1 The Chief Licensing Officer submitted a report on a request made by the GMB Union and the Sheffield Taxi Trades Association (STTA), on behalf of their respective members, to increase the fares for journeys in Hackney Carriage vehicles. The report indicated that the last review of this policy took place in April 2013, where no changes were made, and that the last increase had been agreed in October 2010.

5.2 The report set out details regarding the requested changes, fare calculations, financial implications and consultation with the trades. The report also contained, as appendices, a current table of Hackney Carriage fares, details of the request, a table of fares showing the proposed increase, and a list of the approved suppliers of Hackney Carriage tariff meters.

5.3 Ibrar Hussain (GMB) expressed his thanks and appreciation to officers in the Licensing Service for the work they had undertaken with the trades following the initial request for an increase in fares. He stated that, following discussions with GMB members and the other trades, the majority of drivers had requested that the

night-time tariff should take effect from 18:00 hours through to 06:00 hours, based on the fact that many drivers started their shifts at 18:00 hours. He also stated that its members supported the proposed increase in the railway station surcharge, mainly on the basis of the increasing cost of the annual permits, which presently cost £515. Mr Hussain made reference to the problems being experienced by the permit-holders at the Station, referring specifically to the large number of permit-holders, currently 277, having to wait for long periods of time before reaching the official taxi rank. He concluded that there was unanimous support from the GMB's members for the proposed increase in fares, in terms of changes to the drop distances.

5.4 Members of the Committee asked questions of Mr Hussain, and the following responses were provided:-

- At the present time, with regard to Hackney Carriage fare comparisons with other areas, the Authority was around mid-table in terms of other Metropolitan authorities and just below middle in terms of Country-wide.
- In terms of the proposed increase in fares from the railway station, drivers considered such an increase to be reasonable, both in the light of the increasing costs of the annual permit they had to purchase and on the basis that other cities adopted a similar practice. It was considered that there should be a maximum limit on the number of drivers being able to purchase permits, say 120, but there was nothing stopping drivers from making this choice, and there was little or no likelihood of the Station Manager limiting such permits as it was viewed as a useful form of income generation. Despite several meetings with the Station Manager to look at how the situation could be improved, the GMB and STTA still viewed the current situation unsatisfactory. Based on the average number of fares picked up from the Station, the 20p increase was seen as justifiable. The main problems at the Station related to capacity issues, which was not only causing frustration for those drivers who had purchased a permit, but was also creating congestion on the access roads leading to the Station. The GMB and STTA would continue to put pressure on the Station Manager to put a limit on the number of permits sold.
- The trades considered that there was an urgent need for more taxi ranks in the City, particularly in the City Centre, and believed that there was a need for improved communication between the Licensing and Highways Services on this issue. It was appreciated that this was one of the aspects being considered as part of the unmet demand survey currently being undertaken.
- Whilst there was little detail in the report, highlighting how Hackney Carriage drivers' costs had increased, in terms of the trades being able to justify the increase in fares, it was hoped that the public would acknowledge that the cost of driving, including insurance and maintenance charges, had increased since the last review in 2013.
- In terms of the proposed increase in charges regarding the use of credit and debit cards, it was considered that, in order to provide such a service, which

was becoming increasingly popular with the public, the trades considered it reasonable that they should be able to recover any costs in terms of providing this service.

- Drivers would not incur any costs in terms of dealing in cash, although there were obvious risks in terms of theft which, thankfully, were very rare.

5.5 Hafeas Rehman (STTA) also expressed his thanks and appreciation to the officers and Members who had been involved in working on the proposals. Mr Rehman stated that Hackney Carriages still represented good value for money in terms of travel in the City, and stressed that the STTA had always been sensible in terms of requests for increases in fares. With regard to the station, he stated that there were only 16 spaces on the rank directly outside the Station, and that the problems, which the STTA had envisaged some years ago, had been caused by the Council's Planning Service. He stated that the STTA supported the proposals as set out in the report.

5.6 In response to questions from Members of the Committee, Mr Rehman stated that the STTA supported the proposal regarding credit and debit card payments on the basis that many drivers were struggling to make a living, and that it was only fair that they could recover the costs of hiring the equipment required. He also made the point that Hackney Carriage vehicles were more expensive than private vehicles to purchase, and had extra benefits, such as being wheelchair accessible.

5.7 In response to comments and questions from Members of the Committee, Clive Stephenson (Licensing Strategy and Policy Officer) confirmed that additional charges were made in terms of Hackney Carriages ranking in stations and airports in other cities. He stated that if the night-time charges operated from 18:00 hours to 06:00 hours, this would be one of the earliest, if not the earliest, start time in the country, as many other areas' night-time charges became effective from 22:00 or 23:00 hours. It was accepted, however, that there were less additional charges in Sheffield, such as weekend, luggage and additional passenger charges. In terms of future requests for increases in fares, officers in the Licensing Service had started to create a matrix, setting out the running costs of individual Hackney Carriage drivers, together with details of their income, which could be used by the Committee when considering such future requests. Following concerns raised by Councillor George Lindars-Hammond, Mr Stephenson stated that, at the present time, the matrix was in its infancy, and did not contain any factual information in terms of drivers' costs and income, therefore he did not deem it suitable to include in the report now submitted. In terms of safeguards relating to the additional charge for drivers picking up fares at the railway station, namely with regard to ensuring that permit-holders could only impose the additional charge when picking up from the Station, and not from any other ranks in the City, Mr Stephenson stated that, whilst it would be possible to make the necessary adaptation to their meters at the time of purchasing the station permits, he was not sure there was any way of stopping permit-holders implementing the additional charge when picking up fares from other ranks in the City.

5.8 Ibrar Hussain stated that there needed to be an element of trust on those drivers with Station permits, and that it needed to be made clear on the meter, at the end

of a journey from the Station, that there had been an additional 20p charge.

- 5.9 RESOLVED: That the public and press and attendees be excluded from the meeting before further discussion takes place on the grounds that, in view of the nature of the business to be transacted, if those persons were present, there would be a disclosure to them of exempt information as described in paragraph 5 of Schedule 12A to the Local Government Act 1972, as amended.
- 5.10 Marie-Claire Frankie reported orally, giving legal advice on various aspects of the request for a fare increase.
- 5.11 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 5.12 RESOLVED: That the Committee:-
- (a) notes the contents of the report now submitted, together with the comments now made and the responses provided to the questions raised;
 - (b) further to the representations now made in connection with the request for an increase in Hackney Carriage fares, approves:-
 - (i) the list of suppliers of Hackney Carriage tariff meters;
 - (ii) the initial fare drop tariff to be at 100 yards, and then a further fare drop at 160 yards; the yardage after the initial two drops to be reduced to 220 yards up to 10 miles, and then reduced further to 195 yards;
 - (iii) the night-time tariff to run from 20:00 hours to 07:00 hours and the daytime tariff to run from 07:00 hours to 20:00 hours;
 - (iv) a 50p flat charge for the use of credit and debit cards for payments of fares at £10 or under; and
 - (v) the 20p additional charge for journeys made from the railway station; and
 - (c) requests the Chief Licensing Officer to submit a report to this Committee in 12 months' time, containing a review of the changes referred to in paragraph (b) above.

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 16 August 2016

PRESENT: Councillors David Barker (Chair), Neale Gibson and Bob Pullin

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1. APOLOGIES FOR ABSENCE

1.1 An apology for absence was received from Councillor George Lindars-Hammond.

2. EXCLUSION OF PUBLIC AND PRESS

2.1 RESOLVED: That the public and press be excluded from the meeting before discussion takes place on item 4 on the grounds that, if the public and press were present during the transaction of such business, there would be a disclosure to them of exempt information as described in paragraphs 1 and 2 of Schedule 12A to the Local Government Act 1972, as amended.

3. DECLARATIONS OF INTEREST

3.1 There were no declarations of interest.

4. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING - INDIVIDUAL CASE

4.1 The Chief Licensing Officer submitted details in respect of a case relating to hackney carriage and private hire licensing.

4.2 The licensee attended the hearing with a representative and they both addressed the Sub-Committee.

4.3 RESOLVED: That the case now submitted be determined as follows:-

<u>Case No.</u>	<u>Licence Type</u>	<u>Decision</u>
75/16	Review of a Hackney Carriage and Private Hire Driver's Licence	In the light of the incident now reported, and the responses given to the questions raised, the licensee be given a written warning, to remain on the licence for a period of two years, and indicating that if there is any further cause for concern, the licence will be referred back to the Sub-Committee.

5. LICENSING ACT 2003 - YANKEE LOUNGE/LONDON ROAD CLUB, 1ST FLOOR, 178-184 LONDON ROAD, SHEFFIELD, S2 4LT

- 5.1 The Chief Licensing Officer submitted a report to consider an application made by the Council's Health Protection Service, under Section 51 of the Licensing Act 2003, for a review of the Premises Licence in respect of the premises known as Yankee Lounge/London Road Club, 1st Floor, 178-184 London Road, Sheffield, S2 4LT.
- 5.2 Present at the meeting were Huseyin Esendemir (Premises Licence Holder), Naze Esendemir (Premises Licence Holder's Daughter), Michelle Hazlewood (John Gaunt, Solicitors, for the Premises Licence Holder), Sean Gibbons (Health Protection Service, Applicant), Julie Hague (Sheffield Safeguarding Children Board), Shiva Prasad and Bob Singh (Environmental Protection Service), Cheryl Topham and Sam Cooper (South Yorkshire Police), Georgina Hollis (Licensing Service), Emma Rhodes (Licensing Enforcement and Technical Officer), Brendan Twomey (Solicitor to the Sub-Committee) and John Turner (Democratic Services).
- 5.3 Brendan Twomey outlined the procedure which would be followed during the hearing.
- 5.4 Emma Rhodes presented the report to the Sub-Committee, and it was noted that representations had been received from the Sheffield Safeguarding Children Board, Environmental Protection Service, South Yorkshire Police and Licensing Service, and were attached at Appendix 'B' to the report.
- 5.5 Brendan Twomey checked as to whether all relevant parties had received all the additional information circulated electronically prior to the hearing, and it was confirmed that this was the case.
- 5.6 Sean Gibbons, on behalf of the Health Protection Service, referred to the letter dated 9th February 2015, sent to Huseyin Esendemir (Premises License Holder, (PLH)), following a site meeting on 5th February 2015, which had been arranged in order to discuss issues associated with the use of the premises. Reference was made to the application made in 2012, for a Premises Licence to cover the Turkuaz Bar and Grill and the London Road Club, and Mr Esendemir had been made aware of the fact that, at this time, he had not sought appropriate approvals from the Council's Planning Service and Building Control, and that in order for him to pursue the licence for the London Road Club, he needed to seek such approvals. Mr Gibbons expressed his concerns and disappointment when he noticed that, at a site visit on 6th May, 2016, a number of structural alterations had been made to the London Road Club and that these premises were now being operated as a late bar/nightclub. He referred to the potential for health and safety risks to the public, following the alterations, specifically regarding the load-bearing strength of the floor, and also made reference to a general lack of facilities for the number of people attending the premises as a nightclub, which could lead to problems in terms of personal safety and crime and disorder. Mr Gibbons stated that he was further disappointed at the fact that, despite assurances being given that similar events at the premises would not go ahead, events had been held at the premises on 29th May and 10th June 2016. He stated that, in the light of the concerns raised, and the lack of co-operation and disregard for public safety, the Service had been forced to take immediate action, in terms of the serving of a Prohibition Notice and submitting an application for the review of the Premises Licence.

- 5.7 Shiva Prasad added that, he too had felt let down by Mr Esendemir's actions, and that the decision to serve the Prohibition Notice and apply for the review of the Premises Licence had not been taken lightly.
- 5.8 Prior to raising questions, Michelle Hazlewood confirmed that the premises had been closed, following the holding of the last event on 10th June 2016, all the relevant works requested had now been undertaken, and it was the plan for the former London Road Club premises to operate as Turkuaz Bar and Grill. In response to questions from Michelle Hazlewood, it was stated that the venue's first Premises Licence included music and dancing and that in 2008, whilst there was no specific reference on the Licence that the premises were to be operated as a restaurant, the premises were clearly set out for that purpose, nor was there a condition on the Licence stipulating the requirement for 80 covers. Whilst it was accepted that there was no evidence in terms of potential structural issues documented in the review papers, this issue had been discussed with the client following a site meeting held on 6th May 2016. Mr Gibbons stated that he believed that Mr Esendemir was clear, following meetings held with him, what was required of him. The concerns with regard to the structural condition of the floor had not been raised in 2008, as the premises was not operating as a nightclub at that time, and the suggested limit on the number of customers had been based on the toilet facilities within the premises. Further to the meeting held on 6th May 2016, to discuss issues regarding the change of use of the premises, the Health Protection Service had raised concerns with regard to the structural condition of the premises not being suitable for more than 80 customers on the basis that, following visits to the premises, officers had noticed that it was being operated as a nightclub.
- 5.9 Julie Hague, Sheffield Safeguarding Children Board (SSCB), stated that Mr Esendemir had shown disregard to the regulations and core objectives of the Licensing Act, particularly in the light of the fact that there had been a material operational transformation at the premises. She stated that the premises were located in an area linked to crime and disorder, and considered that the premises had been operating in the absence of appropriate licensing conditions for this type of venue. Venues of this nature would be required to adopt relevant safeguarding measures, such as age checks on customers, and that she was disappointed that Mr Esendemir did not seek advice from the SSCB, which was always willing to assist in such matters, and offered free training and advice. Ms Hague stated that, although she was aware of the change of the Designated Premises Supervisor (DPS), and that the premises was now operating as it had done originally, as a restaurant, she expressed concerns over the apparent lack of management control and lack of co-operation with the responsible authorities, and was concerned at the possibility of the premises converting back to a nightclub. She stated that there was a need for a written Risk Assessment and the implementation of suitable safeguarding measures in terms of the future operation of the premises.
- 5.10 In response to questions directed to Julie Hague, it was stated that in terms of the problems at an event held at the premises on 27th March, 2016, whilst it was believed that there were around 150 people present at the time, this figure was academic in the sense that the SSCB did not consider it to be a suitable environment for children and young people. The SSCB would like to see the

implementation of an extra level of risk assessment in terms of events held at the premises involving children and young people, and it would also like to see Mr Esendemir, or another responsible member of staff, attend the multi-agency safeguarding training. Whilst there were effectively two different elements to the premises, which were pointed out on the site plan, they were both licensed under the same Premises Licence, which had caused some level of confusion. The London Road Club comprised a very light usage operation, which was predominantly frequented by members of the Turkish community in the evenings, and there was no crime and disorder linked to this part of the premises. Ms Hague confirmed that the SSCB did not have any safeguarding concerns prior to the change of use of the premises, and was happy for the premises to continue operating on the condition that the DPS complied with all the licence conditions, and was aware of his responsibility to comply with regulations and liaise, where necessary, with the responsible authorities, both to protect staff and the public. Whilst it was recommended that a member of staff attended the multi-agency safeguarding training, there was no legal requirement for staff to do so, although the Sub-Committee could include this requirement as an additional condition on the licence. Ms Hague confirmed that one risk assessment could be undertaken in terms of a number of different events, and updated periodically.

- 5.11 Bob Singh (Environmental Protection Service) stated that the Service's representations regarding the review of the Premises Licence were based on the licensing objective for the prevention of public nuisance. He stated that the premises were located in a mixed commercial and residential area, with relatively low background noise levels throughout the late evening, and that the Service had received a number of complaints from local residents, since September 2014, about loud music during regulated entertainment events, customers outside the premises and breaches of permitted planning and licensing operating hours. Mr Singh referred specifically to the complaints, of which there were six, providing information in terms of the times and nature of the complaints. He stressed that, due to resource issues, the Service had not been able to undertake any investigations into the complaints received. Mr Singh stated that the Service was aware that the premises were operating as two separate venues, a private members club and a restaurant, and that the Service had been notified by the Local Planning Authority on 18th April 2016, that significant structural alterations to the restaurants had taken place to form a late bar/nightclub. Representatives of the Service had attended the site meeting held on 6th May 2016, and following an inspection of the premises, the alterations had been noted, and which had included the installation of a DJ booth, a large PA system, a dance floor, a raised dancing platform and a vertical bar area. The Service was particularly concerned that residents and commercial uses in close proximity, and adjoining buildings, would potentially be affected by excessive noise nuisance by both noise breakout from regulated entertainment and customers using the external areas until the early hours of the morning. The Service had offered the former DPS, Mr Blanchard, advice on noise control, and recommended that he should seek professional advice on a scheme of sound attenuation measures to improve the fabric of the building. Mr Singh stated that, despite assurances from Mr Blanchard that all proposed future events at the premises would be cancelled, the Service continued to receive complaints of noise breakout, which had indicated that further events had been held, and that the management had failed to comply with the conditions

of the Premises Licence, and satisfy the requirements of the Service. In the light of this information, Mr Singh stated that the Service would like to see the withdrawal of regulated entertainment from the Premises Licence, and that the operating hours be restricted to be consistent with such conditions granted under Planning Consent.

- 5.12 Further to questions directed to Mr Singh, it was confirmed that there was an external smoking terrace, the use of which was allowed up to 23:00 hours, although the Service had received complaints regarding noise nuisance emanating from this area after this time. Some of the complaints of noise nuisance had been received from residents living within the close proximity of the premises, and it had been assumed that such noise nuisance had emanated from the external smoking area. It was confirmed that there were no noise attenuation measures in connection with the external smoking area, or any other part of the premises, which complied with the standards of the Environmental Protection Service. The level of complaints received in connection with the operation of the premises, in comparison with other licensed premises in the City, were moderate to low. Mr Esendemir had taken on board some recommendations suggested by the Service, which had resulted in a reduction in the level of complaints received. The six complaints received had been made by three separate individuals. In terms of the Service's recommendations, Mr Singh confirmed that, if the Sub-Committee was minded to allow regulated entertainment at the premises, he would recommend that the three conditions set out in his e-mail, dated 19th July 2016, relating generally to sound attenuation measures and requirements, be placed on the Premises Licence. Four of the six complaints of noise nuisance had all been received in 2015, with two relating to the use of the external smoking area, and there had been no investigations into the 6th complaint, received on 26th June 2016. Mr Singh confirmed that no complaints of any nature had been received following the two late night events held at the premises on 29th May and 6th June 2016, nor had any complaints been received during the premises' normal operating hours.
- 5.13 Cheryl Topham (South Yorkshire Police) stated that the police had not had any issues in connection with the operation of the premises until the change of use, and particularly regarding the incident on 27th March 2016. Although the police believed the premises were still operating as a restaurant, on attending the premises on 27th March 2016, following reports of a large-scale fight, it was apparent that the nature of the operation had changed, as there was a DJ playing music, and a large crowd present. Following this incident, officers visited the premises in an attempt to make contact with staff, but found the premises closed. The police later found out about the plans to change the operation to a late bar/nightclub. Officers attended the site meeting on 6th May 2016, and expressed concerns regarding the potential for crime and disorder following the change of use. Assurances were given at the meeting that any necessary alterations would be made before similar events were to take place on the premises. However, events were held at the premises at the end of May 2016, and a further event had been arranged on 10th June 2016, without any of the responsible authorities having been informed. On 22nd June 2016, Ms Topham attended the premises with Acting Police Sergeant Sam Cooper, in an attempt to gain CCTV footage of the event held on 28th May 2016. The premises were locked up at the time, but Mr Blanchard arrived shortly after, informing the officers that the CCTV system was in

the loft, which was accessible via a metal stepladder. The officers declined the offer to enter the loft, advising Mr Blanchard that this was not appropriate, and should be moved straight away.

- 5.14 Acting Police Sergeant Sam Cooper (South West Local Policing Team) read through her witness statement, focusing on the fact that the premises were situated within a heavily populated, very diverse community, and which, based on local policing intelligence and knowledge, was known to be currently associated with gang related violence, drug dealing, anti-social behaviour and recent high levels of crime and disorder. She referred to the incident at the premises on 27th March 2016, the multi-agency site meeting held on 6th May 2016, and the visit to the premises, accompanied by Cheryl Topham, in an attempt to view the CCTV system. Acting Sergeant Cooper stated that she was becoming increasingly concerned that Mr Esendemir was not properly managing events at the premises, and expressed concerns at the potential health and safety risks for her colleagues attending the venue in the light of a lack of suitable provision for health and safety measures.
- 5.15 In response to questions directed at Cheryl Topham and Acting Sergeant Sam Cooper, it was stated that, prior to officers attending the premises following the disturbance on 27th March 2016, the police believed the premises were still operating as a restaurant, and that during the visit, there appeared to be a lack of clarity in terms of who was in charge. There was further confusion as the police held no contact phone numbers for any of the management. The police believed that, with appropriate licensing controls in place, there would be a possibility for the premises to operate as a late bar/nightclub in this area. The police would like to see the suggested conditions, which had been agreed with Mark Blanchard, added to the Premises Licence, and it was confirmed that the police had never received the CCTV footage in terms of the incident at the premises on 27th March 2016, despite requests to see this. The officers confirmed that they had not been aware of any problems associated with the events held at the premises on 29th May and 10th June 2016. The police would welcome a revised condition on the Premises Licence relating to the premises' CCTV system, and a condition requiring a minimum number of covers in the area of the premises fronting on to London Road, so as to give assurances that such premises could not be reverted back to a late bar/nightclub.
- 5.16 Georgina Hollis (Licensing Service) stated that the Service's objections related to the core objectives with regard to the prevention of crime and disorder and public safety. The Service supported the review in the light of the evidence that the premises had been operating as a late bar/nightclub, hosting events which had significantly changed the building use from a restaurant and community venue, and the terms on which the Premises Licence was previously granted. The Service had been notified by the Environmental Protection Service of significant alterations to the internal front area of the premises, which had changed the venue's operation style and layout significantly, and without the submission and authorisation of a variation to the Premises Licence. The Service then wrote to Mr Esendemir, explaining that it had been notified of the changes, raising questions with regard to Mr Blanchard's position at the premises, and raising issues regarding the possible requirement for separate Premises Licences in respect of the two elements of the

premises. Ms Hollis stated that she and a colleague attended the premises on 10th July 2016, when they were open to the public, and when they introduced themselves, they were greeted by Mr Blanchard. On questioning him regarding the unauthorised works, he stated that he had invested a considerable amount of money in the premises, and had employed a structural engineer to carry out a test/inspection of the floor for safety purposes, as well as employing a noise surveyor. Mr Blanchard however, was not able to present the officers with any confirmation that these works had been undertaken, and appeared to divert away from their questioning with regard to his involvement in the business. On walking around the premises, Ms Hollis noted that substantial internal alterations had been made, and that the decoration inside the premises had been changed to an American bar style theme, with the name 'Yankee Lounge' painted in blue, red and white stripes. Ms Hollis confirmed that she had attended a number of meetings with Mr Esendemir and his solicitor, highlighting the need for him to inform the Licensing Service, and other relevant responsible authorities, in terms of any changes made to the premises and that, unfortunately, no prior warning of any of the changes made had been received by any of the responsible authorities.

- 5.17 In response to a question raised by Councillor Neale Gibson, Ms Hollis stated that, although Mr Esendemir spent a lot of time out of the country, he was aware of his responsibilities, in his role as PLH, particularly having submitted an application for a variation to the Licence in the past. The Licensing Service had serious concerns with regard to Mr Esendemir's apparent lack of control and compliance in connection with the licensing requirements.
- 5.18 Michelle Hazlewood put forward the case on behalf of the Premises Licence Holder, indicating that Mr Esendemir had held this position since 2008, with the premises formerly operating as a community venue. She stated that, whilst accepting there had been some issues in terms of administration, it was not envisaged there would be any further problems now that the operation had returned to a restaurant. Ms Hazlewood indicated that, apart from the incident on 27th March 2016, there had not been any issues in terms of crime and disorder, and pointed out that there had been no representations made from residents living within close proximity of the premises, despite there being a number of terraced properties to the rear. In terms of the complaints of noise nuisance, it was stated that there were a number of restaurants and takeaways in the area, as well as a garage and a fruit and veg wholesaler, to the rear of the premises, to which deliveries were frequently made in the early hours of the morning. There was also a supermarket below the restaurant area, which was open 24 hours a day, and which also received deliveries at varying times of the day and night. The music was turned off at 24:00 hours, and only two people were allowed in the external smoking area at any one time. Ms Hazlewood stated that she accepted, on behalf of Mr Esendemir, that there had been issues in terms of poor administration and a lack of communication in connection with the operation of the premises. This could have been as a result of Mr Esendemir visiting his family, who had a home in Turkey, very close to the Syrian border, which had obviously been a concern for him, as well as Mr Esendemir focusing on his other restaurant in Gleadless. This had resulted in him sub-letting the premises on London Road to Mr Blanchard. The problems at the premises during the event held on 27th March 2016, together with Mr Blanchard's wishes to take the premises forward as a late bar/nightclub,

had triggered the site meeting on 6th May 2016, at which concerns had been raised by all the responsible authorities in terms of the premises moving in this direction. Although a planned event shortly after this date had been cancelled, following the concerns of the responsible authorities, two further events were held, on 29th May and 10th June 2016. A structural survey had been undertaken, and Mr Blanchard had received verbal confirmation that the floor of the premises would be structurally strong enough to support 150 people. Ms Hazlewood stressed that there were no problems or complaints of noise nuisance made following the two events. Following the event on 10th June 2016, the premises were closed, and Mr Blanchard was removed as the DPS. Mr Esendemir then decided he wanted to turn the premises back to a restaurant, and invested a considerable amount of money in terms of the necessary alterations. Discussions had been held between the representatives of the responsible authorities present at this meeting, and Ms Hazlewood, resulting in an agreed set of proposed conditions being developed. In conclusion, Mr Esendemir apologised to the Sub-Committee, and to the representatives of the responsible authorities, for the poor administrative practices and lack of communication which, he believed, had come about on the basis that he had taken on too much work.

- 5.19 In response to questions directed to Michelle Hazlewood and Mr Esendemir, it was stated that Mr Blanchard was a business partner, with both he and Mr Esendemir investing a considerable amount of money in the business, and both losing a lot of money. The CCTV footage from the incident at the premises on 27th March 2016, would no longer be available as images were only retained for 28 days. Mr Esendemir was not aware that the police wanted to view the footage. The equipment had been kept in the loft as they had experienced theft of such equipment in the past and considered this would be a safe place to locate it. The structural survey had been commissioned by Mr Blanchard, and Mr Esendemir was not aware of his plans. Mr Esendemir planned to appoint a manager, on a long-term basis, as he envisaged that he would still be returning to Turkey on a regular basis. The current operation of Viva Tequila, Mr Esendemir's other restaurant in Gleadless, comprised dining and entertainment, including amplified music, which he planned to replicate at the premises on London Road. When customers were no longer able to use the external smoking area, when it closed at 23:00 hours, they would be expected to smoke at the front entrance, with only two to three people being able to do so at any one time. It was confirmed that customers were not allowed to take their drinks out to the external smoking area.
- 5.20 Michelle Hazlewood summarised the case on behalf of Mr Esendemir.
- 5.21 Emma Rhodes outlined the options open to the Sub-Committee.
- 5.22 **RESOLVED:** That the public and press and attendees involved in the application be excluded from the meeting before further discussion takes place on the grounds that, in view of the nature of the business to be transacted, if those persons were present, there would be a disclosure to them of exempt information as described in paragraph 5 of Schedule 12A to the Local Government Act 1972, as amended.
- 5.23 Brendan Twomey reported orally, giving legal advice on various aspects of the application.

5.24 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.

5.25 RESOLVED: That, in the light of the information contained in the report now submitted and the representations now made, the Sub-Committee agrees to modify the conditions of the Premises Licence in respect of the premises known as Yankee Lounge/London Road Club, 1st Floor, 178-184 London Road, Sheffield, S2 4LT, as follows:-

(a) by the addition of the following new conditions:-

- (i) a written Risk Assessment to be prepared, and to be on site, and available to address times and formats of operation when children are on site, and to address potential risks of crime and disorder;
- (ii) a CCTV system, to the specification of South Yorkshire Police, to be fitted, maintained and in use at all times whilst the premises are open (in line with the specification July 2016), and with the images being stored for 30 days, and being made available for inspection by responsible authorities;
- (iii) the Premises Licence Holder must ensure an appointed member of staff is capable of downloading CCTV footage in a recordable format, at all times the premises are operating;
- (iv) recordings must be provided to officers under the direction and control of the Chief Constable of South Yorkshire Police, and employees of the Licensing Authority, on request;
- (v) the recording equipment and all media used to record data shall be kept in a secure environment, under the control of the Designated Premises Supervisor, or other responsible named individual;
- (vi) a monitor with a minimum 15 inch screen must be in such a position so as to be viewed by staff working in the premises;
- (vii) in order to promote the prevention of crime and disorder objective, there shall be available, at all times, seating for a minimum of 50 covers and a maximum of 80 covers within the area facing on to London Road;
- (viii) no amplified sound shall be played in the premises except through an in-house amplified sound system, fitted with a sound limiter, and settings of which shall have received the prior written approval of the Environmental Protection Service; and
- (ix) there shall be a Personal Licence Holder on the premises, at all times, when alcohol is being sold; and

(b) the removal of Condition 8 of Annexe 2 – Conditions consistent with

operating scheme – ‘A suitable CCTV system shall be installed with recording facilities, such recordings shall be retained for a period of 31 days and made available, within a reasonable time, upon request by the police’.

(The full reasons for the Sub-Committee’s decision will be included in the written Notice of Determination.)

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 18 August 2016

PRESENT: Councillors Alan Law (Chair), Anne Murphy, Moya O'Rourke and Josie Paszek

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1. APOLOGIES FOR ABSENCE

1.1 There were no apologies for absence.

2. EXCLUSION OF PUBLIC AND PRESS

2.1 No items were identified where resolutions may be moved to exclude the public and press.

3. DECLARATIONS OF INTEREST

3.1 Councillor Anne Murphy declared a personal interest in Item 5 on the agenda (Nether Edge Bowling Club), as she knows the owner of the premises, and left the room for the duration of its consideration.

4. LICENSING ACT 2003 - NETHER EDGE BOWLING CLUB, 8 NETHER EDGE ROAD, SHEFFIELD S7 1RP

4.1 The Chief Licensing Officer submitted a report to consider an application for a Premises Licence made under Section 17 of the Licensing Act 2003, in respect of the premises known as Nether Edge Bowling Club, 8 Nether Edge Road, Sheffield S7 1RP.

4.2 Present at the meeting were Richard Taylor (Nether Edge Bowling Club Committee Member), Michelle Pieprzak (Designated Premises Supervisor), Shelley Marshall (Licensing Enforcement and Technical Officer), Louise Bate (Solicitor to the Sub-Committee) and Jennie Skiba (Democratic Services).

4.3 Louise Bate outlined the procedure which would be followed during the hearing.

4.4 Shelley Marshall presented the report to the Sub-Committee and it was noted that representations had been received from two members of the public, and these were attached at Appendix 'D' to the report. The objectors had been invited to attend the hearing, but had asked that Shelley Marshall read out their objections in their absence.

4.5 Richard Taylor gave a brief history of the bowling club, stating that it had been founded in 1867 and had had 150 trouble-free years in operation. He added that the Club is situated in the middle of the Nether Edge area and predominantly provides sporting activities for the over 50s. He went on to add that the building is a beautiful old one, situated within nice surroundings and the purpose of the

application is to raise money to maintain its standards.

- 4.6 Michelle Pieprzak stated that she is the Designated Premises Supervisor (DPS) and runs the Club on a voluntary basis. She further stated that the Club already holds a Club Premises Certificate and the application is for a premises licence to run alongside the Certificate, with the aim of opening up the bar to the general public for organised social events and private hire functions. Ms. Pieprzak added that any functions which have been held at the premises had been carefully vetted and there have never been any 18th or 21st birthday parties held. She further added that the premises have been used by the Salvation Army, the Nether Edge Neighbourhood Group meetings and to host the Nether Edge Farmers Market, all of which have usually finished by 7.00 p.m. Ms. Pieprzak stated that the premises are situated within very large grounds, behind a high wall, and she had spoken to the residents nearby and had explained the reasons behind the application. She went on to state that any music events which had been held at the premises were either folk or acoustic music so there was very little noise emanating from the Club.
- 4.7 Michelle Pieprzak felt that there would be no increase in traffic and that any bookings for functions received by the Committee would be carefully vetted by her as DPS to ensure that the licensing objectives were not breached.
- 4.8 In responses to questions from Members of the Sub-Committee, Michelle Pieprzak stated that the Club could hold up to 80 persons, so by modern standards, would not be considered large enough for weddings and there are meetings of the Bowling Club held on Saturdays during the season, so the premises would not be available for hire. She added that there had never been any complaints regarding noise coming from the Club, and there was more noise emanated from the public house up the road opposite the blocks of flats.
- 4.9 Michelle Pieprzak then informed the Sub-Committee, that following an inspection carried out by the Environmental Health Service, it was suggested that the situation of the toilets were unsuitable in relation to the kitchen area, thereby she produced a new plan which she and the Committee considered would be a way round the problem. She said that she had awaited a written report from Environmental Health but had received nothing at all from them. Ms. Pieprzak summed up by stating that the application had been made to replicate the current Certificate in order to open up the Club to non-members with a view to raising funds to maintain the building.
- 4.10 Shelley Marshall outlined the options open to the Sub-Committee in relation to the application.
- 4.11 RESOLVED: That the public and press and attendees involved in the application be excluded from the meeting before further discussion takes place on the grounds that, in view of the nature of the business to be transacted, if those persons were present, there would be a disclosure to them of exempt information as described in paragraph 5 of Schedule 12A to the Local Government Act 1972, as amended.

- 4.12 Louise Bate reported orally, giving legal advice on various aspects of the application.
- 4.13 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 4.14 RESOLVED: That the Sub-Committee agrees to grant a Premises Licence in respect of the Nether Edge Bowling Club, 8 Nether Edge Road, Sheffield S7 1RP, as follows:-
- (a) for the whole of the premises but with the restriction of a maximum of 50 persons;
 - (b) the use of glass alternative drinking vessels shall be utilised in accordance with the premises assessment of risk;
 - (c) it is considered that for the nature of the operation, door supervisors will not be required. A risk assessment will be undertaken should unusual events take place and if the premises consider it appropriate they will employ the same;
 - (d) provision of live music to cease at 19.00 in the external area; and
 - (e) subject to no objections being received, and the alterations to the toilets being completed to the satisfaction of the Environmental Health Service, a review of the licence in 12 months' time.

(NOTE: The full reasons for the Sub-Committee's decision will be included in the written Notice of Determination).

5. LICENSING ACT 2003 - DAM HOUSE, MUSHROOM LANE, SHEFFIELD S3 7NZ - OBJECTION TO A TEMPORARY EVENT NOTICE

- 5.1 The Chief Licensing Officer submitted a report to consider an objection to a Temporary Event Notice relating to Dam House, Mushroom Lane, Sheffield S3 7NZ, under the Licensing Act 2003.
- 5.2 Present at the meeting were Harminder Bains (Business Partner, Dam House), Jonathan Round, (Environmental Health Officer), Shelley Marshall (Licensing Enforcement and Technical Officer), Louise Bate (Solicitor to the Sub-Committee) and Jennie Skiba (Democratic Services).
- 5.3 Louise Bate outlined the procedure which would be followed during the hearing.
- 5.4 Shelley Marshall presented the report to the Sub-Committee and it was noted that a notice of objection to the Temporary Event Notice had been submitted by the Environmental Protection Service (EPS) on 11th August, 2016, and was attached at Appendix 'B' to the report.
- 5.5 Harminder Bains stated that he was surprised to learn that an objection to the

Temporary Event Notice had been made following complaints received after the recent Tramlines event. Mr. Bains felt that the complainants could possibly have thought the music was coming from the Dam House, when in fact it was more likely to have been from events held at Ponderosa. He added that Dam House had always worked closely with the responsible authorities to ensure the licensing objectives were not breached. Mr. Bains then referred to the forthcoming event which was the reason for the submission of the temporary event notice. He stated that it was the same event as had been held last year when there had not been complaints and he saw no reason why there should be any this year.

- 5.6 In response to questions from members of the Sub-Committee, Mr. Bains stated that, following the visit from Environmental Health Officers, he had purchased a sound monitoring device from the internet, but as yet had been unable to use it to its full potential. He did not anticipate the event carrying on after 9.00 p.m. He further stated that his staff would clean the area of any litter dropped in the area surrounding the premises but added that he could not be responsible for litter in the whole park. When asked if the event would be held outdoors, Mr. Bains responded that it would be weather dependent, it would definitely not carry on into the following morning as historically people tended to leave by 10.00 p.m. Mr. Bains agreed to work again with officers from Environmental Health with regard to installing noise limiters.
- 5.7 Shelley Marshall outlined the options open to the Sub-Committee in relation to the application.
- 5.8 RESOLVED: That the public and press and attendees involved in the application be excluded from the meeting before further discussion takes place on the grounds that, in view of the nature of the business to be transacted, if those persons were present, there would be a disclosure to them of exempt information as described in paragraph 5 of Schedule 12A to the Local Government Act 1972, as amended.
- 5.9 Louise Bate reported orally, giving legal advice on various aspects of the case.
- 5.10 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 5.11 RESOLVED: That the Sub-Committee agrees to acknowledge the Temporary Event Notice, allowing the event to go ahead on the 28th August, 2016, subject to the following conditions:-
- (a) the event be held between 12 noon and 11.00 p.m.;
 - (b) the event only be held outdoors until 9.00 p.m.; and
 - (c) the doors to the terrace be closed at 9.30 p.m..

(The full reasons for the Sub-Committee's decision will be included in the written Notice of Determination.)

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 23 August 2016

PRESENT: Councillors Alan Law (Chair), Cliff Woodcraft and Bob Pullin

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1. APOLOGIES FOR ABSENCE

1.1 No apologies for absence were received. Councillor George Lindars-Hammond attended the meeting as a Member, but he did not need to stay.

2. EXCLUSION OF PUBLIC AND PRESS

2.1 No items were identified where resolutions may be moved to exclude the public and press.

3. DECLARATIONS OF INTEREST

3.1 There were no declarations of interest.

4. LICENSING ACT 2003 - 417 PETRE STREET, SHEFFIELD, S4 8LL

4.1 The Chief Licensing Officer submitted a report to consider an application for a Premises Licence made under Section 17 of the Licensing Act 2003, in respect of the premises known as 417 Petre Street, Sheffield, S4 8LL.

4.2 Present at the meeting were Benita Mumby (South Yorkshire Police, Objector), Sean Gibbons (Health Protection Service, Objector), Paul Thornton (Environmental Protection Service, Objector), Julie Hague (Sheffield Safeguarding Children Board, Objector), Sally Strutt (South Yorkshire Fire and Rescue Service, Objector), Georgina Hollis (Licensing Enforcement and Technical Officer), Marie-Claire Frankie (Solicitor to the Sub-Committee) and John Turner (Democratic Services).

4.3 The applicant, Mahya Abdullah, Marina Events, although invited, did not attend the hearing and, as no reason had been given for her non-attendance, the Sub-Committee agreed to consider the application in her absence.

4.4 Marie-Claire Frankie outlined the procedure which would be followed during the hearing.

4.5 Georgina Hollis presented the report to the Sub-Committee, and it was noted that representations had been received from South Yorkshire Police Licensing, Health Protection Service, Environmental Protection Service and the Sheffield Safeguarding Children Board, and were attached at Appendix 'B' to the report. In response to a query by Councillor Cliff Woodcraft, Ms Hollis indicated that the application had originally been due to be considered on 27th June 2016, but the

applicant had indicated that she would not be able to attend on that date. The application was therefore rearranged for this date, and the Licensing Service had not heard anything from the applicant to indicate that she couldn't attend the hearing.

- 4.6 Benita Mumby (South Yorkshire Police) read through her witness statement, dated 21st June 2016, stating that a number of calls had been made to the police, regarding complaints of noise nuisance relating to premises on Petre Street. Following the receipt of information regarding an event held at a warehouse at 417 Petre Street, on 22nd January 2016, at which music was being played, alcohol was being consumed and a number of children and young people were present, Ms Mumby checked this location on the police's database, and had been unable to find any record of a current Premises Licence, which would allow any licensable activities. There had also been no Temporary Event Notice (TEN) submitted to allow for any such activities on this day. In the light of this, officers visited the premises on 29th January 2016, and were approached by a female, of East European origin, who informed them that she sublet the premises under the company name of Marina Events, and then contacted the person she hired the premises from, who then attended the location. The officers were advised by the second female that she rented the premises from the property owner, and confirmed that she sublet it to the first female. On being escorted inside the premises, the officers noted that it appeared to be a warehouse which had been converted into an entertainment/function venue, equipped with a sound system, stage, tables and chairs. There appeared to be an event in progress, with approximately 30 males, of East European origin, present, as well as there being alcohol in the kitchen area. Following the receipt of further calls, and the concerns of police officers, a multi-agency meeting was held on 19th February 2016, to discuss the premises and the complaints received. During the meeting, it was noted that a number of planning conditions appeared to have been breached in terms of the operation of the premises, and plans were made to visit the premises. Between 19th February and 17th March 2016, there were no further reported incidents, but on 18th March 2016, the police received a call, indicating that since the New Year, there had been regular noise problems from one of the warehouses on Petre Street. Officers attended the premises the same day, and noted that a party was taking place, with loud music being clearly heard. There were several people going in and out of the venue, and numerous cars were parked on both sides of the road. On 19th March 2016, a police officer attended the premises, accompanied by Julie Hague and Sean Gibbons, and were met by Mahya Abdullah, who stated that she was the managing director of Marina Events, and that an event was taking place at the venue, involving females. On 26th March 2016, a police officer drove past the premises, noting that loud music could be heard, and that a number of people, of Slovakian origin, aged between 14 and 30, were outside. Alcohol appeared to be being drunk. Officers drove past the premises later, and noted that people were still outside, including a number of females aged between 15 and 20 years old. Two calls were received by the police in the early hours of 27th March 2016, complaining of noise nuisance and anti-social behaviour linked to the premises, with the second caller stating that there were usually issues when the premises closed around 03:00 and 04:00 hours, when large groups of people left the venue, causing damage to parked cars. A further multi-agency meeting was held on 31st March 2016, in order to

discuss recent reports and a possible course of action. A letter was subsequently sent to Marina Events, advising of the issues reported to the police, and what the Company's responsibilities were. Following the submission of an application for a Premises Licence by Ms Mahya Abdullah, on 15th April 2016, Ms Mumby accompanied two Technical Fire Safety Inspecting Officers, on a visit to the premises, in order to undertake a fire audit. Also in attendance were officers from Environmental Health and the Environmental Protection Service. Ms Abdullah was provided with help and advice in terms of fire safety requirements, health and safety issues, and the contents of her application for a Premises Licence, specifically with regard to the conditions on the Licence. There was still a high level of concern with regard to Ms Abdullah's ability to undertake her duties and responsibilities, and there were plans for the Licensing Service to interview her, under caution, for carrying out unlicensed activities at the premises. On 9th May 2016, Ms Abdullah submitted a TEN, in respect of an event at the premises on 20th May 2016. The Notice stated that there would be a DJ, that it was a ladies only event, with no alcohol, and would run from 18:00 hours to 00:00 hours, and would be for 100 people. The police were advised by the Fire Service that they had received no contact from Ms Abdullah and, as such, had indicated that the capacity for the premises should remain at 60. Following this information, and in the light of the continuing concerns, the police objected to the TEN on the grounds of public safety. Following a call by Ms Abdullah, Ms Mumby explained the reasons as to why the police had objected to the TEN, referring to the fact that the required fire safety works had not been addressed. Following this advice, the event did not go ahead at the premises on 20th May 2016. Fire Officers made a further visit to the premises on 25th May 2016, when they found that the necessary works had not yet been completed. Ms Mumby received information on 26th May 2016, indicating that Ms Abdullah had voluntarily attended Ecclesfield Police Station to speak to officers, indicating that the necessary fire regulation works would be completed by 29th May 2016, that she had no further bookings at the premises until August/September 2016, and that she wanted to work with the police and Fire Service in an attempt to get things sorted.

- 4.7 Sally Strutt (South Yorkshire Fire and Rescue Service) referred to her witness statement, referring specifically to the visit made to the premises on 25th May 2016, accompanied by Sean Gibbons, to inspect the premises from a fire safety point of view and to advise Ms Abdullah on what alterations were required. From discussions with Ms Abdullah, it was apparent that she did not seem aware of her need to make an application for Building Regulations approval for the material alterations made at the premises. Ms Abdullah was also advised with regard to all outstanding matters regarding fire safety on the grounds that a number of such matters had still not been resolved, and that the Fire and Rescue Service was more than willing to provide help and assistance in this regard. She was also advised to contact other relevant responsible authorities in connection with their objections to her application for a Premises Licence.
- 4.8 Julie Hague (Sheffield Safeguarding Children Board) referred to the statement of Sabrina Pezzuto (Social Worker/Designated Safeguarding Deputy), dated 23rd June 2016, which was circulated at the hearing. Ms Pezzuto had been informed by a member of staff that parties were being held at the premises every Friday, and the staff member visited the premises on 22nd January 2016. On approaching

the premises, she noticed stationary cars parked outside, which were moving as though the occupants were having sex, there was a smell of cannabis and a Slovakian man on the door was asking people for £15 entry, informing them that alcohol was for sale inside. The alcohol comprised Smirnoff vodka, which was on sale for £35 a bottle, and cans of lager. The party comprised a mix of adults and children, of different ethnicities, and a school safeguarding officer reported that an individual professional known to her had stated that they had recognised five of the children as being from their workplace. The children were aged between 12 and 15 years old, all of whom were drinking alcohol, and their parents were not in sight. The member of staff reported the incident to Ms Pezzuto as a safeguarding concern.

- 4.9 Julie Hague also referred to her own statement, dated 2nd May, 2016 and, for the reasons set out in the statement, stated that she had no confidence in Ms Abdullah's ability to understand, or undertake, her safeguarding responsibilities.
- 4.10 Sean Gibbons (Health Protection Service) stated that the Service was objecting to the grant of the Premises Licence on the grounds of public safety. Mr Gibbons stated that the Service had significant concerns, both with regard to the premises and the ability of Ms Abdullah to understand her responsibilities in her role as Premises Licence Holder. He made reference to a number of site meetings held at the premises, and circulated photographs taken at one such meeting, on 19th April 2016, at which Ms Abdullah was present. Despite attempts to explain what was required of her, Ms Abdullah seemed very unclear as to her responsibilities, and contradicted herself on more than one occasion. During the site meetings, it had been made clear to Ms Abdullah that the layout of the premises was not satisfactory and, despite submitting an amended layout, the Service still had concerns, specifically with regard to the toilet facilities, including the lack of disabled toilet facilities, and the fire escape door to the rear of the premises. As a result of this, it was apparent that she had not sought advice of the relevant responsible authorities, or contracted an architect. Mr Gibbons made reference to the visit to the premises by himself and Sally Strutt, on 25th May 2016, when, again, Ms Abdullah was advised to seek professional help and advice, including an architect, but they had not heard anything since this meeting. With all things considered, Mr Gibbons stated that the Service had no confidence that Ms Abdullah was capable of managing such a premise, and had recommended that the application for a Premises Licence be not granted.
- 4.11 Paul Thornton (Environmental Protection Service) referred to the complaints of noise nuisance which had been made in connection with the premises, on 18th and 19th December 2015, and which had resulted in a visit by officers of the Night Time Noise Team, and which had culminated in a warning letter being sent to Ms Abdullah. Mr Thornton stated that he had visited the premises on 13th January 2016, and had met with Ms Abdullah and informed her about the complaints of noise nuisance, which had been made by residents on Woodside Close, which was some distance away, and which related to live bands playing at the premises in the early hours of the morning. The noise appeared to stop for a period, and the Service just received a number of intermittent complaints during February and March 2016. Investigations showed that the premises did not have a licence and, despite offering Ms Abdullah help and advice, and discussed with her a suggested

list of conditions to go on any licence, there was no contact from Ms Abdullah. The Service therefore had no confidence that she would be able to control the premises sufficiently, particularly with regard to noise attenuation.

- 4.12 In response to questions from Members of the Sub-Committee, it was stated that as well as complaints of noise nuisance from residents on Woodside Close, complaints had also been received from the occupants of the unit adjacent to the premises. All the representatives of the responsible authorities present at the hearing confirmed that, for the reasons set out in their representations, they did not have confidence in Ms Abdullah managing the premises, even if the Sub-Committee imposed a number of conditions on the Premises Licence. It was not believed that Ms Abdullah struggled with language issues, but that she was simply dismissive and opted to ignore the help and advice offered by the responsible authorities. Officers had spoken to Reena Abdullah in January 2016, who informed them that she was renting the premises from Mr Kaled, and then sub-letting the premises to a woman of Eastern European origin. Officers were not aware that Reena Abdullah was listed as the Managing Director of Marina Events Limited, on the Companies House website.
- 4.13 Georgina Hollis outlined the options open to the Sub-Committee.
- 4.14 RESOLVED: That the public and press and attendees involved in the application be excluded from the meeting before further discussion takes place on the grounds that, in view of the nature of the business to be transacted, if those persons were present, there would be a disclosure to them of exempt information as described in paragraph 5 of Schedule 12A to the Local Government Act 1972, as amended.
- 4.15 Marie-Claire Frankie reported orally, giving legal advice on various aspects of the application.
- 4.16 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 4.17 RESOLVED: That the Sub-Committee rejects the whole of the application to grant a Premises Licence in respect of the premises known as 417 Petre Street, Sheffield, S4 8LL.

(The full reasons for the Sub-Committee's decision will be included in the written Notice of Determination.)

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SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 25 August 2016

PRESENT: Councillors David Barker (Chair), Andy Bainbridge, Adam Hurst and Josie Paszek

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1. APOLOGIES FOR ABSENCE

1.1 There were no apologies for absence.

2. EXCLUSION OF PUBLIC AND PRESS

2.1 RESOLVED: That the public and press be excluded from the meeting before discussion takes place on item 4 on the grounds that, if the public and press were present during the transaction of such business, there would be a disclosure to them of exempt information as described in paragraphs 1 and 2 of Schedule 12A to the Local Government Act 1972, as amended.

3. DECLARATIONS OF INTEREST

3.1 There were no declarations of interest.

4. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING - INDIVIDUAL CASES

4.1 The Chief Licensing Officer submitted details in respect of three cases relating to hackney carriage and private hire licensing.

4.2 The applicant in Case No. 76/16 attended the hearing and addressed the Sub-Committee.

4.3 The applicant in Case No. 77/16 attended the hearing with a representative and they both addressed the Sub-Committee.

4.4 The applicant in Case No. 78/16 attended the hearing with a representative and they both addressed the Sub-Committee.

4.5 RESOLVED: That the cases now submitted be determined as follows:-

<u>Case No.</u>	<u>Licence Type</u>	<u>Decision</u>
76/16	Application for a Private Hire Vehicle Licence	(a) Grant a licence for the normal term of 12 months with a Section 75(2) exemption notice, such notice to be carried in the vehicle at all times when used by the applicant for the purposes stated and (b) officers be granted delegated power to renew the licence upon expiry.

77/16	Application for a Private Hire Vehicle Licence	(a) Grant a licence for the normal term of 12 months with a Section 75(2) exemption notice, such notice to be carried in the vehicle at all times when used by the applicant for the purposes stated and (b) officers be granted delegated power to renew the licence upon expiry.
78/16	Application for a new Hackney Carriage and Private Hire Driver's Licence	Grant for the term of 36 months, as requested in the application, with a written warning to remain in place for the length of the licence.

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 30 August 2016

PRESENT: Councillors David Barker (Chair), Kieran Harpham and Vickie Priestley

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1. APOLOGIES FOR ABSENCE

1.1 No apologies for absence were received. Councillor Bob Pullin attended the meeting as a reserve Member, but was not required to stay.

2. EXCLUSION OF PUBLIC AND PRESS

2.1 RESOLVED: That the public and press be excluded from the meeting before discussion takes place on item 4 on the grounds that, if the public and press were present during the transaction of such business, there would be a disclosure to them of exempt information as described in paragraphs 1 and 2 of Schedule 12A to the Local Government Act 1972, as amended.

3. DECLARATIONS OF INTEREST

3.1 There were no declarations of interest.

4. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING - INDIVIDUAL CASES

4.1 The Chief Licensing Officer submitted details in respect of two cases relating to hackney carriage and private hire licensing.

4.2 The applicant in Case No. 82/16 attended the hearing and addressed the Sub-Committee.

4.3 The applicant in Case No. 83/16 attended the hearing with a representative and they both addressed the Sub-Committee.

4.4 RESOLVED: That the cases now submitted be determined as follows:-

<u>Case No.</u>	<u>Licence Type</u>	<u>Decision</u>
82/16	Renewal of a Hackney Carriage and Private Hire Driver's Licence	Grant the licence for the period of one year, as applied for, and the licence holder be issued with a final warning to remain in place for the length of the licence.
83/16	Renewal of a Hackney Carriage and Private Hire Driver's Licence	Grant for the term of one year, as requested in the application, with a written warning issued as to the applicant's future conduct.

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 1 September 2016

PRESENT: Councillors David Barker (Chair), Jack Clarkson and Anne Murphy

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1. APOLOGIES FOR ABSENCE

1.1 No apologies for absence were received.

2. EXCLUSION OF PUBLIC AND PRESS

2.1 No items were identified where resolutions may be moved to exclude the public and press.

3. DECLARATIONS OF INTEREST

3.1 There were no declarations of interest.

4. LICENSING ACT 2003 - ABBEY STOP SHOP, 243-245 ABBEYDALE ROAD, SHEFFIELD, S7 1FJ

4.1 The Chief Licensing Officer submitted a report to consider an application made by Sheffield City Council Trading Standards, under Section 51 of the Licensing Act 2003, for a review of the Premises Licence in respect of the premises known as Abbey Stop Shop, 243-245 Abbeydale Road, Sheffield, S7 1FJ.

4.2 Present at the meeting were David Palmer and Ken Webb (Trading Standards, Applicants), Osman Kadir (Premises Licence Holder), Amanj Manmi (Designated Premises Supervisor), Emma Rhodes (Licensing Enforcement and Technical Officer), Marie-Claire Frankie (Solicitor to the Sub-Committee) and John Turner (Democratic Services).

4.3 Marie-Claire Frankie outlined the procedure which would be followed during the hearing.

4.4 Emma Rhodes presented the report to the Sub-Committee, and it was noted that representations had been received from the Sheffield Safeguarding Children Board, and were attached at Appendix 'B' to the report.

4.5 David Palmer referred to his statement, dated 18th July 2016, indicating that the application for the review had been made on the grounds of the prevention of crime and disorder, public safety and the protection of children from harm. Mr Palmer stated that, on 9th March 2016, Trading Standards Officers carried out an inspection at the premises, in order to check the authenticity of the alcohol and tobacco products in stock. They were assisted by a specially trained search dog and handler, and police officers, and during the inspection of a storeroom at the

rear of the premises, they found a chest of drawers which had been carefully modified, with the addition of a hidden catch. The catch released the top surface of the chest, allowing it to be easily moved to reveal a concealment behind the drawers, comprising 3,560 cigarettes and 5 x 50 gram packets of hand rolled tobacco. All the tobacco products were illicit, some being counterfeit copies of genuine brands, and some produced wholly for the global trade in illicit tobacco. Statutory health warnings were missing and all were non-duty paid. Such actions represented criminal offences, and the keeping of smuggled products, which had been imported without payment of duty or otherwise unlawfully ported, on licensed premises, was an offence under Section 144 of the Licensing Act 2003. Mr Palmer stated that, whilst smoking was known to be hazardous to health, the public's safety was put at greater risk with illicit tobacco products, mainly as they were unlikely to have been produced with the strict quality controls employed by the legitimate manufacturers. Cheap cigarettes also made them more affordable to children, who would be put at increased risk from the uncontrolled levels of harmful chemicals that were often present in counterfeit and illicit tobacco products.

- 4.6 On 6th June 2016, Mr Osman Kadir (Premises Licence Holder (PLH) and Designated Premises Supervisor (DPS)), was interviewed by Trading Standards Officers and admitted building the concealment himself in an effort to avoid detection. He also admitted buying the counterfeit illicit tobacco products from a Polish male, who had visited the shop, for £400. Mr Kadir stated that he sold such products because his customers wanted cheap cigarettes, and also admitted that the proceeds from this criminal activity did not go into the shop till, but into his pocket. Mr Palmer stated that Mr Kadir had been prosecuted previously for the possession for sale of counterfeit and illicit tobacco found in the same shop, on 14th May 2015, and, on that occasion, he had concealed the goods in his car, which was parked outside the shop. After failing to co-operate, police officers broke into the car to reveal over 6,000 cigarettes and 58 packets of hand rolled tobacco, all of which were counterfeit and illicit. On 28th January 2016, Mr Kadir was subsequently found guilty of offences under the Trade Marks Act 1994, which was only six weeks before the most recent seizure. Mr Palmer stated that the premises had a history in relation to the sale of cheap and illicit tobacco, with the previous proprietor having been prosecuted twice by Sheffield Trading Standards for similar offences. Mr Palmer concluded by referring to the adverse effects of illicit tobacco, specifically how it undermined work to reduce smoking prevalence and the impact on Government revenue in terms of the lack of duty paid.
- 4.7 In response to questions from the Members of, and the Solicitor to, the Sub-Committee, Mr Palmer stated that it was not uncommon for shopkeepers to have concealed cupboards/drawers, as well as having smaller amounts of stock in case they were visited by Trading Standards Officers, to remove stock, which they would then top up again. Mr Palmer was not able to confirm whether those previous proprietors of the premises, who had been prosecuted by Trading Standards for similar offences in the past, were known or linked to Mr Kadir, or a relative or friend of Mr Kadir. It was known, however, that Mr Hassan Ali Mohammed, who was named as a Personal Licence Holder under a previous Premises Licence at the premises, was still working at the shop. Trading Standards Officers were not convinced that Mr Kadir purchased the cigarettes and tobacco from a Polish man, as he indicated he had done, as this was a common response received as part of

investigations into similar offences. Purchasing the cigarettes and tobacco without the relevant duty would result in the shopkeeper making a large profit. Mr Palmer confirmed that there was no history of cheap or illicit alcohol being sold from the premises. Trading Standards Officers believed that, due to the history of illicit cigarettes and tobacco being sold from the premises, the shop would build up a customer base as it would be known as the place to buy such products cheaply. Whilst Mr Kadir was found guilty of the offences, there was no evidence to suggest he was solely responsible, and Trading Standards Officers, as part of their investigations, had found it very difficult to ascertain who owned the business. In terms of the history of offences in relation to the sale of cheap and illicit tobacco at the premises, Mr Palmer stated that, in May 2012, officers found illicit tobacco, with Mohammed Zadar being DPS, in July 2013 and November 2014, officers found 3,000 and 4,000 illicit cigarettes, respectively, when Hassan Ali Mohammed was DPS, and in May 2015 and March 2016, 6,000 cigarettes and 58 packets of tobacco and 3,500 illicit cigarettes and packets of hand rolled tobacco, respectively, were found, when Osman Kadir was DPS.

4.8 The Sub-Committee gave consideration to the written representations made by Julie Hague (Sheffield Safeguarding Children Board), which had been submitted on the basis that the premises had been evidenced to operate in a way that undermined the core objective for the protection of children from harm. Ms Hague indicated that the evidence submitted by Trading Standards had demonstrated that illegal counterfeit tobacco products, which did not meet regulatory quality control standards, or carry the necessary health warnings, had been available to purchase at this premises. The Sheffield Safeguarding Children Board (SSCB) took a serious view of premises that were evidenced to sell illegal and high risk products because such products may be consumed by children, either legally, having been purchased by an adult, or illegally, if the age verification scheme at the premises was not rigorously enforced, resulting in underage sales. In response to the review application, and following a complaint made to the police, by a parent, on 26th July 2016, whose child had purchased cigarettes from the shop, Ms Hague, accompanied by Cheryl Topham, South Yorkshire Police, visited the premises on 9th August 2016. The main purpose of the visit was to establish what safeguarding systems were in place to prevent the sale of age restricted goods to children, and whether any assistance was required. During the visit, the officers had a discussion with Hassan Ali Mohammed, the Personal Licence Holder and part-time member of staff, who was in charge of the premises at the time. Mr Mohammed contacted Mr Amanj Manmi (DPS) by telephone, who appeared to authorise Mr Mohammed to speak on his behalf. During the visit, Ms Hague was concerned to note that there was no age verification scheme in place, no signage in the expected places (on the door, at the point of sale or on the display units), nor was there a refusals register. Mr Mohammed was advised of the importance of an age verification scheme in order to protect children from harm and Ms Topham provided the premises management with a multi-agency information pack, containing all of the required materials and information to operate a recognised age scheme. Ms Hague has subsequently written to the DPS to offer free multi-agency training to improve compliance with the Licensing Act 2003.

4.9 In response to questions raised by the Members of, and the Solicitor to, the Sub-Committee, directed to Mr Osman Kadir and Mr Amanj Manmi, it was stated that

the management had not been given any opportunity to attend the multi-agency safeguarding training. Mr Manmi stated that he had seen the premises advertised online, and that he had only met Mr Kadir twice before. Mr Kadir indicated that he had reached a desperate point in his life, when he was in debt, and about to be made bankrupt, and had fallen out with family members. He was not pressurised in any way by anyone else, and it was entirely his own decision to sell the illicit cigarettes and tobacco in order to try and make some money. Mr Manmi confirmed that he ran a shop in Derby, with a business partner, and that he was not familiar with the other people named in the report, who had been responsible for, or linked to, the operation of the premise in the past. He confirmed that he had purchased the premises on 27th July 2016, for £10,000. As well as a man called Ptuan, Mr Hassan Ali Mohammed was also helping out in the shop, as he had experience of working in shops previously, and Mr Manmi confirmed that he had spoken to him on 9th August 2016, when Julie Hague and Cheryl Topham had visited the premises. Mr Manmi paid Mr Mohammed, and a man called Ptuan, who also helped out in the shop, £7.20 an hour. Mr Manmi stated that he did not have any links to Sheffield, and had simply viewed the shop as a good business opportunity. He would generally be present at the premises on delivery days, which varied during the week, as well as attending on Fridays and Saturdays, with Ptuan and Mr Mohammed being in charge on the other days. Mr Manmi confirmed that he was responsible for ordering stock, which he did so by ticking items in a catalogue, and forwarding the order to Booker Cash and Carry. He confirmed that customers were asked to prove they were over 18 when wishing to purchase age-restricted goods, although the operation of Challenge 21 was a condition on the Premises Licence. He confirmed there were posters regarding proof of age behind the counter and near where cigarettes and alcohol were on sale. He stated that if staff did not consider customers to be old enough, they would refuse to sell age-restricted goods, and the ID they would request included a driving licence or passport. Mr Manmi stated that the shop would not serve tobacco or alcohol to underage or drunk customers and that whilst he was not sure whether other members of staff in the shop held Personal Licences, he planned to send Hassan Ali Mohammed on any relevant training courses. There was nothing in writing in terms of authorising other members of staff to sell age-restricted products, nor was there any written documentation in terms of underage sales. Osman Kadir confirmed that he did not employ Hassan Ali Mohammed to work in the shop.

- 4.10 David Palmer summarised the case on behalf of Sheffield Trading Standards.
- 4.11 Emma Rhodes provided the options available to the Sub-Committee.
- 4.12 RESOLVED: That the public and press and attendees involved in the application be excluded from the meeting before further discussion takes place on the grounds that, in view of the nature of the business to be transacted, if those persons were present, there would be a disclosure to them of exempt information as described in paragraph 5 of Schedule 12A to the Local Government Act 1972, as amended.
- 4.13 Marie-Claire Frankie reported orally, giving legal advice on various aspects of the application.
- 4.14 At this stage in the proceedings, the meeting was re-opened to the public and

press and attendees.

- 4.15 RESOLVED: That, in the light of the information contained in the report now submitted and the representations now made, the Sub-Committee determines to revoke the Premises Licence in respect of the premises known as Abbey Stop Shop, 243-245 Abbeydale Road, Sheffield, S7 1FJ on the grounds that the operation of the premises is undermining the licensing objectives.

(The full reasons for the Sub-Committee's decision will be included in the written Notice of Determination.)

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SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 6 September 2016

PRESENT: Councillors Adam Hurst, Moya O'Rourke and Kieran Harpham

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1. APOLOGIES FOR ABSENCE

1.1 An apology for absence was received from the Chair, (Councillor Alan Law) and accordingly it was:-

1.2 RESOLVED: That Councillor Adam Hurst be appointed Chair of the meeting.

2. EXCLUSION OF PUBLIC AND PRESS

2.1 RESOLVED: That the public and press be excluded from the meeting before discussion takes place on item 4 on the grounds that, if the public and press were present during the transaction of such business, there would be a disclosure to them of exempt information as described in paragraphs 1 and 2 of Schedule 12A to the Local Government Act 1972, as amended.

3. DECLARATIONS OF INTEREST

3.1 There were no declarations of interest.

4. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING - INDIVIDUAL CASES

4.1 The Chief Licensing Officer submitted details in respect of five cases relating to hackney carriage and private hire licensing.

4.2 The licence holder in Case No.84/16 attended the hearing with a representative and they both addressed the Sub-Committee.

4.3 The licence holder in Case No.85/16 attended the hearing with a representative and they both addressed the Sub-Committee.

4.4 The licence holder in Case No.86/16 attended the hearing with a representative and they both addressed the Sub-Committee.

4.5 The licence holder in Case No.87/16 attended the hearing and addressed the Sub-Committee.

4.6 The licence holder in Case No.88/16 attended the hearing and addressed the Sub-Committee.

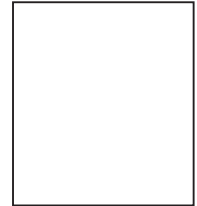
4.7 RESOLVED: That the cases now submitted be determined as follows:-

<u>Case No.</u>	<u>Licence Type</u>	<u>Decision</u>
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84/16	Review of a Hackney Carriage and Private Hire Driver's Licence	In accordance with the Council's policy on plying for hire, immediately revoke the licence under Section 61 of the Local Government (Miscellaneous Provisions) Act 1976 (as amended by Section 52 of the Road Safety Act 2006).
85/16	Review of a Hackney Carriage and Private Hire Driver's Licence	In accordance with the Council's policy on plying for hire, immediately revoke the licence under Section 61 of the Local Government (Miscellaneous Provisions) Act 1976 (as amended by Section 52 of the Road Safety Act 2006).
86/16	Review of a Hackney Carriage and Private Hire Driver's Licence	The licence holder be given a written warning as to his future conduct, with regard to the Council's policy on plying for hire, to remain for the duration of the licence and that, if there is any further cause for concern, the licence will be referred back to the Sub-Committee.
87/16	Review of a Hackney Carriage and Private Hire Driver's Licence	In accordance with the Council's policy on plying for hire, immediately revoke the licence under Section 61 of the Local Government (Miscellaneous Provisions) Act 1976 (as amended by Section 52 of the Road Safety Act 2006).
88/16	Review of a Hackney Carriage and Private Hire Driver's Licence	Defer the review of the case until the licence holder has attended Court, and a decision made, in October, 2016.



SHEFFIELD CITY COUNCIL Committee Report



Report of: Chief Licensing Officer, Head of Licensing

Date and Time: 29th September, 2016 at 2pm

Subject: Private Hire Operator and Vehicle Policy

Author of Report: Craig Harper – 27 34264

Summary: To present to the Licensing Committee for approval the final draft of the Private Hire Policy

Recommendations: That Members of the Licensing Committee approve the Private Hire Operator and Vehicle Policy with any amendments that they consider appropriate.

Background Papers: Not applicable

Category of Report: OPEN

REPORT OF THE CHIEF LICENSING OFFICER, HEAD OF LICENSING TO THE LICENSING COMMITTEE

Ref 95/16

Private Hire Operator and Vehicle Policy - Approval

1.0 SUMMARY

- 1.1 The Licensing Service is streamlining the current policies in relation to the Licensed Hackney Carriage and Private Hire Trade. We are creating three policies, as follows:
- Hackney Carriage & Private Hire Drivers Policy;
 - Private Hire Operator and Vehicle Policy; and
 - Hackney Carriage Vehicle Policy
- 1.2 These three policies will replace the plethora of existing policies, of which there are over 25.
- 1.3 This report seeks the approval of the final draft of the 'Private Hire Operator and Vehicle Policy' and for members to agree the implementation date as the 1st October, 2016.
- 1.4 It is hoped that the remaining Hackney Carriage Vehicle policy will be placed before the Committee before the end of March, 2017.

2.0 WHAT DOES THIS MEAN TO THE PEOPLE OF SHEFFIELD

- 2.1 We are proud of Sheffield's reputation as a safe and vibrant city which includes the provision of licensed operators and vehicles which are valued by residents, visitors and businesses alike.
- 2.2 The new Private Hire Operator and Vehicle Policy should guide the licensed trade and new applicants when making applications under the relevant legislation, and should be regularly used to assist Councillors in reaching decisions on any applications that come before them.
- 2.3 The people of Sheffield want to be assured that licensed operators and vehicles operating in our City are of the highest quality, and can be held to account for their performance. The Council recognises the important role that private hire operators and vehicles play in enabling people to travel around the City, in doing so they also have a role in portraying the image of the City.
- 2.4 As a Council we are aware of the key role that operators and vehicles play; customers rightly expect that in using licensed operators and vehicles that they will be transported in comfort & safety.
- 2.5 Sheffield City Council has always sought to set some of the highest standards in the country and be recognised for delivering best practice. We should not move away from this philosophy and in particular we should strengthen our intention to protect both the public and safeguard children and the vulnerable.

2.6 At the heart of the policy is our commitment to:

- protect the public;
- safeguard children and the vulnerable;
- prevent crime and disorder; and
- prevent public nuisance.

2.7 The Policy also sets out our general approach to the licensing of private hire operators and vehicles in the City, which will in turn help support the Council's five key priorities:

- An in touch organisation;
- Strong economy;
- Thriving neighbourhoods and communities;
- Better health and wellbeing; and
- Tackling inequalities

3.0 BACKGROUND

3.1 The private hire industry is governed by the Local Government (Miscellaneous Provisions) Act 1976.

3.2 The Local Government (Miscellaneous Provisions) 1976 Act was adopted by Sheffield City Council at its meeting on Wednesday 1st March 1978.

3.3 Policy, including licence conditions and standards for operators, vehicles and drivers are considered by the Licensing Committee. It is recognised nationally as best practice to develop and publish policies; these should be kept under review at all times and should in any case undergo a full review every three years.

3.4 The licensing authority, acting as the Council, currently has in place several separate policies that it uses to set licence conditions and vehicle standards.

3.5 The aim of the Private Hire Operator and Vehicle Policy is to create a unified policy that brings together all policies and procedures in one place. Creating a unified policy will allow clarity for operators and vehicle licensees/drivers, as well as strengthening the Council's position if there is a challenge against a decision in court.

4.0 WHAT DOES THE POLICY DEAL WITH?

4.1 The policy deals with private hire operator and vehicle licensing, including the legislative background, background checks, vehicle specifications, conditions, image recording equipment, enforcement and much more.

4.2 The policy provides information, guidance and our policy objectives on all things pertaining to the licensing of private hire operators and vehicles.

4.3 The policy will guide the Licensing Committee when determining applications and assist the Licensing Authority in administering and enforcing the licensing of private hire operators and vehicles.

4.4 It provides new applicants and those already licensed with one policy document, providing clarity as to the Council's approach.

4.5 The key changes include:

- Private Hire Operator Conditions;
- Private Hire Vehicle Conditions;
- Compliance and Enforcement;
- Vehicle Emissions;
- Private Hire Vehicle Specification;
- Exceptional Vehicle Criteria;
- Advertising;
- Signage; and
- Image Recording Equipment

5.0 WHAT THE POLICY DELIVERS

5.1 The Private Hire Operator and Vehicle Policy will assist the Council in achieving its priorities, as outlined below:

Priority 1: An in touch organisation

How the Licensing Service will contribute:

- Listen and be responsive, and meet the increasingly diverse needs of the individuals of Sheffield.
 - Intelligent – make full use of information to inform decision making and drive service improvement; and
 - Efficient – continually strive to provide value for money improving quality and outcomes

Priority 2: Strong economy

How the Licensing Service will contribute:

- Help achieve our economic potential, be well connected, with skilled individuals and assist businesses.
 - Vibrant City – help to provide good public transport.
 - Distinctive cultural and sporting assets – assist in delivering; and maintaining these venues

Priority 3: Thriving neighbourhoods and communities

How the Licensing Service will contribute:

- Assist people to have a good quality of life and feel proud of where they live and have great local amenities.
 - Deliver an efficient and safe taxi licensing system that provides an efficient mode of transport; and
 - Assist in improving community safety by reducing antisocial behaviour

Priority 4: Better health and wellbeing

How the Licensing Service will contribute:

- Promote good health, and assist in preventing and tackling ill health.
 - Provide information and education around the impact of alcohol and gambling;
 - Work in partnership with Public Health and the NHS to tackle issues around licensing and ill health;
 - Provide a taxi licensing system that aims to meet the needs of vulnerable passengers; and
 - Help to reduce vehicle emissions.

Priority 5: Tackling inequalities

How the Licensing Service will contribute:

- Help invest in the most deprived communities and support individuals to help themselves.
 - Through licensing help promote equality, diversity and inclusion

6.0 CONSULTATION

- 6.1 A formal consultation period began on Friday, 11th March 2016 and concluded at 5:00pm on Friday, 20th May 2016.
- 6.2 Over 3000 letters and emails regarding the consultation were sent to licensed drivers, proprietors of licensed vehicles, trade representatives, elected members, local MP's, South Yorkshire Police, Sheffield City Council Transport Service, Disability Access Team, neighbouring local authorities, locality officers, Sheffield City College and Safeguarding Children's Board.
- 6.3 Information regarding the consultation was also published on the Licensing Service webpages and on Sheffield City Council's Citizen Space.
- 6.4 On the 1st April, 2016, at the request of Members, the following sections of the consultation were temporarily withdrawn:
- All sections relating to vehicle age limits; and
 - All sections relating to vehicle signage
- 6.5 Due to such sections being removed from the consultation process, meetings with relevant trade parties and groups were established in order to try and agree an amicable way forward.
- 6.6 Meetings with GMB, STTA, ALPHA and City Taxis were undertaken. The Licensing Service put forward proposals in relation to vehicle age limits and signage, all of which were agreed by trade groups. Confirmation can be found at Appendix 'A'.

7.0 THE RESULTS AND AMENDMENTS TO THE POLICY FOLLOWING CONSULTATION

7.1 The Licensing Service received 31 responses to the formal consultation exercise; an overview of the details of those responses is attached at Appendix 'A'. Full details (copies) of all responses are attached at Appendix 'B'.

7.2 The final draft policy is attached to the report at Appendix 'D' for your information.

8.0 PROPOSED TIMEFRAME

8.1 It is proposed that if the policy is approved that it comes into force on 1st October 2016.

9.0 FINANCIAL IMPLICATIONS

9.1 There are no financial, legal or equality issues implications arising from this report.

9.2 The work undertaken on the Private Hire Operator and Vehicle Policy has been undertaken within the current resources and budget of the Licensing Service.

10.0 EQUALITY IMPACT ASSESSMENT

10.1 An Equality Impact Assessment has been undertaken; information and notes relating to this can be found attached at Appendix 'C'.

11.0 RECOMMENDATIONS

11.1 That Members of the Licensing Committee approve the Private Hire Operator and Vehicle Policy as attached at Appendix "D".

12.0 OPTIONS OPEN TO THE COMMITTEE

12.1 To approve the Private Hire Operator and Vehicle Policy as attached at Appendix 'D' to come in to force on the 1st October, 2016.

12.2 To approve the Private Hire Operator and Vehicle Policy as attached at Appendix 'D' with amendments to come in to force on the 1st October 2016.

12.3 To approve the Private Hire Operator and Vehicle Policy as attached at Appendix 'D' with or without amendments to come in to force on an agreed date.

12.4 To defer the Private Hire Operator and Vehicle Policy as attached at Appendix "D" for further consideration.

Stephen Lonnia
Chief Licensing Officer, Head of Licensing
Business Strategy and Regulation, Place Portfolio
Block C, Staniforth Road Depot
Sheffield, S9 3HD

29th September, 2016

Consultation Comments Received

No	Name	Organisation / Service / Premises	Overview of Comments	Has the Policy been updated following the comments?
1	Benita Mumby	South Yorkshire Police	Image Recording Equipment. Recommend 30 day storage.	Yes
2	Kevin Flint	City Taxis	<ol style="list-style-type: none"> 1. Have a manned telephone line – 24/7 2. Allow advanced bookings, up to 7 days 3. 10% of vehicle fleet must be wheelchair accessible. 4. Licensees to work for one operator only 5. Remove the need for 'name and address of the hirer' on bookings 6. Introduce penalties for not displaying signage 7. Age limits for new vehicles too low 8. Support changes to signage 	<ol style="list-style-type: none"> 1. Yes 2. Yes 3. No 4. Yes 5. Yes 6. Yes 7. Yes 8. N/A
3	Arshad Mahmood	Licensee	<ol style="list-style-type: none"> 1. Age limits for newly licensed vehicles too low 2. Signage should not have to be permanent 3. Robust policy for app based operators 	<ol style="list-style-type: none"> 1. Yes 2. Yes 3. No
4	Fazal Hussain	Licensee	<ol style="list-style-type: none"> 1. Age limits for newly licensed vehicles too low 2. Signage should not have to be permanent 3. Code of conduct for all operators. 4. Limit size of private hire operators 5. Operator staff to undertake safeguarding training 	<ol style="list-style-type: none"> 1. Yes 2. Yes 3. No 4. No 5. Already part of policy
5	Anonymous	?	<ol style="list-style-type: none"> 1. Age limits for newly licensed vehicles too low 2. Opportunity to use other test centres. 3. Happy to undertake courses to gain knowledge 	<ol style="list-style-type: none"> 1. Yes 2. No 3. N/A
6	Terence Thickett	Licensee	<ol style="list-style-type: none"> 1. Age limits for newly licensed vehicles too low 	<ol style="list-style-type: none"> 1. Yes

7	Tony Fiaz	Licensee	<ol style="list-style-type: none"> 1. Agree to fire extinguisher not being mandatory in vehicles 2. Signage should not have to permanent 3. Age limit for newly licensed vehicles too low 4. Allow 'Dash' Cameras for insurance purposes 	<ol style="list-style-type: none"> 1. N/A 2. Yes 3. Yes 4. Yes
8	Mohammed Uman Shiekh	Licensee	<ol style="list-style-type: none"> 1. Age limit for newly licensed vehicles too low 	<ol style="list-style-type: none"> 1. Yes
9	Gulzar Hussain	Licensee	<ol style="list-style-type: none"> 1. Agree with Sheffield Operators only dispatching work to Sheffield Licensees 2. Age limit for newly licensed vehicles too low 3. Change format and conditions for signage 	<ol style="list-style-type: none"> 1. N/A 2. Yes 3. Yes
10	Craig Challenger	Licensee	<ol style="list-style-type: none"> 1. Age limit for newly licensed vehicles too low 2. Signage should not have to be permanent 	<ol style="list-style-type: none"> 1. Yes 2. Yes
11	David Stringer	Licensee	<ol style="list-style-type: none"> 1. Queries as to age limit for vehicles. 	<ol style="list-style-type: none"> 1. Yes
12	Mohammed Azam	Licensee	<ol style="list-style-type: none"> 1. Age limit for newly licensed vehicles too low 2. Signage should not have to be permanent 	<ol style="list-style-type: none"> 1. Yes 2. Yes
13	Nurul Haque	Licensee	<ol style="list-style-type: none"> 1. Age limit for newly licensed vehicles too low 2. Signage should not have to be permanent 	<ol style="list-style-type: none"> 1. Yes 2. Yes
14	Godwin Karimatsenga	Licensee	<ol style="list-style-type: none"> 1. Age limit for newly licensed vehicles too low 	<ol style="list-style-type: none"> 1. Yes
15	Khurram	Licensee	<ol style="list-style-type: none"> 1. Age limit for newly licensed vehicles too low 	<ol style="list-style-type: none"> 1. Yes
16	Talib Hussain	Licensee	<ol style="list-style-type: none"> 1. Age limit for newly licensed vehicles too low 2. Signage should not have to be permanent 	<ol style="list-style-type: none"> 1. Yes 2. Yes
17	Sarwar Husain	Licensee	<ol style="list-style-type: none"> 1. Age limit for newly licensed vehicles too low 2. Signage should not have to be permanent 3. Introduce £20 fine for those not displaying signage 	<ol style="list-style-type: none"> 1. Yes 2. Yes 3. No
18	Khurram	Licensee	<ol style="list-style-type: none"> 1. Age limit for newly licensed vehicles too low 	<ol style="list-style-type: none"> 1. Yes
19	Maroof Raouf	Licensee	<ol style="list-style-type: none"> 1. Undertake background checks on licenses from other authorities 	<ol style="list-style-type: none"> 1. No

			<p>2. Convictions should be notified to authority sooner than 14 days</p> <p>3. Concerns over cross-border (sub-contracting) job bookings</p>	<p>2. No</p> <p>3. Yes</p>
20		Transport4All	<p>1. Clearer explanation of vulnerable</p> <p>2. Would like to see National standards</p> <p>3. Endorse enhanced DBS checks</p> <p>4. Endorse checks on Directors</p> <p>5. Disability awareness for drivers</p> <p>6. Checks on validity on exemption certificates</p> <p>7. Clearer information taken from operators when carrying assistance dogs.</p> <p>8. 100% wheelchair accessible fleet</p> <p>9. Public liability insurance for all drivers</p>	<p>1. No</p> <p>2. N/A</p> <p>3. N/A</p> <p>4. N/A</p> <p>5. Part of Driver policy</p> <p>6. N/A</p> <p>7. No</p> <p>8. No</p> <p>9. No</p>
21	Paul and Richard Oxley	Licensees	<p>1. Removal of signage for certain job bookings</p> <p>2. Allow dark tinted windows</p> <p>3. Change of seating requirements for 8 seat vehicles</p> <p>4. Licensees should be able to work for more than one operator</p> <p>5. Age limit for newly licensed vehicles too low</p>	<p>1. No</p> <p>2. No</p> <p>3. No</p> <p>4. Yes</p> <p>5. Yes</p>
22		GMB Union	<p>1. Further discussion regarding tinted windows</p> <p>2. Remove requirement of Euro VI Emissions in Exceptional Vehicle Criteria</p> <p>3. Remove words 'never failed' in Exceptional Vehicle Criteria</p> <p>4. Testing criteria for new vehicles</p> <p>5. Review Delegated Powers</p> <p>6. Further explanation on secondary booking office</p> <p>7. Change to public complaints handling</p> <p>8. Support only working for</p>	<p>1. N/A</p> <p>2. No</p> <p>3. Altered Wording</p> <p>4. No</p> <p>5. N/A</p> <p>6. Yes</p> <p>7. No</p> <p>8. N/A</p>

			one operator 9. More detailed explanation for sub-contracting bookings	9. Yes
23	Muhammad Rafique	Licensee	1. Allow multimedia advertising 2. Request changes to window tints 3. Changes to wording in Foreword 4. Changes to wording in Introduction 5. Remove the need for 'name and address of the hirer' on bookings	1. No. Further discussions required. 2. No. Further discussions required. 3. No 4. No 5. Yes
24	Bethany Austin	Social Worker	Concerns regarding service users' experience; no comments in direct relation to policy changes.	N/A
25		Disability Sheffield	1. Clearer definitions of what constitutes low level complaints. 2. Provided evidence of complaints issues from service users.	1. Yes 2. N/A
26.		Uber	1. Working for more than one operator should be allowed 2. Undertaking compliance tests for vehicles under three years old should be scrapped	1. Yes 2. No
27	Lee Ward	ALPHA	1. Reference to Acts 2. Change wording in Foreword 3. Change wording in Introduction 4. Clarification on points in the Introduction 5. Actions should not be on a case by case basis – not judged on own merits. 6. Seeking more information on AQAP 7. Change wording in Delegation Section 8. Remove need for operator to ask for 'name and address of the hirer'. 9. More information to be included when accepting a sub-contracted booking 10. Remove section C from	1. Yes 2. No 3. No 4. No 5. No 6. No 7. No 8. Yes 9. Yes 10. No

			public complaints	
			11. Operators to only use Sheffield licensed drivers and vehicles	11. Yes
			12. Private Hire Operator to have a manned landline	12. Yes
			13. Operator office to be open 24 hours a day	13. No
			14. Operator to offer bookings in advance	14. Yes
			15. Operator that has 30 or more vehicles to have a percentage that are wheelchair accessible	15. No
			16. Not allow vehicles to operate from other districts	16. Yes
			17. Age limits for newly licensed vehicles too low	17. Yes
			18. Further clarification required in relation to 'fitted with four road wheels'	18. No
			19. Space savers should be able to be used whilst working	19. No
			20. Wording on leg room dimensions to be altered	20. No
			21. Dimensions on ride height to be altered (increase ride height)	21. No
			22. Tinted Window specification to be altered – darker tints allowed	22. No. Further discussions required.
			23. Wording on bodywork to be altered – less stringent	23. No
			24. Wording on wheelchair manual to be changed	24. No
			25. Wording on maintenance and suspensions to be reworded.	25. No
			26. Allow multimedia advertising	26. No. Further discussions required.
			27. Reword Entertainment section	27. Yes
			28. Reword Interior lighting section	28. No
			29. Exterior licence plate condition	29. Yes
			30. Allow the use of 'Dash' Cameras	30. Yes
			31. Alter wording 'never failed to attend a pre-arranged [...] test	31. Yes

			<p>32. Remove criteria ...'never failed a vehicle compliance test</p> <p>33. Remove requirement for service records</p> <p>34. Remove wording: Vehicle should have to meet Euro VI Emissions</p> <p>35. Financial reasons should be taken in to consideration</p> <p>36. Frequency of tests to be reduced</p> <p>37. Allow testing from other testing stations.</p> <p>38. Clarify testing regime over three tests</p> <p>39. Allow emailing of insurance certificates</p> <p>40. Public liability Insurance not required</p> <p>41. Reword accident section</p> <p>42. Insurance Certificate not required for vehicle transfers</p> <p>43. Signage should not be permanent</p> <p>44. Allow 'Dash' Cams</p> <p>45. Reword condition relating to accidents</p> <p>46. Allow additional audio equipment</p> <p>47. Compliance and Enforcement Section requires re-writing.</p>	<p>32. No</p> <p>33. No</p> <p>34. No</p> <p>35. No</p> <p>36. No</p> <p>37. No</p> <p>38. No – states in legislation</p> <p>39. Yes</p> <p>40. No</p> <p>41. Yes</p> <p>42. No</p> <p>43. Yes</p> <p>44. Yes</p> <p>45. Yes</p> <p>46. No</p> <p>47. No</p>
<p>A second stage consultation was undertaken with trade associations regarding vehicle age limits and signage. The licensing service put forward proposals in regards to these and after receiving confirmation from the trades, the policy was updated. A copy of their reply as to the confirmation of such changes can be found below.</p>				
28		GMB Union	<p>Further to our meeting today we the GMB Team Sheffield, respond as follows:</p> <p>We fully support private hire vehicle age policy to continue as current and review year 2019/2020, 5yr for entry and 9yrs for expiry and incentive for low emission vehicles.</p> <p>We support combined door stickers "All in One" type and not permanent and on front 2</p>	N/A

			door only stickers	
29		STTA	<p>Thank you for the update on issues.</p> <p>We can confirm that we agree with the ph vehicle age policy proposal. We strongly believe it is better to offer drivers an incentive rather than to try and hit them hard so well done on this proposal.</p> <p>We also agree with the ph vehicle signage policy proposal.</p>	N/A
30	Kevin Flint	City Taxis	Agree, this is a very fair way forward.	N/A
31	Lee Ward	ALPHA	The members of ALPHA have agreed to the proposals with regards to vehicle age and signage.	N/A

Full Comments from Consultation Process

1. Benita Mumby – South Yorkshire Police

I have read through the consultation document. The only thing I am unsure of is Part 13 which refers to recording equipment. Page 62 make mention of images to be kept for a minimum of seven days however I can't see a maximum storage period.

As you'll be aware images from CCTV in Licensed premises should be capable of retaining images for 30 days before being recorded over, could the same apply to vehicles?

If there is no end storage period does it fit in with data protection?
Just a thought

2. City Taxis – Sheffield Private Hire Operator

City Taxis concerns / proposals are as follows.

City taxis fully support the vast majority of the proposals as set out in the consultation document. Below are a few constructive comments.

Point 1. Sheffield City Council emphasize within this document a strong commitment to the protection of the public, safeguarding children and the vulnerable. Reference is made regarding the importance of people having access to Taxi services 247/7. Therefore City Taxis believe a mandatory requirement for an Operator to provide a manned telephone line, to deal promptly with customer complaints. Lost property, police enquiries, and other urgent enquiries about children or vulnerable adults who may be missing? Should be included in the new proposal document. City Taxis receive a large number of these types of enquiries on a regular basis, including many calls out of normal business hours. City Taxis believe a responsible Taxi Operator should be compelled (by Licensing) to provide this facility 247/365. We believe if an Operator is over a certain size (say 10 or more vehicles) their business should be set up in such a way to provide immediate access to vital information should any emergencies occur.

City Taxis therefore propose a mandatory requirement be placed upon Sheffield Operators to provide a dedicated telephone line, advertised to the travelling public. This telephone line would then guarantee passengers or appropriate public bodies immediate access into the Operators staff 247/365.

Point 2. City Taxis believe an integral part of good customer service and good business practice, is to allow the facility for a customer to place an advanced booking with an operator up to seven days in advance. This facility provides peace of mind for the travelling public as well as allowing the Operator to plan for times of increased demand. Going forward I feel customers would feel let down if all Operators adopted a policy of not accepting "advance bookings" surely the signage displayed on licensed private hire vehicles under pins this proposed condition. City Taxis therefore recommend this proposal is adopted as part of this consultation.

Point3. City Taxis take note that Sheffield Council state in this document their intention to "Promote the vision and objectives of Sheffield City Council" within these objectives are the statements "protecting our most vulnerable people and families, enabling them to

maximise their independence” as well as helping people into work and promoting equality within the city. If Sheffield Council wish Operators to provide a fair and accessible service to all, should there be a condition on Operators to ensure they have the capacity to supply wheelchair accessible vehicles. We believe a fair condition would compel an Operator to provide a percentage of wheelchair accessible vehicles on its fleet as an example 10%.

Point 4. City Taxis would like to endorse the proposal making licensed private hire drivers only able to register with one Operator. To enforce this we propose the Operator should hold the original badge / plate documents during the period a driver remains registered with them. When a driver wishes to leave his documents should be returned and a statutory requirement should be placed on the Operator to inform licensing immediately.

Point 5. City Taxis have taken note of a proposed change in relation to Record of Bookings (iv) “The name and address of the hirer”. This suggestion would be completely unworkable as it would require an Operator to take the full customer contact details on every journey. This means in real terms if a customer wishes to be collected from his local pub, the Operator would still have to take a record of his home address and telephone number. This constitutes a complete waste of time and would not benefit the customer either.

Point 6. City Taxis believe in support of public safety and to ensure traceability of private hire vehicles and driver. A condition of the vehicle license should state that council and operator signage should be displayed at all times, when the vehicle is being used for the purpose of private hire. This should be treated separately to the question of signage being permanent or removable. There should be severe penalties for the vehicles licensed keeper, should signage not be displayed and the vehicle is working.

Comments on items currently deferred from the consultation.

City Taxis take note of the proposed change to the vehicle age limit being reduced to under one year to qualify for its first license. This would place considerable hardship on new and existing licensed drivers. There would be the likelihood that this condition alone would drive up costs and therefore fares paid by customers. City Taxis object to this proposal and believe a more reasonable suggestion would be to allow vehicles up to four years old to qualify for their first license. In conjunction with this proposal we believe the maximum age a vehicle can remain licensed could be changed to seven years for a non – compliant ULEV status. A vehicle that complies with ULEV status should remain licensed up to nine years.

City Taxis take note of the proposed changes to private hire vehicle signage contained within this document. City Taxis support these changes and believe the permanent fixing of signage to the vehicle is the most robust way to protect public safety within the City. City Taxis have found it to be increasingly difficult to provide magnetic signage that is suitable for all vehicles. This is largely due to the change in materials now being widely used by modern vehicle manufacturers. The use of composite materials within door panels means magnets do not adhere effectively. This leads to vehicles not carrying the correct signage and confuses the travelling public. In some cases where magnets are placed on a non-licensed vehicle this could pose a serious risk to passenger safety. City Taxis take note that some Licensing Authorities use a combined front door permanent sign. This displays the vehicle license number as well as the Council Logo and the message relating to advanced bookings. The Operator then applies their company logo to the blank space within the council sign when a driver registers with them. This reduces the need for drivers to keep changing signage if they leave an Operator and only places the signage on two front doors.

City Taxis look forward to receiving the Licensing Departments response to our comments.

3. Arshad Mahmood – Licensee

I welcome this consultation on private hire operators and ph vehicles policy. Couple of things concern me on proposed vehicle policy which are new age for vehicles and also permanent signage. I dont agree with new vehicle age requirement as it will have a detrimental effect on me being able to afford a new vehicle and also keep on being a taxi driver. I think this a very harsh proposal and should be scrapped. Also permanent signage shouldnt be made mandatory as i have had many incidents where i am not working and i am with the family but forgot to take off stickers and are approached by potential taxi users/customers outside BIG TESCO at spital hill as a potential fare. Other incidents have occurred with many other taxi drivers that have had their vehicle broken into as it is identified as TAXI with permanent stickers.

On the Private Hire Operators policy you should consider new policies that take into consideration how companies like Uber do their business i.e 21st Century technologies like smartphones with latest software that can help and inform potential customers on taxi availability. This technology and practice is the future of this trade and we should have a robust policy on their working practices. I strongly feel that the licensing service should have a register of all Non Sheffield licensed plated vehicles, companies they work for in Sheffield and also their vehicle licence plate number. The Sheffield travelling public are being duped by the Sheffield taxi services that provide Non Sheffield licensed vehicles on their fleet as customers have no idea. In the interest of public safety, a REGISTER with all relevant information of the Out of Town licensed vehicles and companies they work for is needed. Obviously this will come with a cost and that should be met by the relevant company that allows them on to their fleet and also the vehicle licence holder/driver. Secondly it is currently part of Private Hire Operator policy that a licensee can only allow the amount of vehicles allowed on his operators licence, so for example 200 vehicles on your current licence but you also allow out of town taxis on to your fleet. The LA doesnt have any checks or isnt not informed about any these out of town plated taxis or even administer /register the out of town plated vehicles, how will you know how many licensed vehicles does licensee have on their fleet. Are they breaching their licence conditions....A new policy should be introduced that it is a condition of operators licence that if you allow out of town plated vehicles on to your fleet, this should be reported to LA on how many, when and also licence plate details etc.....THE relevant company should be charged a FEE for the extra administration work. At this moment in time where do the Sheffield public report and complain to about the out of town licensed vehicles and majority of Sheffield public dont even know they arent Sheffield licensed vehicles.

4. Fazal Hussain

I am e-mailing this response to the Licensing Service because I feel the two policies regarding ph vehicles....New vehicle age limit and permanent signage should be withdrawn. These two policies would have a negative effect on the trade as a whole especially the drivers.

I would like to concentrate on Private Hire Operator policy consultation. All Licensed Private Hire Operators should have to adhere to Equality Law and a Code of Conduct that creates greater equality in the workplace, A greater fairness for all drivers

and the distribution of jobs fairly. Private Hire Operators should be made accountable by the Licensing Authority and reprimanded if there is evidence of this and any allegations made by the drivers taken more seriously about taxi companies. I strongly feel in the interest of competition in Sheffield taxi trade there should be a limit on how big one taxi company can get and how many vehicles are allowed on the company through its license. In Sheffield there is very little competition, How does that benefit the customers ? I think Private Hire Operators and their Staff should have to do some kind of Safeguarding Children and Vulnerable Passengers Training or training which is very similar. Private Hire Operators should be made more accountable to their drivers.

5. Anonymous

Thank you for giving me a opportunity to comment on this policy.

1. I have to show my objections to the age limit on private hire vehicle I would find myself in more financial difficulties to buy a car only 12 months old the policy should allow private hire vehicles to run to a period of 15 years same as hackney vehicles also being in the vehicle industry now most of the new cars are very eco friendly.

2. I would also like to know why other licensing authorities don't have a age limit as long as the vehicle passes a m.o.t.

3. Why can't m.o.t's be done from different test centres why does it have to be done by the council who I find very unhelpful and fail you when it would pass any m.o.t at any other test centre ?

4. I am always happy to take on new courses and find that the knowledge from courses help.

6. Terence Thickett

this is the stand out change in the consultation document, whilst air quality is obviously important i cannot understand why cars need to be less than a year old to be granted their initial licence. There simply cannot be that large a difference between a well maintained two or three year old car and a car that is one year old in terms of emissions and if there is then the vehicle would surely fail. On the other hand the cost implications are huge, many vehicles come to the industry after two years of contract hire and are affordable, vehicles are rarely sold at less than one year and will therefore be very expensive. Therefore the proposals if carried through will impose a very substantial financial burden on owners for questionable "tailpipe" results, as usual i fear that proposals are being formulated with little concern for real world consequences falling on the shoulders of hard-working drivers

7. Tony Fiaz

Dear Sir ,

I have read all this new documented policy on private hire.

1. Fire extinguishers

I quite agree to not having these mandatory as no one should put their lives at risk in the event of a fire.

Leaving the vehicle safely with passengers quickly and efficiently is paramount.

2. Permanent door signage.

As you are aware of local kids all over the city throwing bricks ,stones , objects at taxis, having permanent signs are making the vehicles more identifiable hence you seeing a lot of drivers putting the magnetic signs on the rear quarters of vehicles.

In my view having permanent signs is not a good idea.

3. 12 months age for a 1st licence.

In todays climate we taxi drivers are struggling to make a living with the rising costs of maintainance and payments ect ect... in my veiw not everyone will be able to afford a 12 month old car to finance for work i think its a really harsh decision to go from 5 years to 12 month age limit for a new licence and dropping from 9 years down to 7.

A lot of people are going to be unemployed.

4. Cameras.

I understand we need permission for installing a cctv system.

But what about a dash cam that only faces the road for use in the event of an accident. As you are aware some insurance companies want it fitted to vehicles.

Thank you for taking time to read my opinions.

8. Mohammed Uman Shiekh

I am hugely disappointed after reading only one section of this consultation document. I am not sure how council can expect licensees to afford nearly new cars (less than 12 months old) when the income is actually on a decline and also facing fierce and unfair competition due to the deregulation which has consequently attracted hundreds of cars from outside Sheffield.

Why council is not been proactive as some other councils who are ensuring out of town vehicles can not work in their city?

The council should also consider the livelihood of the licensee who are predominantly residents of Sheffield who are working tirelessly to ensure women, children, vulnerable adults are transported to their respective destination safely and have the local knowledge. Many local businesses rely on these very hackney and private hire licensees to go about their daily activities and making these hard working individuals are frankly unfair and unjust move by the council.

I am sure council will look at this matter and other raised by licensees who are very concerned about their livelihood.

9. Gulzar Hussain

Hi

If your proposal regarding operators dispatching work only to Sheffield licensed vehicles is approved.

Then only you be able to police the policy regarding low emissions vehicles fully. How ever it's not only private hire vehicles responsible for urban high pollution, what your measures will be for Hackney carriages? They do more dead mileage in city centre then a private hire vehicles.

Regarding age of private hire vehicles. My opinion is that when you first register vehicle , high emissions vehicles should be no older then 3 year and last till they are 7 year old.

Low emissions vehicles policy's should remain as present criteria.

Regarding sighn of company and advance booking , should be displayed on one sticker A3 size in where you have advance booking logo on top and company name at bottom .

And they should remain magnet because sign left over night on vehicles have high risk of break ins .

Sign should be available from private hire dispatch offices at all time. Any drivers not displaying signs while working should be fined .

At present you have some drivers displaying signs on there vehicles quarter panel. they should be displayed at both front doors of the vehicles in my opinion. all the rest proposals I welcome.

10. Craig Challenger

To who it may concern having been a private hire licenced vehicle driver for approx 25 years and never once commented on any council proposal I feel a strong need to comment on the new proposals being put forward first of all I find it totally unbeliliavable that there is a need to licence a virtually brand new vehicle maybe this is perfectly plausible for the small corrupt Minority of drivers who have shady cash to burn but unfortunately this isn't the case for the majority of hard working taxi drivers who in most cases live hand to mouth just because they have the money to fund there licences it's usually hard found maybe this is a bit difficult to comprehend for those concerned to have to fund a new car in this way in most cases is virtually impossible ie taxi drivers cannot get finance car dealers will not finance due to heavy depreciation and negative equity in there vehicles as for renting this just makes it totally unviable for a driver to make a livelihood so the likelihood is that most drivers in Sheffield will be forced to licence else where which could unbelievable mean Sheffield could in theory have more licences from outside Sheffield than in please will some see common sense om this issue as for license signage as a one car house hold and of the majority of cases surely when you are funding your own vehicle you should have the right to remove side signs it's quite nice to have a leaserly drive out without being branded always as a taxi driver

11. David Stringer

I have a private hire vehicle and the date of registration is 23/11/10 and the ruling at moment is 1st new application under 5years and finish at 9 years of registration date. So when the new rules are introduced on 1st July will my vehicle be allowed to stay on as a private hire until the date 23/11/19

Would it be possible for you to clarify this as there is much confusion at moment and possibly give the reason why for such extreme measures of change.

As a more fair and reasonably option would have been to consult the drivers in a simple questionnaire for there opinion.

Mine would have been

Under 3.5 years for new application
Maximum 7.5 years old date of registration

(ulev)

Under 3.5 years for new application

Maximum 10 years old (date of registration)

This would help drivers financially to move to newer vehicles with lower emissions

12. Mohammed Azam

I am a private hire driver and I have big concern about SCC new vehicles age and permanent signage policy,I as a private hire driver can not afford to buy a car less then 12 months old so that means SCC pushing me to leave my job which I've been doing for 18 years to go unemployed until I find alternative. I would request SCC to reconsider the

policy and think about all private hire drivers which you might put out of job and force them to go unemployed.

13. Nurul Haque

I Am writing make an oppose on the above policy which include the age of vehicle from under five years to under one year old when first plating the vehicle and the life span of the vehicle from nine years to seven years for private hire and the sign age (permanent sticker) rather than magnetic.

I as a taxi driver totally disagree with the above policy, simply because it will bring such a heavy burden and pressure on the drive:

- (1) Can not afford to buy a vehicle under one year old
- (2) Cost of the vehicle will be too expensive
- (3) Too difficult and expensive to finance it because the interest rate is too high
- (4) Make the driver to work even longer hours to meet the needs
- (5) The driver will be too tired to work may cause accident and many more the list is endless

It should leave the age of the vehicle for first testing to under five years old for first plate and the life span of the vehicle to nine years old, in my opinion to the original as it was before for the both driver private and hackney carriage, it take some pressure of the driver.

permanent sticker on the private hire vehicle:

- (1) The vehicle is our livelihood
- (2) Also used for our families
- (3) Most importantly it damages the paint work on vehicle
- (4) Very expensive to put the pain work right surely Council will pay for the paint work
- (5) If the paint work is damage it will not go pass Council MOT and compliance for taxi
- (6) The Children/ Kids and grown up Idiots through stones and bricks at taxis, if it is permanent sticker these idiots will through stones and bricks when the vehicle is parked up at the drivers home, if it is magnetic stickers then the drive can take them off when not working or parked up at the drivers home. As a driver it puts not just our live endanger but the passengers and others lives too.

Regarding these incidents all the drivers have reported to the police, but police take no action.

14. Godwin Karimatsenga

Thank you for considering me in this consultation. I wish to comment as follows: AGE LIMIT OF CAR AT FIRST REGISTRATION

I find it not tenable on the part of the driver that the car has to be less than twelve months old based on these reasons;

- 1) it makes the car very expensive and this will lead to overworking the driver which may result in accidents.
- 2) in a sector that is already saturated I fail to figure out how this driver would break even let alone make profit
- 3) It makes good business for the new car sellers however if business is balanced their needs to be promotion of these dealers who sell plus 12 months old cars as well
- 4) Generally its a policy that would strain the driver indirectly if it were to operate.

15. Khurram

Hi sir /madam. I am one of the taxi driver this new policy of 1 year old age taxi is very wrong please we can't afford this we have already too many over head of this job .thanks please think if you were me would to like this

16. Talib Hussain

No to withen 12 months vehicle
No to permanant stickers

17. Sarwar Hussain

Dear Sir/Madam,

I would like to include only 2 issues that are found in this document.

- 1) signage
- 2) limits on vehicle age for private hire

1) Signage:

I am not happy with the proposal. As a taxi driver, I also use my taxi for private use. And if its fixed to my car, then when I am using for my personal use, I will not feel comfortable. In another words, it is a trigger for my strees and feeling down when visiting friends and family. This will definitely be a MENTAL HEALTH issues for taxi drivers as most of them will not be happy. Also, resaleable value of the car will significantly be lower if there are marks left for the signage when permanant stickers removed.

I understand drivers sometimes do not use stickers on their taxis when working. The licencing authority can introduce fines (may be £20) for those not using it. This way it will solve the problem and council will be benefitted too.

2) Limits on vehicle age for private hire:

I think it should be left as it is now. It will just put financial pressures on drivers. By Implementing whats been proposed, expenses will go up for the drivers but earnings will stay the same.

Its an extremely bad idea to penalise the drivers in this way. It is, in my opinion, a "VIOLATION OF MY HUMAN RIGHTS" if the proposal is implemented. It is a discrimination as, in the same area, for example, taxis from Rosandale council can pick up the same job with older cars but Sheffield taxis can not if proposal go through. I feel this is a major punishment and cruelty to the Sheffield private hire taxi drivers.

I have never felt that bad since I was first licenced in 2004. Changes are good but changes that make people very unhappy is not ofcourse.

There are many issues in the proposal can be discussed but, to save my valuable time, I have only included these two issues.

The people behind this proposal, in my opinion, have very limited knowledge of a taxi driver's life and work environment. They need to be trained before they can write a proposal like this!!! This sort of proposal should be scrapped as its a total waste of time and wasting government money and also generating anger within taxi drivers' community

as I can see after talking to drivers. Now, the best thing to do for me is to find an "Anger management course"!!!

I have never written to anyone like this in my life. This is my livelihood and I felt very bad. I apologize in advance if I have made a mistake.

18. Khurram

Whom it may concern I am a Sheffield taxi driver just would like to say this new rule you want to bring in place it is far expensive we won't be able to keep our self in taxi trade because we already have too many over head of this job insurance e.t.c please listen to us and think if u were us would you like this?

19. Maroof Raouf

My name is M Raouf and I am a current licensee with SCC.
The following comments contained in this email are solely in reply to the Private Hire Operator and Vehicle Policy Consultation.

Part 4 – Background Checks - Policy Objective 8

Private Hire operator's application questionnaire; Question 24: As part of your business do you intend to use any vehicles that are not licensed by Sheffield City Council?

I as a licensee, as well as a member of the travelling public, have serious reservations about this question in particular. How are SCC going to ensure that this question is answered correctly and honestly? If it is found to be that the answer to this question was not accurate, then what action will SCC take?

I suggest that to ensure accuracy of records, all PH operators (including those that it sub-contracts bookings to) are made to provide documentary evidence, on a weekly basis, of all vehicles and drivers under their operation at that week's commencement; including but not limited to: SCC licensed vehicles, other borough licensed vehicles, driver's full name, driver's valid DBS certificate number, a copy of the driver's valid UK driving licence, a copy of the driver's vehicle insurance certificate and the length of time that driver has been driving for that particular operator.

Part 14 - Conditions - Convictions:

I firmly drivers should not be given 14 days to notify SCC of any conviction or caution. Drivers have a duty of care to the public and thus SCC should be made aware of any convictions or cautions as soon as practically possible, and in any case within 72 hours. By allowing drivers to not notify SCC as soon as practically possible, SCC are possibly allowing drivers to continue to operate, even when they possibly should not be due to their convictions.

Part 15 - Compliance and Enforcement:

"The primary aim of the licensing authority is public safety".

I have severe doubts and very valid concerns, that I shall outline further in this reply, that this is the primary aim of SCC's licensing department. It is quite clear from myself as a licensee, as well as a member of the public who uses taxis, as well as an educator who works with vulnerable children, that SCC's licensing department does not have the public's safety as their number one priority.

Taxis and Private Hire Vehicles (PHVs) are vital to our great city. As elected members, you are responsible for ensuring the public travel safely and receive a good level of service, and that the system in Sheffield attracts good, reputable drivers. Unfortunately, the licensing department have refused to ensure that the public are not being picked up by rogue drivers or rogue vehicles. This is clearly evident, when on any given Friday or

Saturday night, rogue vehicles from other boroughs are coming to Sheffield and plying for hire, in most cases quite openly in front of licensing enforcement officers.

How are the licensing department ensuring that rogue drivers and vehicles are not operating in Sheffield? How is the licensing department ensuring that the next time I or one of my vulnerable students books a PHV in Sheffield, we are not being picked up by a criminal or by a driver who is not a fit and proper person?

It is essential that the licensing department take seriously their responsibility to determine whether every PHV or Hackney driver operating or working in Sheffield is a 'fit and proper' person to hold a licence. I suggest that this is done through ensuring that all out-of-town licensed vehicles are logged and their licensing authority is queried on that person's fit and properness. If it is deemed that person does not meet SCC's fit and proper person test, then how can SCC stand by and allow that driver to pick up some of our most vulnerable residents? Does the licensing department not worry that rogue drivers coming from over the border are clearly flouting the law and eventually this will lead to some really serious consequences. I suggest that the licensing department look to be proactive rather than reactive and find the means to carry out compliance and enforcement action on any and all licensed vehicles operating in Sheffield, whether during the day or at night.

Further to the above point, the relentless insufficiency of compliance and enforcement checks on licensed PHVs and Hackneys coming from over the border is concerning to say the least. It is putting passengers, particularly women, children and disabled people, at significant risk of harm and exploitation. It is quite clear as a licensee, as well as a member of the public who works with vulnerable children, that SCC is not ensuring that licensed vehicles coming from over the border are complying with statutory requirements and licensing conditions by undertaking regular enforcement and compliance checks on those vehicles. I recommend that the licensing department put the public's safety first and take a proactive role in ensuring that all licensed vehicles operating in Sheffield, whether from other boroughs or not, are having regular and random enforcement checks issued on them.

As a member of the public who books PHVs on a regular basis, I feel unsafe getting into a PHV in Sheffield, as I cannot be sure if that driver is a fit and proper person to be a taxi driver, transporting myself and other vulnerable children.

I implore you to act now and take action, before something serious happens.

I hope the above comments are taken into consideration and I am more than willing to work with SCC to ensure that the public's safety comes first.

On a final note, I think it is important that I receive a reply that confirms my comments have been received. Please may I have this as soon as is practically possible.

Please contact me via email if you would like to discuss my comments further.

20. Transport4All

I am responding on behalf of Sheffield Transport4All which champions the interests of disabled people in accessing public transport.

Craig Harper and Clive Stephenson attended our January meeting and Craig also attended the Access Liaison Group meeting on 13 April at which these policies were discussed so any comments he/they noted should be treated as feedback within the consultation. Below is my summary of comments and observations made from both meetings.

1 There needs to be a clear definition/understanding of who is "vulnerable" when training and safeguarding are considered.

People with "hidden" disabilities such as mental health conditions and learning impairments may in some cases be more "vulnerable" than those with obvious physical and sensory ones, due to their sometimes quite complex communication issues.

2 Unevenness of standards.

Different licensing arrangements and standards in different areas can have a profound impact on passengers with physical, sensory and cognitive impairments - if drivers are operating in the Sheffield area but with lower standards of customer service, for example. We would really prefer to see national standards that match the high standards we are accustomed to in the Sheffield Authority area.

An example of this might be the reluctance/refusal of a driver to escort a blind person from the vehicle to the entrance of the destination premises - e.g. Customer Assistance point in a train station.

3 We endorse the requirement for Enhanced DBS checks for all drivers in order to keep "vulnerable users" safe.

4 We endorse checks on directors of operating companies to ensure their credibility and integrity as this will influence standards applied throughout the company.

5 Disability awareness training needs to be as firmly embedded as possible in requirements on drivers as a condition of licences being granted.

6 A method needs to be found, for those who cannot read (visually impaired/blind/partially sighted/learning impaired), to be able to check the claim of drivers that they are medically exempt from carrying assistance dogs.

7 Operators need a policy re disclosure about assistance dogs when taking bookings - some say they won't note this information as all drivers are supposed to carry the dogs, whilst others use such information sensibly to inform which drivers they send to a booking which includes an assistance dog. On the whole, based on users' experience, users tend to prefer a driver to be aware they are picking up an assistance dog.

8 Vehicle standards.

Whilst we appreciate that to have a 100% fully-accessible fleet is a big ask, it is nonetheless desirable to aspire to as high a percentage as possible, with an aim over time of 100%, and to ensure drivers are aware of the business case/financial benefits of driving an accessible vehicle.

Incentivising this, as with incentivising the purchase of hybrid "healthier" vehicles should be promoted.

9 Insurance.

There needs to be some clarity about the public liability of drivers should a passenger have an accident whilst travelling. We had assumed that all drivers have to take out public liability insurance but this would appear not to be the case.

10 Since the development of these policies is ongoing, we would like to continue the dialogue with the Licensing Department as they develop and are implemented.

21. Paul and Richard Oxley

We operate two cars and undertake work only on long distance runs, at least 30 miles and up to 250 miles. We carry overseas business travellers into Sheffield and local business travellers to and from airports, together with private travellers. Our work in Sheffield only involves picking up or dropping off passengers from homes, offices or hotels. We never pick customers up in public places. Consequently, we spend very little time on the roads of Sheffield and we are proud to represent Sheffield when carrying overseas visitors.

We find that many of the vehicle regulations are not relevant to our operation and Sheffield City Council does not cater for our circumstances, unlike other licensing authorities around the country. We would welcome variations in regulations that recognise the differences in our operation from those operations conducted within the city. We have spoken to drivers from all over the country at various airports and identified several differences.

Regulations that are not imposed by other local authorities include the following:

(1) Plates and signs. Some of our customers do not like to see plates and signs on the cars. These include business travellers, both domestic and those from overseas, and private travellers. There seem to be various reasons for this, such as privacy and concern that house breakers might notice people with luggage leaving their homes in private hire vehicles.

North East Derbyshire District Council allows what it calls “discreet plating”, where private hire vehicles conducting no local work are permitted to operate with the small windscreen and rear window licence stickers only, displaying no external plate or signage. This seems to work well, satisfies customers and would be welcomed by us in Sheffield.

(2) Dark tinted rear windows. Although we dislike the appearance of dark tints, it is becoming increasingly difficult to find even the most basic car without factory fitted “privacy” glass. People carriers are almost all fitted with this and it has come up in conversation with drivers outside Sheffield that passengers are uncomfortably hot in such vehicles, without dark glass, in warm weather on long runs, even with air conditioning turned to fully cold air.

Many licensing authorities allow dark tints and we would welcome a change of policy.

(3) People carriers. The requirement for each row of seats to access two doors without folding seats forward is understandable where passengers are alighting on city roads. However, the only way an eight seater can accomplish this is to have the middle row of three rows facing backwards. Very few people are prepared to travel backwards on long runs, so we are not able to offer a service to such people. Again, we see licensed vehicles at airports all over the country that are not restricted in this way and a policy change, to allow three rows of forward facing seats, for long distance work only, would be welcome. All we can do when contacted for such work is to give the names of operators in North East Derbyshire or Chesterfield and we are not able to compete with them.

Other considerations.

(1) The proposed limitation of a vehicle taking work from only one operator is regretted. Although we operate only two cars, we will probably have more work than we can handle in the near future. We have spoken to a few City Taxi drivers who would like to perform occasional work for us, but this would not be possible under your proposal.

(2) We understand that consideration of vehicle age limits is not being considered immediately. We would say that, if newly licensed vehicles are restricted to not more than 12 months old, we would cease to trade. It is not possible to earn much money in this business and the cost of any one year old car of suitable size and quality to transport four people and luggage long distances would no longer be a viable proposition.

If you implement this proposal, we would have no choice but to leave the jurisdiction of Sheffield City Council.

Your justification for such a policy is flawed. Older cars might generate more emissions as their engines wear out, but a suitably well maintained vehicle will not. One of our vehicles is an eight year old Volvo V70, looks like a new car and its emissions on test are close to those of a new vehicle.

(3) This is not mentioned in your policy proposals, but we would like to draw your attention to a problem we have encountered this week. We do not go out at regular times to work in the city. Our work is usually booked well in advance, but we do get bookings at short notice. We have a job worth £180 that we have had to turn down yesterday because one of our cars is booked in for its MoT two days from now. Two days after that job, we have a free day and we could have taken the job if you had permitted us to move the test back a few days. Your policy of accommodating this only on surrender of the licence plate has cost us the job and damaged the goodwill of a customer, for no useful reason. If the test is carried out before expiry of the licence, we do not understand why this restriction is in place.

(4) Please note, it is ADVANCE bookings only, not Advanced.



The GMB taxi branch in Sheffield now submit our response on the current consultation as follows:

Private Hire Operator Policy:

GMB welcomes this review and as part of the consultation we would like the taxi licensing authority to explore and look into the following points further:

1. Operator Licence:

1 c. A more detailed explanation is needed in this area and information is not clear with regards to a secondary booking office i.e. will it be manned or any condition be added that it is?

1 h. The priority communication and complaints process, established for the general public to contact and, the response period etc. So the general public and customers have confidence; needs exploring as a condition of licence.

6. Public Complaints:

B) we agree with this section on specific complaints ie allegations of serious nature as described in the consultation document.....

However, we strongly oppose and object to 6.c.

We believe low level complaints should be dealt with by the operator Only and NO register should be maintained for the purpose of the City Council to inspect. Every business should be allowed to deal with such issues freely and we believe this is an unnecessary interference in any business, large or small because criteria and compliance with reference to the authority already exists and is fit for the purpose.

7. Acceptance of Bookings:

A) We support the idea that the operator should only allocate bookings to a vehicle and driver that are licensed, in same district Area/Local Authority,

However, we are very concerned about sub contract work and ask that sub contract job bookings need a lot more clarity so it is not exploited and abused as a loophole; this needs more detailed consultation and legal scrutiny.

b) More detailed explanation is needed for cross border licensed vehicles, private hire vehicles and Hackney vehicles that are licenced to operate in our City. This should include operators, owners and drivers/employees.

c) Once again; sub contract issue arise and we are very concerned about this issue.

GMB is very concerned about sub contract work given to vehicles and drivers not licenced within this licensing authority, and would ask legal advice is sought and published for the trade/public to see. Certain local authorities across the UK are already 'not' allowing vehicles which are not licenced in the same authority to work within that area.

We strongly object to any Operator allowing any vehicle or driver, not licensed in this authority to be allowed access.

9. b) The driver should return any property left in the vehicle to the operator only and the operator, we believe, is responsible for the return of property to the customer only, not driver.



GMB's Taxi branch in Sheffield now submit our response to the current Sheffield City Council consultation document as follows:

MAY 2016

Private Hire Vehicle Policy:

Windows:

Although we have no expertise in this subject and, future Car manufactures plans for tinted windows are subject to unforeseen changes, the market and legislation, it is our view that further discussion and debate needs to be given to assess where the industry stands at present and what changes can be reasonably foreseen. We therefore request that this be given more time and discussion and where a vehicle comes with standard glazed Windows that meet current and legal manufacturing requirements, the vehicle should be allowed to be licensed until further work is carried out.

Tinted films should not be permitted to any Windows.

As above; more work is needed on this very important issue in line with other major Cities and licensing authorities within England.

Exceptional Vehicle Criteria:

With regard to the 'proposed criteria of conditions for consideration of extension of vehicle age beyond the normal term of 9 years'. We comment as follows:

We are extremely disappointed and concerned with words used 'Never failed' etc. etc. And would ask that every driver should be given a fair opportunity to express and present their case before the licensing board to consider, not dictated to in this way, as laid out in this proposal. We question the criteria condition, Euro VI emission standards, and ask why this is needed when we don't have such conditions now.

The licensing board has the authority to grant a licence and an individual driver should not be put under any added duress or stress. It is our view that a driver should be guided to help them to address/bring as any such information as is needed to assist in the decision making process.

New Vehicles:

New vehicles under the age of 3yrs should only have to undertake or comply with the Sheffield City Council compliance taxi test. An increase in the strictness or alteration of this compliance test is not needed and is unnecessary.

Delegated Powers:

We request full a review of all delegated powers and proper consultation on this matter. Full, timely and informed consultation and scrutiny must be provided and this proposal does not achieve that.

23. Muhammad Rafique

1. Advertisements:

The PH Industry within Sheffield has for many years been restricted to advertising. While we agree that advertising should be authorised, we feel that the only practical way to advertise within a Private Hire Vehicle is the use of media.

We therefore request that the consultation takes into account this optional and potential revenue for the licensee and gives it more consideration within this consultation as to what would be accepted for future guidelines due to the recent advancements in digital media technology.

2. Window Tints:

The reasons given for the % of light ingress for the rear passenger windows or 'remaining glass' has been given is that this is for both the driver and public safety.

The driver of the licensed PHV has been deemed a fit and proper person and therefore is not a danger to the public within the vehicle, regardless of the level of light allowed through the rear windows. Vehicles that have been granted an exemption for the level of light ingress do not have a driver who has passed a higher level of fit and proper for its passenger safety.

3. Part 1 – Foreword, page 1

'The policy will make it extremely difficult for any disreputable individuals and/or companies to operate within the licensed trade in Sheffield.'

How does this policy ensure that drivers licensed out of town are of a fit and proper standard so that the safety of public transport passengers within Sheffield is upheld?

4. Part 2 – Introduction, page 3

'Sheffield City Council is responsible for the regulation of private hire vehicles, drivers and operators within the city boundary.'

Not true, SCC have no responsibility to the regulation of out of town vehicles, drivers or operators while they are operating within the city boundary. This should therefore be removed from the consultation.

Have the SCC made the Sheffield public aware that vehicles licensed elsewhere and predominantly working within Sheffield are under no responsibility of the SCC?

5. Part 6 - Private Hire Operator Conditions, 3- Record of Bookings, page 27

'(iv) The name and address of the hirer;'

Is this to suggest that EVERY booking must have the name and address of the hirer? If this is so, then every single booking would require this information being taken and would discourage the public from making a Private Hire booking.

It is impossible to determine the name and address of every hirer as many customers from a public house or supermarket give a generic address and the location as "As directed".

Thus this automatically invalidates the need to have the name and address of every hirer as it is not physically possible.

24. Bethany Austin

I am writing regarding the policy consultation with the licensing department of SCC. I am a student social worker with Adult Services and am currently working with a service user who has had many extremely negative experiences with City Taxis, and she would like me to raise these concerns with you.

In her words, 'it has got to the point that I dread which driver is coming.' She is a wheelchair user and has experienced a lot of rudeness from taxi drivers, such as on one particular occasion when a taxi driver refused to push her up the ramp into the taxi by saying she was 'too heavy' for him to push. There are normally expectations that her husband will do this, however he has limited mobility himself following a car accident and although this is explained to taxi drivers, they do not listen.

There have also been many incidents of refusing to put on her seatbelt: the service user has limited mobility in her arms owing to a diagnosis of MS and a car accident, and she cannot reach across to do this herself. Therefore she is being put in danger as is not protected in a moving vehicle. She is also being put in danger in certain incidents such as last weekend, when taxi drivers will stop the vehicle and put the ramp in the middle of the road rather than at the curb. When asked to move it to the curb the taxi drivers have declined to do so. This is dangerous as she is being exposed to traffic in the road, as well as having to attempt getting on to the curb in a wheelchair.

These experiences are damaging her self-esteem, as it is making her feel extremely anxious when in leaving the house. She has worked extremely hard to feel comfortable and confident with the idea of using a wheelchair and has come a long way in her progress, however the experiences she is having with City Taxis are hindering this. The family always book in advance so the taxi driver is always aware there will be a wheelchair, however this does not seem to make a difference.

On page five of the consultation document it states that 'the principal purpose of private hire vehicle and operator licensing is to protect the public and promote public safety' including safeguarding vulnerable adults. This includes 'making it clear that there is an expectation that all licensees and their staff will treat all customers, passengers, the general public and Council officers with respect and courtesy at all times' (page 5) as well as 'enabling them to maximise their independence' (page 6). On page 8, under the 'safeguarding children and vulnerable adults policy' it states that 'the licensing authority expects licensed operators to comply with training and guidance provided or endorsed by the Sheffield Safeguarding Children Board to ensure a safe and appropriate service is available for children and vulnerable passengers who live in, or visit, our city.' Hopefully by raising these concerns it is made evident that City Taxis are not promoting public safety, treating passengers with respect, enabling passengers to maximise independence or ensuring a safe and appropriate service for vulnerable adults, and therefore action needs to be taken to ensure that they are fulfilling their duty of care.

I am encouraging my service user to formally complain using the complaints procedures highlighted on page 36, however felt it would be beneficial for her to voice her experiences before the consultation. I am slightly concerned that there is no obvious complaints procedure or policy on the City Taxis website, making it difficult for service users' voices to be heard, however I hope that the complaints procedure underlined on page 36 of the policy consultation document will be productive and that if her complaints are deemed as 'low level' as on page 29 of the document, they will still be dealt with and not disregarded. Her experiences have also been included in a report from Disability Sheffield, which is giving a collective account of a number of service users' negative experiences with taxi companies in Sheffield. I hope that something positive will happen through this.

25. Disability Sheffield

You have identified our Information Service at Disability Sheffield as an interested party to take part in this consultation. Thank you for inviting us to comment on this document based on the enquiries, complaints and requests for information and assistance we have received.

The policy document sets out to guide the Licensing Committee when considering applications under the legislation and aims to provide guidance to applicants and all interested parties on the licensing authority's approach to Private Hire Operators and Private Hire Vehicles in Sheffield.

As requested, in our response we will refer to the relevant sections of the policy throughout.

We understand it is your stated intention for your policy to:-

- promote the highest standards in the country and be recognised for delivering best practice
- protect the public and safeguard children and the vulnerable
- promote improved professional standards and behaviours amongst licensees, drivers and operators to increase their awareness of safeguarding issues, equality, diversity and inclusion
- ensure that the provision of licensed private hire vehicles and operators operate lawfully and sensitively, taking account of the needs of customers

Furthermore you expect to see licence holders and applicants continuously demonstrate that they meet or exceed the high standards set by the Council.

The complaints we have received are from disabled service users of Sheffield City Taxis and their families, who have been very frustrated and annoyed often after making requests to no avail, to try to resolve their complaint informally.

1. Complaints Process and Customer Care Policy

a) Private Hire Operators Application Questionnaire (Appendix B)

The following questions ask the private hire operator to:

7. Please detail in full the proposed customer care policy.
8. Please detail in full the proposed customer complaints procedure you intend to adopt.
9. What steps to deal with equal opportunities issues will you take?

Sheffield City Taxis were unable to produce a customer care policy or complaints procedure on request from us or our service users. We asked the Licensing section to pursue this in September 2015 but Sheffield City Taxis did not comply with their request to send the documentation. Sheffield City Taxis' website did not then include any information about customer care or the complaints and complaints procedure. After repeated requests the manager stated that they are updating their policy and complaints process but could not produce a current version. Their website now has an opportunity to 'comment' three

clicks away from the homepage under More.... About....Our Drivers and Staff . There is no reference or direct link to Customer Care or How to Make a Comment/Complaint on the Home Page. Do service users, particularly frequent users, receive information in a written or any other format about customer care and how to comment or complain?

- b) “The licensing authority has established a complaints procedure in order to ensure that all complaints received on behalf of the general public, other authorities and licensees are able to be dealt with effectively and efficiently.

It is important that when submitting a complaint that as much information as possible is included along with any supporting documentation that can be used in order to substantiate such a complaint. The licensing authority will also provide a well-publicised, effective and timely complaints procedure that is easily accessible to licensees and members of the public alike. The licensing authority has produced a template form that can be used for most complaints. The form has been designed in such a way as to help those making a complaint include all salient points in order that officers can investigate appropriately. Complainants can contact the licensing authority if they wish to receive a copy of the template in order to submit a complaint; however, complaints will still be received and dealt with if the template is not used”

The template form is not included on the Councils’ website nor is there any mention of its existence on the website. When we contacted Licensing about how to address a substantial and long standing complaint about Sheffield City Taxis we were not informed about the template form nor were any of our service users. The formal complaint that we sent to Licensing on behalf of a service user (Service User B in examples that follow) was forwarded to the Operations Team at City Taxis whose manager invited us to ring him to discuss the issues . There was no formal response from City Taxis in writing.

- c) “A specified complaint is considered as any allegation of criminal behaviour whilst acting as a private hire driver; these may include: Sexual misconduct, sexual harassment or inappropriate sexual attention; Racist behaviour; Violence; Dishonesty; and Breaches of Equality. The operator shall, upon receiving a ‘specified complaint’, notify the licensing authority within 72 hours in writing.

The operator shall, upon receiving a ‘low level complaint’, maintain such a register for inspection by the licensing authority. Complaints of this nature shall be kept for a minimum period of 12 months. Low Level complaints may build up a business profile that can be indicative of a professional development need, or concealing of some potential significant offending or allegations of unsafe behaviour.”

An explanation of the general phrase ‘Breaches of Equality’ in terms of a specific complaint would help disabled people to understand their rights. The policy document quotes the Equality Act 2010 as including new duties for drivers and their vehicles as a general statement but you do not specify the detail and whether breaches of those duties therefore become Breaches of Equality which would accordingly constitute a ‘specific complaint’. The private hire operator would then have to notify the Licensing authority of a breach of equality within a seven day period.

A definition of what constitutes a low level complaint would be helpful. If treated as low level complaints serious issues around safeguarding, tackling inequalities and protecting vulnerable people, are, we feel , more easily disregarded or ‘concealed’ and less likely to come to light or be acted upon.

Is the business profile around low level complaint reporting transparent and accessible to the public?

The service users who contacted us are dealing with other challenges on a daily basis but they have not given up or let it pass because they are determined to call the attitude and actions of the company to account. Their first question is usually “Is this disability discrimination and what are my rights?” From their individual experiences and our conversations with ‘Sheffield’s Premier Taxi Company’ it is apparent that a chaotic booking system and driver and staff attitudes and behaviour towards disabled customers seem to be acceptable or not known about. They are indicative of a poor quality of service provision and breaches of equality and safety duties. There is the additional danger that by having a monopoly of provision and high customer demand Sheffield City Taxis may be overstretched and/or complacent in the quality of their service delivery.

We are providing evidence of this in the following four cases which we hope will prompt you to consider how to address these issues in your revised policy.

Service User A : May 2016

This week a student social worker has referred her client to us, who is a wheelchair user and has multiple sclerosis. The client , aged in her 50s, books Sheffield City Taxis in advance to take her to regular Physio, Hydro physio and therapy activities with the NHS. As a new wheelchair user she feels very self-conscious about using her wheelchair in public. Her husband (and main carer)accompanies her to treatments though he himself has difficulty walking following a car accident .

2. Your Aims and Objectives include :

“protecting our most vulnerable people and families, enabling them to maximise their independence” and

“helping people to improve their health and wellbeing and promoting equality within the city”

Despite repeated explanations about her husband’s disability and requests for support the drivers refuse to help to wheel their customer up the ramp and into the taxi.

Their general demeanour is rude to both the service user and her husband and remarks have been made that she is ‘too heavy’ to assist. The drivers demonstrate no understanding of either of their clients’ needs.

The client does not feel safe during the journey. The drivers refuse to clamp the wheelchair and insist that the only thing she can do is put the brakes on her wheelchair. The client has limited mobility in her arms and cannot reach and secure the seatbelts and the drivers refuse to assist her.

When alighting from the taxi, the drivers stop in the middle of busy roads to put the ramp down and not at the kerb edge. This is without regard for their passengers’ safety and difficulty getting onto a pavement putting them both at risk.

3. As far as we are aware the treatment of this client breaches a duty of care and safeguarding procedures according to :

“regulations on wheelchair restraints and approved anchorages for the wheelchair and wheelchair disabled person”

“The vehicle should be equipped with a manufacturer’s user manual/guide on the safe loading and unloading and security of wheelchair passengers” and the (in this context lesser)

4. “expectation that all licensees and their staff will treat all customers, passengers, the general public and Council officers with respect and courtesy at all times”

It also indicates that drivers are not putting their training into practice or refreshing their training in contravention of the expectation from the licensing authority that

5. “licensed operators comply with training and guidance and undertake recognised safeguarding training in relation to children and vulnerable passengers and that applicants for renewed licenses will undertake recognised safeguarding training (or refresher training), as part of their professional development. This is to ensure that all licensees operate to a consistent standard and are able to provide a safe and suitable level of transport service to children and vulnerable passengers”

The client’s experience particularly at such a crucial time in her life as she tries to improve her health and learn to live more independently with her impairment, has adversely affected her self-worth and wellbeing. She has become increasingly anxious about other people’s attitudes towards her ,no longer wishes to take part in social activities and is more withdrawn and housebound.

Service User B : Sept 2015

The mother of a young woman with a learning disability, living in Owlthorpe, has regular bookings for wheelchair accessible taxis for her daughter and a paid carer to attend Sheffield Mencap and other social activities every week. It is a regular occurrence that the taxis do not turn up at all or are up to 40 minutes late and there is no contact or prior warning. The client has to ring City Taxis to find out what is happening and, if she can get through, is often told that a wheelchair accessible taxi is not available. Meanwhile her daughter becomes increasingly extremely distressed as she has looked forward to her outing and does not understand the delay.

When the taxi does arrive the drivers do not know how to use the clamps to secure the wheelchair and do not assist the carer who attempts to attach a seat belt. Very often the drivers argue with the carer and get very annoyed about their insistence on travelling safely.

The unreliability of the service means that the mother (and main family carer)cannot plan respite activities for herself. While we were investigating and trying to resolve this complaint, the mother’s father, who she also cares for, was taken into hospital with life threatening burns to his skin following an accident at home so the family was dealing with additional distress and hospital visits.

As in the case of Service User 1 over 6 months later, this service user’s experience is a very negative one in relation to your policy’s Aims and Objectives (point 2) and points 3,4 and 5 relating to safety regulations and customer care training.

However this example also indicates system wide poor customer service from the ‘contact centre’ staff.

6. “Although they are not directly responsible for the transportation of passengers, private hire operators have a duty of care and are responsible for recording and maintaining large amounts of personal information, and, in certain circumstances, ensuring the safety of vulnerable adults and young children”

The repeated failure to notify a vulnerable client of a cancelled booking is clearly unacceptable. The client's complaints and the requirement to protect vulnerable clients did not merit a priority service or telephone call.

When we spoke to the manager at Sheffield City Taxis he was well aware of the ongoing booking issues as he had been contacted by the service user of numerous occasions. The 'difficulty', he insisted, was that that the service user "is requesting a 'rare vehicle type' (only 10% of their fleet is wheelchair accessible) at a peak time in rush hour traffic and the client's location and destination". He explained that that drivers "don't want to commit to a regular time as they are self employed and lose out financially".

We asked whether the client could have an allocated driver and he explained there would be an extra cost but admitted that this alternative had not been offered. We requested a costing which though we chased was never provided. The manager stated that his company nevertheless "welcomed disabled customers" and would take on board the comments and hopefully improved the service for other customers as well. However he openly remarked that the client "should seek an alternative provider" as they could not meet their clients' needs. He recommended A1 Taxis as an alternative provider with a fully accessible fleet. In one later call after another cancelled booking the manager admitted to us that "he was not aware that on Saturday the service let the client down again". He kept stating that he understood how distressing it was for the client's daughter and family and offered a compromise later time for the booking which was not acceptable. We asked why his staff could not prioritise a phone call to the client which he said was not possible due to the volume of calls but they were "looking into having a better system".

We recommended to him that their client management system should record and flag up to the call centre staff the client's requirements due to their impairment and prompt a priority call should there be any delay or difficulty.

Your policy document states:

"The operator shall, before the commencement of each journey, record in a manner prescribed by the Council, the following details of each booking:

- (i) The time and date the booking was received and, if required, any subsequent cancellation;
- (ii) The method by which the booking was received (e.g. telephone, email etc.);
- (iii) The person taking the booking (or in the case of a computer system, the identity);
- (iv) The name and address of the hirer;
- (v) The time and date of the journey;
- (vi) The address/premises from which the journey will commence and the address/premises of the destination;
- (vii) The registration and plate number of the hackney carriage or private hire vehicle that is to be used for the booking;
- (viii) The name, badge number and call-sign of the driver of the vehicle to be used;
- (ix) Remarks, including details of any subcontracting to another licensed operator

Would you consider prescribing an additional detail about impairment requirements and priority calls which we consider to be good practice and a 'reasonable adjustment' for disabled people under the Equality Act?

We also contacted The Sheffield Taxi Association about this complaint. Their representative mentioned that a proposal for Sheffield City Taxis' call centre to have a 'gold' or 'platinum' standard had been put on hold. The Association promised to pass on our comments to the Access 4 All Transport Group.

The final outcome of the complaint was that the client did receive an allocated driver at no extra cost (with no explanation as to why). We suspect that this may not have been the

case if we had not argued for an improvement in their service delivery so strongly and involved Licensing.

We provided all of our service users with details of other transport services in the city including community transport.

These examples fall far below the company's claims on their website that they 'deliver a reliable, safe service with drivers and staff that care'. There seems to be an underlying trend, which gives cause for concern, that disabled people, are not as economically profitable as other customers and should lower their expectations of receiving a service at a time and place to suit them. However when any person makes a booking for a licensed vehicle with a Private Hire Operator such as City Taxis, they are entering a contract with that operator to provide a vehicle at the time required for the journey specified. It is therefore City Taxis responsibility to endeavour to provide a vehicle for that booking.

Service User C : March 2016

A local doctor wanted to treat her mother to a meal out for Mother's Day and realising there may be a lot of demand on Mothering Sunday decided to book a meal and a wheelchair accessible taxi to and from the chosen venue for the preceding Saturday to make sure the occasion was a success.

The trip was a short one from Broomcroft Nursing Home on Ecclesall Road South to Dore Moor Inn on Hathersage Road.

Mother and daughter sat in the nursing home reception for 2 hours waiting for the taxi. It was snowing outside. The doctor rang twice to be told they were busy because of a football match and asked to speak to a supervisor. She was promised a call at 4pm but did not receive one. The doctor was also asked how she would pay and when she replied "in cash" she was told that the taxi service prioritised customers who had an account with them.

Finally the doctor pushed her mother to a local restaurant and this exertion badly affected her own prolapsed cervical disc. Her mother's wait in reception in the wheelchair started pressure sores.

The doctor was so incensed that she wanted to go to the local press with the story.

After speaking to us she was very concerned that other service users were experiencing similar difficulties. We gave her details of how to make a complaint and notified her of your consultation.

As with Service User C the advance booking system is unreliable and staff customer care is very inadequate. You can also see the further impact on vulnerable service users' lives beyond the disappointment and inconvenience on the day. We recommend using similar 'case study' examples to convey this message in customer service training to "increase knowledge, awareness and performance".

Service User D : February 2016

Service User D has a 28 year old son with a learning disability and contacted us to make us aware of Sheffield City Taxis' decision to terminate personal accounts in March without any consultation or sufficient notice to their service users. The client was herself aware of at least 168 disabled individuals affected. Again the reason seems to be a purely financial one as dealing in cash / credit cards transactions will help the company to compete with Uber, without due consideration of the full impact of the decision on disabled people. The client also raised concerns about Sheffield City Taxis frequent tardiness in invoicing which affects her reporting of her son's direct payment to adult social care. Ultimately we passed her querying of the discriminatory nature of the decision under equal opportunities legislation to a legal adviser.

We hope that you find our feedback helpful as we wish to heighten awareness of the barriers that disabled people face in their everyday lives. Accessible transport issues have been a topic for discussion at the Disability Hub and we will feedback our response to this consultation to the Disability Hub.

Your 'Guide to Transport for Older and Disabled people' last published in 2013 on Page 12 says:

"The Taxi service in Sheffield has come a long way towards providing a quality service for all taxi users without prejudice and discrimination. We are very lucky in Sheffield in that Sheffield City Council has a 100 percent wheelchair accessible fleet of Hackney Carriages. Taxis deliver a vital service for many disabled or elderly residents"

We hope to see this aspirational statement live up to its promise of a quality service for all in the future.

Finally in your policy you state that the licensing authority will:

"work in partnership with internal services, the Safeguarding Children Board, Adult Safeguarding Partnership and other relevant partners to develop good practice guidance and share information to promote public safety and safeguarding vulnerable passengers."

We hope that you will consider Disability Sheffield as a relevant partner to help you to develop good practice guidance and share information.

26. Uber

Uber Britannia Limited
Blades Enterprise Centre
Bramall Lane
S2 4SU

To Sheffield Taxi & Private Hire Licensing Service,

Thank you for giving us the opportunity to share our views on the proposed changes to the taxi and private hire vehicle and operator policy in Sheffield.

At Uber we believe very strongly in making cities more efficient, supporting a strong local economy, promoting high quality service and improving safety in the industry. We are delighted that we share the council's ambitions in this regard. We're also thankful for the chance to outline what we think are ways that SCC can better promote competition, better outcomes for consumers and the city through improved Private Hire policies.

A more competitive Private Hire market in the city would open up a significant number of opportunities for existing drivers and residents struggling to find work.

Uber operates in over 15 cities and towns in the UK and we launched our service in Sheffield in June 2015. We are also licensed in over 50 jurisdictions including all the 'Core Cities' in the UK. This, combined with our extensive trip records and service quality data give us with a unique perspective on licensing standards and private hire provision in the UK.

With this in mind, we would like to respond to the recommendations in the consultation and submit a few proposals for your consideration.

Yours faithfully,

Mathieu Proust
General Manager, Uber Sheffield

In Summary:

1. **We recommend that Sheffield City Council should encourage competition and flexibility for private hire operators and drivers:**
 - Sheffield currently enjoys a relatively flexible market, with private hire drivers able to work with multiple operators. The proposal to limit the number of operators to which the vehicle is registered to one would restrict drivers' flexibility and could have an adverse effect on the private hire rental market. The removal of the permanent signage requirement goes some way to alleviate this restriction, but we encourage the Council to increase this flexibility further by forgoing the need for single operator registration.

2. **We recommend that Sheffield City Council can excel in its aim to tackle both safety and unemployment in the city through private hire by:**
 - Reducing the financial barrier to obtaining a licence by removing the requirement that newly licensed vehicles must be undergo a compliance test, despite not being required to have an MOT.
 - Creating a simpler private hire application process, which would encourage a larger number of unemployed applicants considering the trade, as well as catering for the needs of the population of Sheffield

Detailed response on the above points:

1. We recommend that Sheffield City Council should encourage competition and flexibility for private hire operators and drivers

P.64 "Any Sheffield licensed vehicle may only be registered to work with one licensed operator at any one time, except where the vehicle is also operated personally by the proprietor/driver."

"The proprietor or such driver of the vehicle must notify the Council immediately, or in any event within 5 working days, of any change of operator to which the vehicle is to be operated."

Private hire drivers in Sheffield are currently able to work alongside more than one operator, allowing for increased flexibility within the market, with the additional benefit that customers are better served at peak times.

The ability of drivers to be flexible and move their labour across multiple platforms is a vital principle in maintaining a competitive market. It allows operators to compete for drivers, which should lead to upward pressure in the driver offering. In our experience in Sheffield a number of drivers have explicitly told Uber that standards have noticeably improved at other operators who are responding to this movement of drivers. Removing this principle would also create a significant barrier to entry for new operators in the market.

We also believe that there is a real danger that mandatory single-homing can create a strong network effect, as it would effectively encourage drivers to work only for the operator with the most customers. The direct consequence of a change of this type would be a market that supports a smaller number of larger operators, likely leading to reduced competition and higher prices.¹

Operators in Sheffield invariably will be busier at certain times, and in certain areas of Sheffield, than others, depending on the core population segment for which they cater. This means that the amount drivers make working for different operators varies according to time of day/week/year and location within the city. Until now, drivers have been able to flexibly move their vehicles between operators, taking advantage of when those operators tend to be busiest. This means private hire drivers can maximise their earning potential, whilst simultaneously catering for the private hire needs of the population, especially at peak times. This also applies to the time of year, with drivers commonly moving between operators on a frequent basis to take advantage of increased seasonal demand.

We note that one of the key reasons behind the recent popular opposition to the permanent signage proposal was that this would restrict the flexibility described above, as drivers would have to remove and replace signage on a continuous basis; something made substantially easier with the use of magnetic signage.

This could also potentially limit the number of private hire applicants, who are discouraged from applying to the trade because of this perceived trade restriction, especially part-time drivers who are more keenly affected by even minor changes in this regard.

Consideration should also be given to the small but growing private hire rental market in Sheffield. Restricting private hire vehicle registrations would severely burden rental companies' abilities to offer timely vehicle solutions to multiple drivers working with multiple operators, with the ultimate effect that offering rental services would become unviable for a market that relies on fast and flexible turnarounds.

It has not been demonstrated as to what harms the Council aims to address with this policy or what evidence the Council has to demonstrate the pitfalls of a flexible vehicle market. Indeed, the CMA specifically refer to the dangers of single-homing in private hire markets, with the possibility of "fewer PHV operator platforms, or even a single dominant platform, with the potential for all the consumer harm that platform dominance might bring."² Without a clear benefit to restricting private hire vehicles to single operators, we would encourage the Council to revisit this policy, and recognise the numerous benefits of an open and flexible private hire vehicle market.

2. Sheffield City Council can excel in its aim to tackle both safety and unemployment in the city through private hire

P. 51 *"All new vehicles must undertake a pre-licence Compliance test, even if the vehicle would not*

¹ See CMA response:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/481450/CMA_response_to_TfL.pdf

² *Ibid.*

normally need an MOT test due to its age (under three years old).”

Sheffield is currently undersupplied with PHVs: this is bad for the people of Sheffield and is partly caused due to prohibitive costs to entry for new private hire applicants, such as compliance testing for new cars.

The people of Sheffield are some of the most underserved, in terms of access to private hire vehicles, out of all the UK's major cities; in Sheffield there is only one licensed private hire vehicle for every 351 people compared to the national average (290). Manchester, a comparable city in terms of population, has one private hire vehicle for every 174 people, which means it has more than double as many PHVs per capita. One of the key reasons for this is the number of practical and financial barriers which deter prospective private hire applicants in Sheffield, especially those intending to work on a part-time basis. This also puts additional, unnecessary strain on those carrying out the test for the council (drivers have often commented on the length of time it takes to book a plating appointment, meaning they are off the road unnecessarily).

City	Population*	PHVs in City**	Population per PHV
London	8,173,900	78,690	104
Birmingham	1,073,000	4,052	265
Leeds	751,500	3,877	194
Glasgow***	598,830	2,602	230
Sheffield	552,700	1,576	351
Manchester	503,100	2,898	174
Edinburgh***	495,360	954	519
Liverpool	466,400	1,464	319
Bristol	428,200	934	458
National Average			290

* Office of National Statistics, 2011 Census

** Taxi and private hire vehicles statistics, England: 2015

*** Scottish Transport Statistics, No 32 2013 Edition

Increasing the barriers to becoming licensed (such as the cost of licensing a new vehicle) has constrained the number of private hire drivers in Sheffield. In the long term, this will provide a poorer service for the people of Sheffield, resulting in lower availability, longer waiting times, and a reduction in safety levels (as consumers spend more time waiting for a ride, potentially on the streets, late at night) as not enough vehicles or drivers will be available. Prices may also increase as a result, as the market (operators/drivers) corrects for the lack of supply with higher fares.

Increasing barriers to becoming licensed as a private hire driver reduces the sector's potential economic contribution, without introducing any corresponding benefits in either quality of service or passenger safety.

Taxi and private hire are industries that deal with very variable levels of demand for their services. Put simply, you do not need the same number of people on the road on a Monday morning as you do at pub closing time on a Saturday night.

It is no surprise, therefore, that many private hire drivers choose to work on a flexible, part-time basis alongside existing commitments. In Sheffield, for example, a typical Uber partner works on the platform for around 25 hours per week and there are a very large number who work fewer than 10 hours. These individuals who only choose to work at peak time are vital to Uber's - and therefore the city's - ability to respond to times of peak demand. High starting costs would inevitably put off part-time drivers from applying - due to sizeable initial overheads - severely limiting supply at these peak times when an influx of drivers may be required. This will result in lower quality service, longer wait times for customers and even increased congestion and touting, as drivers are forced to work at inefficiently once their flexibility is removed.

We're also convinced that there are significant potential economic benefits that the private hire industry can bring to the city of Sheffield. An easier and swifter private hire driver licence application process would open up a substantial number of opportunities for the unemployed in the city.

Driving with Uber, and services like it, not only provides options for those looking to fill the gap between two jobs, but the flexibility to work when and how you want can be tremendously valuable for students, those fitting their career around childcare or even those coming to the end of their working life.

There is a growing trend amongst other UK licensing jurisdictions of simplifying their application processes, through removal of steps such as knowledge tests and extra driving courses.

While not strictly covered in the current consultation document, we appreciate the opportunity to voice some extra recommendations, which could be implemented alongside the proposed changes.

With the huge advances in technology over the last 10 years, and the widespread adoption of GPS navigation and real-time mapping, the requirement to have extensive local knowledge in order to take the customer on the shortest / quickest route is simply no longer required. Indeed, mapping apps such as Google Maps and Waze redirect drivers in real-time based on live traffic and speed information, which provide a cheaper and better service for their customers.

Newcastle is a good case study of the potential positive impact of a future-proof approach to licensing. The city first considered removing the knowledge test as a specific response to the fact that there were too few applicants for private hire. In removing the requirement for a mandatory qualification / 'knowledge test' in May 2015, Newcastle City Council has since seen a rise in private hire applications, and the number of new applications that the Council has been able to process.

Uber has worked with Newcastle City Council, in developing and running a programme aimed at jobseekers and those looking for a career change; particularly for a more flexible way to work. The programme has been successful in stimulating new applications four-fold and getting people into work who had previously been unemployed.

According to our data analysis, cities without a geographical test as part of the licensing process continue to deliver a quality of service on par with others who retain this hurdle. For example, in Newcastle-upon-Tyne; where since May 2015 no knowledge test is required; Uber Partner-Driver's licensed without a knowledge test have a rating from passengers which is equal to our national average.

Almost all private hire drivers now have advanced navigation systems that are able to accurately direct drivers to any pick-up and destination. This technology is often able to out-perform human 'knowledge based' navigation, as it is able to take into account optimal routing for all journeys, real time traffic conditions, road works, and new addresses.

A statistically accurate study of 0.5 millions trips across 7 cities found that 96% of all UK Uber partners-drivers, regardless of having taken a Knowledge Test or not relied on in-App Navigation to help them find the best route for their trips. Nationally the use of GPS navigation in Private Hire Vehicles has grown 10% pa since 2009, and this competency is now trialled as part of the National Driving Test.

In the last 12 months both the Law Commission³ and Competition and Markets Authority⁴ have recognised that mandatory testing of geographical knowledge is ineffective and unnecessary in a 21st century private hire market. Prior to satellite navigation, topographical tests may have provided some guarantee of effective navigation but it is no longer obvious that they are necessary for that purpose. As noted above, they do raise barriers to entry, thus reducing the supply of PHVs and ensuring that customers will wait longer for a vehicle, and almost certainly have to pay more for the service.

We are confident that the removal of this requirement for private hire drivers would increase the number of private hire vehicles licensed in Sheffield, and would have a positive impact on all parties involved including drivers, operators, customers and the council.

Reducing the time and cost of obtaining a private hire licence

Analysis of Sheffield's application process has found that it takes, on average, 26 weeks and over £700 from start to finish to obtain a private hire driver's license (see below). Whilst consumer safety should clearly remain the primary licensing concern, other core cities have demonstrated that the application process can be sped up without reducing safety standards. Referring back to Newcastle, for example, it has committed to shortening the application process from 4-6 weeks to just 1-2 weeks, without cutting corners on safety. In Sheffield, this process can take as long as 6-7 months.

³ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/314106/9781474104531_web.pdf

⁴ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/481450/CMA_response_to_TfL.pdf

City	Average Duration of PHDL Application (weeks)*	Average Cost of PHDL Application*	Population / PHV
Average**	12	£300	270
Birmingham	17	£265	265
Bristol	36	£750	458
Cardiff***	8	£140	344
Glasgow	8	£162	230
Leeds	9	£292	194
Liverpool	7	£240	319
Manchester	13	£330	174
Newcastle	4	£135	263
Nottingham	7	£417	294

Sheffield	26	£715	351
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*Based on Uber City Team experience

**Excluding Sheffield

***Based on council feedback, Cardiff not yet launched at the time

Data taken from Uber market analysis and test trips in each city from 2014-15

27. Lee Ward

Private Hire Operator and Private Hire Vehicle Policy Consultation – March 2016 Prepared by Lee Ward, ALPHA Chairman April 2016

Introduction

The trade welcomes any proposal that is clearly intended to improve the quality of the provision of journeys by taxi and private hire vehicles licensed in Sheffield. However, in order not to be subject to challenges in the courts, any new licensing condition has to pass the test of being **reasonably necessary** in accordance with Section 47, Section 51 (2) and Section 52 of the Local Government (Miscellaneous Provisions) Act 1976. Furthermore, all proposals must be in line with The Department for Transport's "Taxi and Private Hire Vehicle Licensing: Best Practice Guide" March 2010 as referenced within the consultation on page 3.

To meet the requirement of being **reasonably necessary**, any condition attached to the Private Hire Operator and Private Hire Vehicle Licences must be **reasonable**; in that any financial or other burden placed upon the trade by such condition is at least outweighed by a real benefit to the interest's of the travelling public, the wider public interest or in the interests of public safety. The Council should be prepared to provide **evidence** that this is so and that such condition is **necessary** to meet these objectives.

If it subsequently emerges that the requisite evidence to support an existing condition being reasonably necessary is lacking, the Council should be prepared to withdraw or amend such a condition accordingly. This consultation process should provide us with opportunities to do this as well as introduce new conditions.

For avoidance of doubt, existing conditions or new proposals that are either **subjectively desirable** on the part of elected members and/or unelected officials or exist solely for the **convenience** of licensing enforcement, may not pass the test of being **reasonably necessary**. Such conditions may be subject to appeal in the Magistrates' and the Crown Courts in turn.

Elected members may be aware that Councils have been challenged successfully with regards to decisions made in consultations within the taxi industry due to items being passed by Councils that were deemed to be unreasonably necessary. Appeals by the trade were allowed by HHJ Eades on 10th July last year in Stafford Crown Court following an earlier hearing in April in Cannock Magistrates' Court. The Council incurred considerable costs as a result of losing all three appeals on the basis that all three of those conditions failed to meet the requirement of being **reasonably necessary**.

Elected members and officers of the Licensing Office alike may wish (or at least be tempted) to approve proposals in the new draft policy that impose an onerous burden on the trade with a view to defending them in court if necessary, in order to settle scores and assert the authority of the council.

I sincerely hope this is not the case, as we in the trade would prefer to work together with the Council in order to achieve the common objectives of raising standards, improving community confidence, and the overall perception of the trade to the general public. However, for this to work well and as intended, the trade and the Council need to work together on a more equal footing, in a spirit of mutual respect, and avoid the temptation to settle scores.

As elected members, it is your duty in order to ensure that the Council functions genuinely as a democracy and not a technocracy.

The following is a qualitative analysis of the Draft Policy Document. Any areas which are a concern for Alpha and its members have been remarked upon with a page reference for ease of following.

PRIVATE HIRE OPERATORS POLICY

Responses

These will need to be read in conjunction with the Consultation draft March 2016 itself.

Frequently Used Terms

'The Act' Refers to the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976

These two acts should be referred to separately to prevent confusion, for example the TPCA or the LGMPA depending on which Act is specifically reference to.

Part 1 – Foreword, page 1

'The policy will make it extremely difficult for any disreputable individuals and/or companies to operate within the licensed trade in Sheffield.'

How does this policy ensure that drivers licensed out of town are of a fit and proper standard so that the safety of public transport passengers within Sheffield is upheld?

Page 2

'We aim to ensure that licensed vehicles and operators that are working in the City are of the highest quality, and can be held to account for their performance.'

Again, how does the SCC intend to ensure that out of town vehicles are of the highest quality, and how can the SCC hold them accountable for their performance?

Page 2

'We are committed to building on the partnership approach that already exists.....'

Partnership is an Uber term and does not reflect on the rest of the industry in Sheffield.

Part 2 – Introduction, page 3

'Sheffield City Council is responsible for the regulation of private hire vehicles, drivers and operators within the city boundary.'

Not true, SCC have no responsibility to the regulation of out of town vehicles, drivers or operators while they are operating within the city boundary. This should therefore be removed from the consultation.

Have the SCC made the Sheffield public aware that vehicles licensed elsewhere and predominantly working within Sheffield are under no responsibility of the SCC?

'This policy and any related procedures and processes.....'

What related procedures and processes does this refer to?

'The policy has effect from and will be applied to existing licences, renewals'

How can the new vehicle policy be applied to new vehicles or renewals?

'In addition, the Council will undertake periodic auditing of currently licensed vehicles and operators to ensure that perverse or wrong decisions are discovered and corrected.'

When errors of this nature are discovered, what actions, if any, would be taken against the licensed vehicle or operator?

Page 4

'However each application or enforcement action will be considered on its own merits.'

We feel that the actions taken against individual vehicle licenses or licensees will be far stricter than against any operator and by basing actions on their own merits allows for this course of action to take place.

'The policy will be evaluated 12 months after it has been introduced'

Who will be involved in the evaluation of the policy?

Part 3 – Aims and Objectives, Page 5

'• impose strict policies, conditions and disciplinary processes;

• impose strict vehicle testing arrangements;

• impose high standards with regards to vehicle specification, emissions, age limits and record keeping;

Impose

verb

1.

force (an unwelcome decision or ruling) on someone.

"the decision was theirs and was not imposed on them by others"

synonym foist, force, thrust, inflict, obtrude, press, ur

s: ge;

2.

take advantage of someone by demanding their attention or commitment.

"she realised that she had imposed on Mark's kindness"

synonym take advantage of, abuse, exploit, take liberties with, misuse, ill-treat, treat
s: unfairly, manipulate

We strongly oppose the word impose in this context and this needs rewording. By using the word impose this infers that the SCC are not attempting a pro-active working relationship with the trade and more of a dictatorship, the word impose is too strong and automatically causes a conflict with drivers thoughts towards the SCC and how they treat or portray the drivers.

Page 6

'ensuring all areas of Sheffield are safe, clean and well maintained;'

What does this have to do with vehicle or operator licenses?

'stimulating the local economy and helping local people into work;'

How does the influx of out of town drivers, through companies such as Uber, Fast 4, Network and now Martini stimulate the local economy?

These vehicle will in all likelihood go back to their respective home areas and spend money they have taken from the Sheffield economy. Do SCC really want money to be taken out of the local economy, especially considering the financial strains the people of Sheffield are still under 8 years after the recession hit?

Air Quality Action Plan, page 8 & 9

What reference in the AQAP is made to PHV's, on page 9 you state

'Using the findings established in the AQAP and by working with neighbouring services'

We would like a copy of these findings and the information gained by working with neighbouring services. What neighbouring services have the SCC been working with, what goals have been set and what action has been implemented to date?

Part 5 – Delegations, page 10

'to discharge non-executive regulatory functions in respect to'

In plain English, what does this mean?

'Those applications that cannot be determined by licensing officers will be referred to the Licensing Sub-Committee for determination'

When a vehicle or driver's license is due for renewal, this must be allowed to be renewed until the Sub-Committee has the available time allocation to deal with the issue raised. The vehicle or driving license cannot be held until such a time the Sub-Committee can deal with the issue. This is circumventing the law as laid out in the LGMPA 1976.

Part 6 - Private Hire Operator Conditions, 3- Record of Bookings, page 27

'(iv) The name and address of the hirer;'

Is this to suggest that EVERY booking must have the name and address of the hirer? If this is so, then every single booking would require this information being taken and would discourage the public from making a Private Hire booking. ; It is impossible to determine the name and address of every hirer as many customers from a public house or supermarket give a generic address and the location as "As directed". Thus this

automatically invalidates the need to have the name and address of every hirer as it is not physically possible.

c.) Where any bookings are sub-contracted either by the operator to another licensed operator or are accepted by the operator from another operator a full record of the booking (in-line with 3b above) and notes must be included; including the name of the subcontractor and contact information.

This section should include both the time and date of the original booking plus the time and date of the sub-contracted booking in the records to ensure that the Deregulation Act 2015 has not been circumvented, therefore ensuring that the following section of the aforementioned Act has full transparency and accountability;

55 B Sub-contracting by operators: criminal liability

(1) In this section—

“the first operator” means a person licensed under section 55 who has in a controlled district accepted a booking for a private hire vehicle and then made arrangements for another person to provide a vehicle to carry out the booking in accordance with section 55A (1); “

Part 6 - Public Complaints, Page 29

c.) The operator shall, upon receiving a ‘low level complaint’, maintain such a register for inspection by the licensing authority. Complaints of this nature shall be kept for a minimum period of 12 months. Low Level complaints may build up a business profile that can be indicative of a professional development need, or concealing of some potential significant offending or allegations of unsafe behaviour.

While we fully support sub sections (a) and (b) in this, we however feel that section (c) is not of any concern to SCC. If any of these complaints warranted the involvement of the SCC then the Operator would suggest to the plaintiff that they also contact the SCC directly. The subsection (c) could be used for a case of ‘a death by a thousand cuts’, where none of the complaints could be classed as being investigated correctly and therefore potentially unjustified, especially in cases of the driver not being afforded the opportunity to defend himself against such perverse complaints.

Please be mindful, if an individual’s personal information (the complainant) was passed from an Operator to the SCC without prior written consent, this would be a breach of the DPA 1998.

Additional suggestion’s for the consultation of Private Hire Operators 2016 Draft

Taken from the Taxi and PHV Licensing – Councillors’ Handbook (England and Wales) *‘However, there is scope for councils to enhance this responsibility by placing conditions on an operator’s licence to require them to set out how they will handle sub-contracting and ensure consumer protection.*

This is an area that has not yet been explored and, once the relevant legislation is passed, offers a fertile ground for those innovative councils who wish to make full use of their powers to protect their communities. We encourage councils to explore this, and to share their new practice with the Local Government Association and other licensing authorities.’

We therefore suggest the following additions for a Private Hire Operators License.

- 1, That a PH Operator may not directly ‘employ’ vehicles and drivers licensed out of town. In other words the Operator may not rent, buy or give any equipment that can take bookings directly from the Operator to these drivers or vehicles. They can of course sub-contract work to these drivers and vehicles, but must use a separate means of communicating such work than the general dispatching of work to the drivers and vehicles licensed by the SCC.

- 2, That a PH Operator must have a landline manned at all times that the business is in service and or operating. For example if a business is available for Ad Hoc service on a 24 hrs 7 days a week basis then, that business should also be equally accessible during those hours of operation. This is essential for any CSE issues or missing vulnerable person issues that require immediate access to information so as to help the relevant authority (blue light services) with their enquiries.
- 3, These manned landlines would also be of immediate use in dealing of lost property. With the advent of new technology consisting of contactless payment on Credit and Debit Cards and how people use Smart Phones as a key part of the running of their day to day lives with private, financial and personal information and or memories held within them, it should be a priority for the public to be able to locate and arrange the return of such property without delay.
- 4, That a PH Operator should have offices that are open during the same hours of business as the company, so that drivers have a safe haven to sit and rest while at work, especially during a night shift where fewer places are open for drivers to take a break, relax or relieve themselves during their shift.
- 5, That a PH Operator should be able to offer advance bookings to customers. While technology is a great way forward in this industry, it should not exclude any groups of people from being able to book a taxi or private hire vehicle. The elderly may not be up to speed with online or app based booking systems and thus require a manned landline in which to request a vehicle. This would also be the same for a wheelchair bound customer that would require a WAV such as a Hackney to transport them.
- 6, To enable to provide the services of this industry all across the licensed area to disabled or wheelchair bound public, any PH Operator that has more than 30 vehicles should also have a sliding percentage of WAV/Hackney vehicles to provide this service and prevent exclusion of the disabled.
- 7, Rotherham have banned vehicles that are plated from elsewhere from working on a Rotherham Operators License, why can the SCC not do the same?

May I remind you that the document that you include in your building of this consultation mentioned on page 3, The Department for Transport "Taxi and Private Hire Vehicle Licensing: Best Practice Guidance" March 2010 (under review) states that, Section 22; *The Disability Discrimination Act 2005 amended the DDA 1995 and lifted the exemption in Part 3 of that Act for operators of transport vehicles. Regulations applying Part 3 to vehicles used to provide public transport services, including taxis and PHVs, hire services and breakdown services came into force on 4 December 2006. Taxi drivers now have a duty to ensure disabled people are not discriminated against or treated less favourably. In order to meet these new duties, licensing authorities are required to review any practices, policies and procedures that make it impossible or unreasonably difficult for a disabled person to use their services.*

If it is a recognised duty of a driver to ensure that disabled people are not discriminated against, then surely the Private Hire Operator must equally be held to task that they too are not discriminating against the disabled by supplying an appropriate vehicle to serve their needs.

To further support this, on the 24th of March 2016 The Argus online newspaper ran an article entitled "Taxi drivers face legal duty to carry wheelchair users".

http://www.theargus.co.uk/news/national/14379360.Taxi_drivers_face_legal_duty_to_carry_wheelchair_users/

The pertinent point of this article was was that Baroness Deech stated; *"Our report says that taxi drivers should be trained and that local authorities should not give them licences unless they comply with the terms of the Equality Act.*

"If they breach it they should be sanctioned."

Transport Minister Andrew Jones stated that;

"Everyone has the right to access public transport. We have made progress but there is a long way to go before there is equal access.

Although this lends towards the actual driver, does the Licensed Operator of the drivers not have the fundamental decision on whether the driver is to act as such dependent on what booking's they actually take for those drivers to complete?. This would also assist in the progress mentioned by the Department for Transport Minister Andrew Jones, let's have Sheffield lead from the front and not just follow when it comes to disability and its transport infrastructure.

PRIVATE HIRE VEHICLE POLICY

Part 3 – Emissions, Page 41 – AND Part 4 – Private Hire Vehicle Specification, Page 42

The consultation refers to the following document

<https://www.sheffield.gov.uk/dms/scc/management/corporatecommunications/documents/environment/pollution/air/Low-Emission-Zone-Feasibility-Study---Phase-2-Report/Low%20Emission%20Zone%20Feasibility%20Study%20-%20Phase%202%20Report.pdf>

The link provided does not work. We have therefore read the Sheffield Air Quality Modelling Low Emission Zone (LEZ) Feasibility Study Phase 1 - Initial Assessment of Transport Emissions and the Sheffield Air Quality Modelling – LEZ Phase 2 Steering Group Meetings, from which we have concluded the following.

It is important to note it states in the Phase 1 Key findings on page 6 of the phase 2 Steering Group report that;

Any potential interventions that are aimed at one vehicle type alone are unlikely to remove all of the air quality problems resulting from transport emissions

Further more it goes on to state on page 8 that;

Aim of the Air Quality Strategy / LEZ is to help SCC and its partners to move towards compliance with European Air Quality Standards for NO₂ and PM₁₀ by tackling the main traffic-related emissions which are contributing to our current air quality problems, as set out in the AQAP for Sheffield 2015

Additionally Page 11 states that;

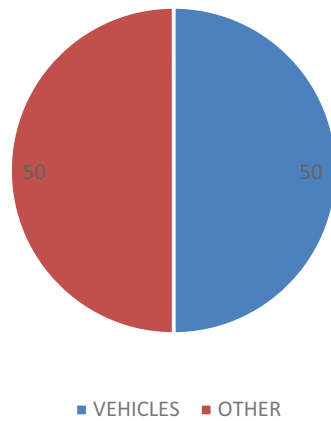
Considering deliverability, affordability and acceptability of initiatives to be considered, through discussion with Steering Group

The steering group mentioned above consisted of representatives from StageCoach (x2), TM Travel (x1), South Yorkshire Passenger Transport Executive (x4), Road Haulage Association (x2), Freight Transport Association (x1) and FirstGroup (x2). At no time was the Private Hire industry included in this steering group. This was an exceptionally poor lack of forethought, especially considering that the points discussed could have a potentially devastating effect on the trade and it's drivers.

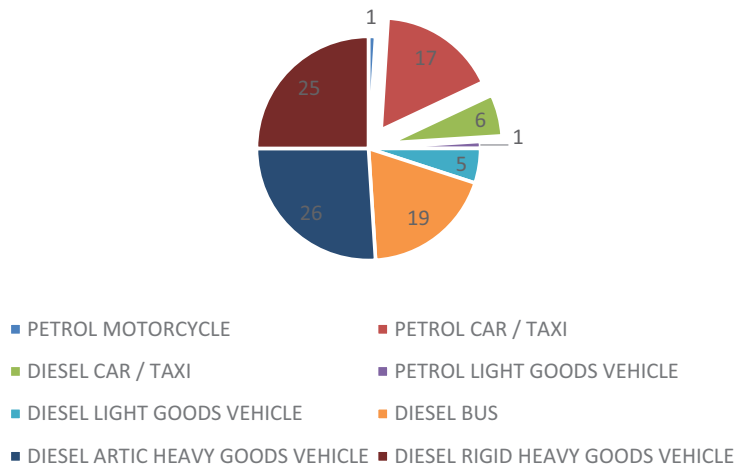
What was found is that the percentage of Private Hire Vehicles that this Study refers, based on the complete figures of the transport in Sheffield is very small. This would suggest that the unnecessary burden to the individual driver is not justifiable with regards to the consultation suggesting the age limits on vehicles due to the engine type.

The breakdown of the Private Hire Vehicles and the contribution to the emissions they give out are as follows (based on the initial report of 2012)

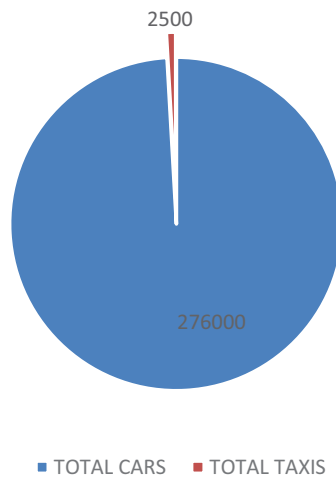
Total Contribution to Air Pollution in Sheffield in %



SOURCE OF ROAD TRAFFIC EMISSIONS in %



TOTAL CARS AND TAXIS IN SHEFFIELD (aprox.)



Taking the findings from 2012 and 2015 and combining those figures with a natural progression that the existing Age Limit on Licensed Private Hire Vehicles already establishes, you will find that Private Hire Vehicles are being replaced at a far greater rate than that of any other industry or sector naturally.

The Euro Ratings for Engines are as follows

Euro 1	31-Dec-92	01-Jan-97
Euro 2	01-Jan-97	01-Jan-01
Euro 3	01-Jan-01	01-Jan-06
Euro 4	01-Jan-06	01-Jan-11
Euro 5	01-Jan-11	01-Sep-14
Euro 6	01-Sep-14	

Due to no Private Hire Vehicle being allowed to continue as such after the age of nine years, we can already see that the Euro Classes 1, 2 & 3 are out of this equation. What is also interesting to note is that the advancement in technology meant that from the Euro 5 to Euro 6 was 1.5 years less than previous advancements, again showing a natural progression in the way of cleaner engines.

This must be taken into account when the suggestion of vehicle age goes from up to 5 years old at first registering as a Private Hire Vehicle and no longer be licensed as such a vehicle at the age of nine years old, to the preposterous figures of up to one year old for first registration as a Private Hire Vehicle and no older than seven years old before it would require replacing.

The financial burden on the individual driver would be immense, the cost of a replacement vehicle would rocket from an average of £6k to in the region of £19k.

Featured Listing

Toyota AVENSIS TOURER 5-DR 2.0 D-4D Business Edition Plus £19,000
SUPERB VALUE FOR MONEY Trade seller, distance: 164 miles
 ✓ MANUFACTURER APPROVED
 2015 (15 reg) | Estate | 8,204 miles | Manual | 2.0L | Diesel
 17 inch multi-spoke Alloy Wheels, 3 Spoke Leather Steering Wheel, 5 - Emergency Locking Retractor Seatbelts Front Height Adj., 6 Speed Manual Gear Box, 60/40 Split Fold Rear Seat ...

Beadles Medway

Toyota Avensis 1.8 V-Matic TR 5dr £5,995
Full Dealer History Trade seller, distance: 68 miles
 2011 (11 reg) | Estate | 94,317 miles | Manual | 1.8L | 147 bhp | Petrol
 A fine example, in clean condition throughout. Upgrades - Metallic Paint, 6 months warranty, 12 months MOT. Last serviced on 20/10/2015 at 88,345 miles. Full dealership history, ...

See all 9 cars from Ann Helme Car Sales

Report this advert

Check its history | Insurance: Get quote

The vehicles would still only have an average life of 4 years on the roads of Sheffield before needing replacement at an average yearly cost of £3k extra per driver per year. In a city that is inundated with vehicles licensed from out of the area and working within Sheffield due to cross border hiring, or Hackneys working as Private Hire Vehicles, the onus on Sheffield licensed drivers is just completely unjustified.

If the proposals around vehicle age at first registration was to go ahead, it would lead to drivers keeping their vehicles on the road for the full term, which would raise maintenance costs and have a city with more older vehicles servicing the. It will in all likelihood force

drivers to look at getting licensed elsewhere and come back to work in Sheffield as other drivers currently do, due to the Deregulation Act 2015, the SCC would then have very little control over public safety, in regards to passenger journeys on PH vehicles in Sheffield, especially when factored in with out of town Hackneys (with roof lights) working as PH vehicles within Sheffield as well. Furthermore, it could be safe to assume that SCC would then have even less influence on the quality of air within the city.

Many Sheffield licensed drivers have not gone for the easier or cheaper option of getting themselves or their vehicles licensed out of area, and reputable Private Hire companies do not give radios to drivers from out of town. However, it is certain that, if this was to go through, it would mean many drivers have no option but to continue to provide for their families by getting licensed elsewhere. Making the reputable companies also take the drivers back on due to their own business models.

Again I remind you that the document that you include in your building of this consultation mentioned on page 3, The Department for Transport “Taxi and Private Hire Vehicle Licensing: Best Practice Guidance” March 2010 (under review) states that, Section 10; *10. Local licensing authorities will, therefore, want to be sure that each of their various licensing requirements is in proportion to the risk it aims to address; or, to put it another way, whether the cost of a requirement in terms of its effect on the availability of transport to the public is at least matched by the benefit to the public, for example through increased safety. This is not to propose that a detailed, quantitative, cost-benefit assessment should be made in each case; but it is to urge local licensing authorities to look carefully at the costs – financial or otherwise – imposed by each of their licensing policies. It is suggested they should ask themselves whether those costs are really commensurate with the benefits a policy is meant to achieve.*

Additionally, ALPHA have sent out emails to some 190 Licensing Authorities and have had 81 replies from these authorities as follows;

	Replies Total	% of Replies
Where MAXIMUM age for first plate is stated in policy	53	65
Where MAXIMUM age before no longer allowed plated is stated	37	45
Where NO MINIMUM age is stated in policy	29	35
Where MAXIMUM age is stated in policy	43	53

Due to the questions that were asked, as described above, the answers make reading the replies confusing, I have therefore attached a list of all LA’s that replied and what the reply was. This is at the end of this document.

Age of 1st Plate is between 2 and 9 where stated

Age of last plate is between 6 and 12 where stated

Averages of stated ages of vehicles.

Where MAXIMUM age for first plate is stated in policy 4.91

Where MAXIMUM age before no longer allowed to be plated is stated 9.51

I refer to the document on page 3 that SCC have included as a means of when writing this consultation, the document being named The Department for Transport “Taxi and Private Hire Vehicle Licensing: Best Practice Guidance” March 2010 (under review) where it states that in section 32;

Age Limits. It is perfectly possible for an older vehicle to be in good condition. So the setting of an age limit beyond which a local authority will not license vehicles may be arbitrary and inappropriate. But a greater frequency of testing may be appropriate for older vehicles - for example, twice-yearly tests for vehicles more than five years old.

We therefore suggest that on the readings and findings of the information given above that the age of vehicles is left at 5 years for the age of the first plate and the

length that a vehicle can continue to be plated to be moved to 12 years for ULEV vehicles if air quality is the driving factor in this. This would give drivers an incentive to purchase ULEV's.

Information already given shows that there is a natural progression towards vehicles licensed as PHV are working towards a more eco friendly engine.

Part 4 – Private Hire Vehicle Specification, STEERING, Page 43

'The vehicle must be fitted with four road wheels'

Further clarification is needed for ease and clarity of understanding.

'A space saver tyre must only be used in an emergency. Where a vehicle is presented for a test with a space saver it will fail the test.'

A space saver is a legal requirement and deemed road worthy, is this suggesting that the vehicle cannot continue to work while a space saver is fitted as a road wheel?

A driver could have a puncture at 6pm on a Saturday night and would be unable to have this puncture repaired or replaced until Sunday at 10am or even as late as Monday at 8am. This could seriously affect the income of a driver over the peak time of the weekend.

. Therefore, Alpha suggests that a space saver is allowed to be used in extreme cases on a weekend, where it can be proven a puncture has occurred.

Part 4 – Dimensions, LEG ROOM, Page 43

'The minimum leg room available to any passenger shall be 609mm. The measurement will be taken from the base of the seat to the rear of the seat in front when the front seat is at its full, rearwards extension. Where there is no seat in front the measurement will be taken from the base of the seat to the nearest obstruction in front.'

This is not open to vehicle changes in specifications and should be worded to be from the centre of the seat to directly in front of that point to nearest obstruction that is incurred.

Part 4 – Dimensions, RIDE HEIGHT, Page 43

'Access to the vehicle shall not be more than 460mm from ground level.'

This measurement has always been a restriction on the types of vehicles that the drivers can use as a PHV. It prevents many vehicles that are 4x4 from being plated and taking into consideration that Sheffield is built on seven hills and at the foot of the Pennines, this should be changed to give a wider variety of vehicles that could service the public in times of severe weather such as snow and flooding.

Part 4 – WINDOWS, Page 45

'All glazing must comply with Road Vehicles (Construction and Use) Regulations 1986, Section 32 in regards to the level of tints.'

Section 32 of the Road Vehicles (Construction and Use) Regulations 1986, Section 32 also states in subsection 9;

(9) No requirement in this regulation that a windscreen or other window shall be constructed of specified safety glass or of specified safety glass (1980) shall apply to a windscreen or other window which is—

(a)manufactured in France

The sub section (a) states that any glass manufactured in France is not permissible, this would effectively remove any French made vehicles from being allowed to be plated as a PHV and thus this particular section should be removed or excluded.

Light transmission must meet the following criteria:

- Front windscreen - minimum 75% light transmission
- Front side door glass - minimum 70% light ingress transmission
- Remaining glass - minimum 70% light ingress transmission

The reasons given for the % of light ingress for the rear passenger windows or 'remaining glass' has been given is that this is for both the driver and public safety.

The driver of the licensed PHV has been deemed a fit and proper person and therefore is not a danger to the public within the vehicle, regardless of the level of light allowed through the rear windows. Vehicles that have been granted an exemption for the level of light ingress do not have a driver who has passed a higher level of fit and proper for its passenger safety.

The emails that ALPHA sent to over 190 License Authorities came back with the figures detailed below with regards to the window tint of glass for the REAR passenger windows;

	Replies	% of replies
A level of tint specified in conditions	11	13.58
Level of tint acceptable from manufacturers fitting	65	80.25
Other specification specified	5	6.17

The 11 that replied and had a level of tint specified in conditions were of a level very similar to that of the SCC.

The 65 replies that allowed vehicle rear passenger window tints to be of the standard fitted by the manufacturer, which of course is certified by both the European Community Whole Vehicle Type Approval (ECWVTA) & the British National Type Approval (BNTA) as stated on page 42 of this consultation.

The 5 that have other specification stated that 'from a distance of 20 meters the rear occupants must be in clear view' as one of the specifications used. We deem this specification to be totally inappropriate and unsuitable due to the outcome being argumentative when decided upon by the tester, and what the proprietor saw or felt to be different, therefore preventing conflict at time of testing.

The cost of replacing the rear passenger windows to match the current and also the suggested light egress is within a range of £600 to £1200 dependant on vehicle and manufacturer. This is again a contravention of the Department for Transport "Taxi and Private Hire Vehicle Licensing: Best Practice Guidance" March 2010 (under review) as referred to at page 3 of the consultation, which states that;

Tinted windows 30.

The minimum light transmission for glass in front of, and to the side of, the driver is 70%. Vehicles may be manufactured with glass that is darker than this fitted to windows rearward of the driver, especially in estate and people carrier style vehicles. When licensing vehicles, authorities should be mindful of this as well as the large costs and inconvenience associated with changing glass that conforms to both Type Approval and Construction and Use Regulations.

Again, I highlight that it states;

'Vehicles may be manufactured with glass that is darker than this fitted to windows rearward of the driver, especially in estate and people carrier style vehicles. When licensing vehicles, authorities should be mindful of this as well as the large costs and inconvenience associated with changing glass that conforms to both Type Approval and Construction and Use Regulations.'

This therefore confirms that the reason that such a high percentage of Local Authorities allowing factory fitted windows as standard, have already accepted and welcomed the suggestion of this document. We trust that the SCC will also welcome and embrace the suggestion of this document.

We feel that the other considerations which must be taken into consideration are;

- 1, The tinted glass prevents UV light from burning, or affecting the public inside.

2, The tinted glass reduces the heat within the vehicle during summer months. This in turn reduces the emissions from over use of air conditioning within the vehicle.

3, The tinted glass prevents would be thieves from easily viewing any items that may be left on the back seat that a driver has not noticed present.

We agree that aftermarket tints should not be allowed, that is the film tints that are available from third parties.

Part 4 – BODYWORK AND VEHICLE STRUCTURE, Page 46

'All parts of the passenger compartment must be clean and free of any damage which may affect its suitability for the carriage of passengers.'

While we agree with this, we also feel that the point a vehicle fails the compliance due to wear and tear of the internal floor carpet is too stringent and therefore request that this should be explained in detail to prevent misunderstanding or hardship on behalf of the licensee.

Part 4 –WHEELCHAIR CARRYING FACILITIES, Page 46

'The vehicle should be equipped with a manufacturer's user manual/guide on the safe loading and unloading and security of wheelchair passengers.'

This is incorrect and should state the user manual/guide from the manufacturer of the wheelchair loading/unloading passengers. This will be fitted from a third party and not from the manufacturer of the vehicle.

Part 4 –MAINTENANCE, Page 47

'Vehicles, at any time will be subject to test and inspection and should it be found that a vehicle is not being properly maintained or kept in good working order, a notice or suspension of the vehicle licence will be served on the driver or licensee prohibiting the use of the vehicle until the defects have been rectified and/or it has passed the City Council's full mechanical test.'

This is not the case by Law and must be adjusted and reworded to match;
Local Government (miscellaneous) Provisions Act 1976

50 Provisions as to proprietors.

(1) Without prejudice to the provisions of section 68 of this Act, the proprietor of any hackney carriage or of any private hire vehicle licensed by a district council shall present such hackney carriage or private hire vehicle for inspection and testing by or on behalf of the council within such period and at such place within the area of the council as they may by notice reasonably require:

Provided that a district council shall not under the provisions of this subsection require a proprietor to present the same hackney carriage or private hire vehicle for inspection and testing on more than three separate occasions during any one period of twelve months.

This Act over rules any suggestions by the Licensing Authority and should be taken seriously.

If a vehicle is subject to one test per annum then it can only be requested by the SCC to be subject to 2 further tests for non-compliance. If the vehicle is subject to two tests/MOT's per annum then that same vehicle is only subject to ONE request by the SCC for a further test.

Part 4 –ADVERTISEMENTS, Page 47

The Private Hire Industry within Sheffield has for many years been restricted to advertising. While we agree that advertising should be authorised, we feel that the only practical way to advertise within a Private Hire Vehicle is the use of media. We therefore request that the consultation takes into account this optional and potential revenue for the licensee and gives it more consideration within this consultation as to what would be accepted for future guidelines due to the recent advancements in digital media technology.

For example, built in headrest monitors meet with the European Law for Vehicle suitability and safety, therefore should not be excluded from a revenue source that the licensee could benefit from as an individual in self-employment. Provided that such media suited the requirements of advertising rules and watershed policies.

Part 4 - ENTERTAINMENT AND DIGITAL MEDIA SYSTEMS. Page 47

'The vehicle shall not be fitted with entertainment and digital media systems without the prior written consent of the licensing authority.'

This ruling is not acceptable due to the technology that is now fitted within a vehicle. Any vehicles that are more 'up market' than standard have entertainment systems fitted, this would deny licensees from obtaining vehicles to a higher calibre than normal, which would also pigeon hole what vehicles the public are conveyed in.

We feel that this ruling is too obtrusive and requires rewording or removal.

This would also intervene with arguments advertisements as mentioned previously.

Part 4 –INTERIOR LIGHTING AND AUXILIARY EQUIPMENT. Page 47

'Any interior lighting and/or auxiliary equipment that is fitted to a vehicle must not impede the driver in anyway, or hinder his or her view, or impede, or cause hazard to any passengers/public or any other road users.'

For ease of reference this should state basically that any interior lighting must be factory fitted, unless extra lighting is required (as an example for vehicles that carry 5 or more passengers) and are therefore subject to approval by the SCC.

Part 4 –CURRENTLY LICENSED VEHICLES. Page 47

This is an assumption that nothing will change or be argued within this consultation and therefore is invalid.

'Exterior licence plate. The licence plate issued by the licensing authority should be affixed to the rear outside of the vehicle as determined in the Private Hire Vehicle Licence Conditions. The licence plate should be permanently affixed to the vehicle (magnets are not permitted) using the fixing plate and secured by the approved tag system.'

Currently, license plates are not subject to this and therefore should remain as such. When a Private Hire Vehicle is not on duty, the plate should be able to be demounted and removed to prevent any confusion on behalf of the public.

For further argument in defence/support of this, please see the section for PERMANENT SIGNAGE on Page 15 of this document.

'The rear door sign, including the operator name and stating 'Advanced Bookings Only' must be in place'

Once again, this is an assumption, the current signage does not state that the operator name and advance bookings are to be affixed to the rear door of the vehicle. The actual guidance (although seldom policed) is that the the operators name and contact number (within an agreed size and authorised) should be displayed on the front nearside and offside doors. And the blue SCC signage should be displayed on the rear passenger doors.

Part 4 –CURRENTLY LICENSED VEHICLES. Page 48

'No other radio equipment or image recording equipment shall be fitted without prior written consent from the licensing authority.'

Is this also subject to Insurance related cameras that would be forward and rear facing that do not encroach on the interior of the vehicle or passengers, because this wording could in effect put a person out of work until such authorisation was needed if the insurance company demanded such cameras to be fitted.

Part 5 – SPECIAL OCCASION VEHICLES, page 49

Special Occasion Vehicles are just the same as Private Hire Vehicles, they are licensed to carry pre booked fare paying passengers, be that cash or on a business account. For the SCC to give a preference in vehicle specification to these vehicle types, especially 'executive' vehicles implies that either the driver is beyond the legal term of being fit and proper because the vehicle is allowed to have tinted windows, or the SCC are suggesting that account customers are above the honest fare paying majority of the Sheffield public. We see that the use of 'Special Occasion Vehicles' as no different to both the drivers and customers of general Private Hire work. This lends weight to the argument that the vehicle glass tint (provided that the tint is of manufacturers fitting) is irrelevant to the safety of the public or the driver as the SCC suggest on page 45 – WINDOWS

Part 6 – Exceptional Vehicle Criteria, Page 50

In circumstances in which proprietors wish to licence a vehicle beyond the normal period of nine years it must be considered as an 'exceptional vehicle'.

This states 9 (nine) years and should be adjusted to what the final document states for vehicle age.

Policy – Objective 2 Exceptional Vehicle Criteria, Page 50

It has never failed a vehicle Compliance test at Sheffield City Council's testing station (or standard MOT where the vehicle has not been previously licensed);

An MOT is subject to an examiners own perception on what could be classed as a fail; the same part that one examiner fails a vehicle for could be passed by several other examiners and therefore this is too strict to have as a criteria.

It has never failed to attend a pre-arranged vehicle Compliance test.

A vehicle could set off well in advance for the allocated test time on the date given and a multitude of incidents could occur that prevent the vehicle from then attending the appointment. This would not make the vehicle no longer exceptional when it came to extending its plate should this option be needed and therefore is too strict a criteria.

There is a complete service record, showing it has been properly serviced in line with manufacturer's guidelines. All receipts in relation to servicing must be available;

The condition of the vehicle at the time of request for an extension of its plate life is what is important and not its service history. A service history is not always available when a vehicle is purchased and this alone, to cancel out the extension of a well maintained vehicle that is in exceptional condition, is too strict a criteria.

The vehicle meets at least Euro VI emission standards.

There is no other requirement for a vehicle to be Euro VI standard and therefore this criteria should be removed.

The decision to grant a licence beyond the normal term of nine years can only be taken by the Licensing Sub-Committee. In order for the Licensing Sub-Committee to consider an application to extend the vehicle licence beyond the normal term the proprietor must be

able to demonstrate that the vehicle meets all of the criteria as set out above as well as exhibiting valid reasons why an extension should be granted.

How does the sub-committee see the vehicle to decide for themselves, or is this left to the interpretation of an officer to give evidence for/against?

Reasons of a financial basis shall not be taken into consideration as these have no bearing on the fitness and history of the vehicle.

Other than the vehicle being in immaculate condition, the main reason for a driver requesting an extension on the license of a vehicle due to the age would be due to financial reasons at that time.

Taking into account the argument for a vehicle to go beyond the current age set for a PHV or the contested intended proposed age set, we again refer to the following findings; ALPHA sent out emails to some 190 Licensing Authorities and have had 81 replies from these authorities as follows;

	Replies Total	% of Replies
Where MAXIMUM age for first plate is stated in policy	53	65
Where MAXIMUM age before no longer allowed plated is stated	37	45
Where NO MINIMUM age is stated in policy	29	35
Where MAXIMUM age is stated in policy	43	53

Due to the questions that were asked, as described above, the answers make reading the replies confusing, I have therefore attached a list of all LA's that replied and what the reply was. This is at the end of this document.

Age of 1st plate is between 2 and 9 where stated

Age of last plate is between 6 and 12 where stated

Average vehicle age where stated in policy

Where MAXIMUM age for first plate is stated in policy 4.91

Where MAXIMUM age before no longer allowed to be plated is stated 9.451

ALL Licensing Authorities that have no MAXIMUM year for a vehicle that does not qualify to be a Private Hire Vehicle stipulates that providing the said vehicle passes the MOT as requested by the Government, the said vehicle can continue to be licensed as a PHV.

Part 7 – Vehicle Inspections and Testing, Page 51

'Age Limits

A private hire vehicle shall not be more than 12 months old on the date of issue of the first private hire vehicle licence. The date of first registration (as set out on the V5C registration certificate) will be used to determine the age of the vehicle. Licenses will not be renewed in respect of any vehicle that has been registered (or in the case of imported vehicles, manufactured) in excess of seven years, or in the case of ULEV's, 10 years. This applies to the renewal of licenses only'

Please refer to page 9-13 of this document for a connected reply to this.

Part 7 –FREQUENCY OF TESTS, Page 51

Frequency of Tests Private Hire Vehicles perform an arduous workload and cover many miles within their lifetime. The high mileage and continuous operation of such vehicles puts constant stress on the vehicle; a review undertaken by the National Society for Cleaner Air in 2005 found that private hire vehicles were more likely than other vehicles to fail an emissions test. Therefore, the frequency with which a private hire vehicle must be tested is

extremely important, ensuring it is operating in good working order and is mechanically sound.

The review by the National Society for Cleaner Air in 2005 can now be deemed null and void, because since 2005 the introduction of the Deregulation Act 2015 has meant that in real terms the Private Hire Vehicle driver now spends more time sat waiting for work than actually driving and completing work. Therefore it can be argued that the statistics from this review are now null and void, this review was some 11 years ago and the industry has changed dramatically since that date.

The very same review does not take into account that all newly registered vehicles, apart from Private Hire Vehicles are not subject to an emissions test until they are three years of age. However the Private Hire Vehicle license is subject to that very test from the day that its use as a Private Hire Vehicle is passed. The findings of this report are very imprecise to say the least, when comparing privately owned or company leased new vehicles in comparison with licensed Private Hire Vehicles. There is no evidence that a company vehicle from new, with no emissions test until the age of three years, is any more or less damaging to the environment than a licensed Private Hire Vehicle that has had an emission test every year, even from new.

Policy – Objective 3 Frequency of Tests

All vehicles wishing to obtain private hire status must undergo and pass a Compliance test at Sheffield City Council's testing station. The standards of the Compliance test can be found at Appendix C.

New Vehicles

All new vehicles must undertake a pre-licence Compliance test, even if the vehicle would not normally need an MOT test due to its age (under three years old).

Currently Licensed Vehicles

Licensed vehicles must have a Compliance test no more than four weeks prior to the renewal date of the licence. A private hire vehicle is required to undergo a Compliance test as follows:

- *Non-ULEV Private Hire Vehicles up to five years old – Tested annually*
- *ULEV Private Hire Vehicles up to seven years old – Tested annually*
- *Non-ULEV Private Hire Vehicles over five years old – Tested bi-annually (twice a year)*
- *ULEV Private Hire Vehicles over seven years old – Tested bi-annually* *The age of the vehicle and the subsequent testing regime shall be determined by the V5C document as presented at the initial application stage.*

AGAIN, this policy is assuming that the trade agree to the consultation with regards to vehicle age and emissions, which we do not.

This will have been explained previous or later in this reply as to why the trade do not agree to this and other matters within this consultation.

Part 7 –TESTING STATION, Page 52

'All private hire vehicles are required to undergo a Compliance test at Sheffield City Council's testing station, based at Staniforth Road. Compliance and MOT certificates provided by other testing stations will not be accepted'

We wish to point out that the MOT is of a national standard based on the requirements of VOSA which now is under the name of DVSA. All vehicle MOTs are subject to strict rules from the DVSA which are a government regulated body. We therefore suggest that such MOT requirements inline with the suggestions from this policy, are able to be acquired from any such licensed MOT stations that are regulated by the terms that the DVSA stipulate. The test for compliance could and should be taken at the said testing station under the control (contracted to) of the SCC based at Staniforth Road, This would increase the amount of times lots available at this test centre, which we can all agree on is under stress from the appointments needed and required for such vehicle tests.

To support this argument, we ask the following question:

What IF the testing station located on Staniforth Road was to catch fire, what would happen to all the vehicles that were due for an MOT and compliance test, would those vehicles no longer be licensed and therefore the licensee not be able to continue to work and supply an income for his family?

The SCC as far as we can see have no criteria to prevent such a tragedy from occurring and we feel that it is within their duty to supply such a backup plan, or indeed change the way they warrant such MOTs and compliance checks accordingly.

Public Authority Transport Network is not accessible by the public, could a link be provided so that such a body can be referred to ?

The licensing authority may require a private hire vehicle to be tested three times in a calendar year at the expense of the licensee. Additionally, the licensing authority may send the vehicle for more than three Compliance tests times a year, though the costs would be borne by the authority.

Can I remind the SCC that the LGMPA 1976, Sec 50 states:

“Provided that a district council shall not under the provisions of this subsection require a proprietor to present the same hackney carriage or private hire vehicle for inspection and testing on more than three separate occasions during any one period of twelve months.”

Therefore, The clarity of this section, with regards to testing, needs to be clear if it refers to Sec 50 or Sec 68.

Part 8 – INSURANCE- VEHICLE INSURANCE- POLICY OBJECTIVE 4, Page 53

‘A valid insurance certificate or cover note confirming the persons insured to drive the vehicle and the purposes for which the vehicle can be used, i.e. For the carriage of passengers or goods for Hire and Reward by prior appointment only. Provided such use complies with the laws and regulations of the appropriate Licensing Authority;’

To confirm, that the wording on the said insurance policy is acceptable if it includes ‘for hire or reward’ or any other wording to mean such effect.

The emailing of insurance documents should be acceptable by the SCC, this would free up the time taken on the front desk. If the SCC do not trust the email from the drivers, then are they suggesting that these drivers are not of fit and proper character to submit such documents?

If the SCC have had an issue in the past, then surely that issue cannot be an inconvenience to every driver who has passed the DBS and the fit and proper test to delay or prevent the submission of such documents, especially due to the fact that the front desk of licensing is only open between 10am and 4pm Monday to Friday.

Part 8 – PUBLIC LIABILITY INSURANCE - POLICY OBJECTIVE 5, Page 53

All work carried out by a PH licensee, in the process of doing their job, is covered by the company insurance policy that the vehicle and driver are working under, therefore no policy for the individual licensee should be required. This is and would be once again an unnecessary cost of burden upon the licensee of the vehicle and not the company that he/she represents while undertaking such booking.

This section refers only to vehicles able to carry passengers in wheelchairs, it does not differentiate between passengers that can transfer between wheelchairs to the vehicle or not.

We ask the SCC to provide clarity on this matter.

Part 9 – ADVERTISING – POLICY OBJECTIVE 6, Page 54

This objective is restrictive to the Private Hire Vehicle proprietor and is excluding that person from attaining extra income. The fact should not be overlooked that a Private Hire Vehicle proprietor is a self-employed person and as such may use means to further gain income.

With the advancement of digital technology, a Private Hire Vehicle should be allowed to advertise with authorised digital media within the vehicle compartment, for example screens mounted in or on the rear facing headrests.

Part 10 – ACCIDENTS – POLICY OBJECTIVE 7, Page 55

Where a private hire vehicle has been involved in an accident it is the responsibility of the proprietor to inform the licensing authority within 72 hours of the accident occurring.

This is not what is stated in the LGMPA as the SCC reference, the LGMPA 1976 Sec 50 (3) states that if the vehicle has had an accident that causes damage materially affecting the safety, performance or appearance. This should also be clarified within this objective and not extended as the SCC are doing. A minor clip of wing mirrors could bring a vehicle into this objective where it is totally unnecessary.

Part 11 – TRANSFER OF VEHICLE LICENSE – POLICY OBJECTIVE 8, Page 56

A current insurance certificate or valid cover note relating to the vehicle and its intended use as a private hire vehicle. Insurance must be in the name of the new owner(s). If new owner(s) is not a licensed driver, the insurance certificate must state a named driver.

Any driver that is having the vehicle transferred to their name, may wish to not drive that vehicle within the 14 days specified within this objective and therefore will not have an insurance certificate to show. The same driver may have purchased the vehicle to rent to other drivers and again may not have a driver for the vehicle within 14 days, and again not have an insurance certificate to show.

This should not prevent the sale of a vehicle from the original owner and therefore objective 8 needs to take this into consideration, we suggest that this is reworded.

Part 12 – SIGNAGE – POLICY OBJECTIVE 9, Page 57

In order to establish that a vehicle is licensed as a private hire vehicle it must display signage to that effect. The signage shall be displayed on the vehicle at all times.

The signage has not been agreed to be of a permanent nature and therefore to state that signage shall be displayed at all times is incorrect and will need to be removed.

The company name and telephone number (or in cases where a telephone number is not used, the app for the private hire operator) should be clearly displayed on the signage.

The contact number of the company taking the booking should also be displayed whether the booking was made by App or otherwise, this should be displayed for the public to make complaints directly should they not have the App or internet access or to telephone to make contact for any emergency reasons, such as the loss of property. The public are the industry and the SCC's primary concern. Without meaningful and immediate contact details, the safety of the travelling public is put at a considerable disadvantage.

The signage must be permanently affixed to the vehicle at all times.

The use of permanently fixed signage has been explained and therefore the use of permanent in this section would be incorrectly worded..

The signage will be provided by the licensing authority at the time of application and must be affixed to the vehicle at the time of testing.

A hand written registration number on these signs both detracts and cheapens the signage, this should be made as one sign and not the front and rear door signage as is

currently the case. Drivers write the registration to prevent other drivers from stealing the signage, the licensing department also write the registration on the blue stickers, which again detracts from the aesthetics of the signs.

The signage must be permanently affixed to the vehicle at all times.

As explained, the signs are to be either permanent or magnetic at the licensees' discretion. *A licence plate must be permanently affixed to the rear of the vehicle at all times. It shall be displayed so as not to obscure the vehicle's registration mark and must be clearly visible by daylight. The signage will be provided by the licensing authority. The signage must be permanently affixed to the vehicle at all times.*

This again is not a requirement and should be duly adjusted as such. Magnets are perfectly safe to attach a plate to the rear of a vehicle due to the lack of wind drag at the rear. The plates that are affixed with two purpose designed magnets have to be removed with two hands and some force, the same as a screwed in plate would require to be removed forcefully.

The drivers and the trade representatives request that the use of permanent signage and plate fixings to be removed from this consultation and that the policy for this that is current to remain in place. When a driver is not on duty then ALL signage from the exterior of the vehicle can be removed, including the license plate. This prevents break-ins due to the vehicle not being clearly identifiable as a Private Hire Vehicle when parked and therefore the thief will not target the vehicle assuming that money and/or Sat Nav or a data device/ PDA will be present.

That when a driver who goes to pick his wife up from as an example Carver Street at 1am he is not subject to numerous people asking him to take them to wherever they wish to go, in addition to the verbal and physical abuse that comes with declining these requests. The removal of the plate and signage also prevents the same driver from being parked in a predominant area while waiting for his wife and therefore being accused of illegally plying for hire.

The use of permanent signage including the license plate should remain optional.

Part 13 – IMAGE RECORDING EQUIPMENT – POLICY OBJECTIVE 9, Page 59 AND 60

This policy objective does not identify front facing camera systems such as dash cam videoing equipment that can be used or insisted from insurance companies, and should therefore be included to prevent any issues that a driver may face if fitted.

The public have access to several front facing video units from as little as £15.00 each and the drivers should also be allowed such units to be fitted, to prevent them from being involved in 'crash for cash' situations and even from false allegations from the public with regards to their driving standards.

Part 14 – CONDITIONS , Page 61 TO 64

1, Identification Plate and Signs

a.) A licence plate must be permanently affixed (magnets are not permitted) to the rear of the vehicle at all times. It shall be displayed so as not to obscure the vehicle's registration mark and must be clearly visible by daylight.

We do not agree with the permanent fixture of external signs and or plates. As explained in Part 12, SIGNAGE.

d.) A sign must be permanently affixed (magnets are not permitted) to nearside and offside rear doors consisting of the following information:

- *The private Hire Operators Name 62*
- *The telephone number and/or app of the Private Hire Operator*
- *Wording that states "Advanced Booking Only"*

We have above identified arguments in this report against the permanent fixtures, we now draw your attention to this part which states that these signs must be affixed to the 'rear passenger doors' and also include the words of the combined front and rear signage, we

agree in principle to the signage being combined into one sign, which we feel best positioned on the front near and offside doors for better viewing from the public as the vehicle approaches. Again, we argue against permanent signage.

g.) The Council will permit a deviation from these conditions in certain circumstances. A request for deviation will need to be made in writing to the licensing authority and a decision made by the Licensing Sub-Committee

Could SCC clarify and clearly identify what “deviations” they will permit and in what circumstances they will permit these.

The sign, plates and notices referred to above will be issued or approved for use by Sheffield City Council Licensing Authority.

The signs, plates and notices must be fixed to the vehicle in accordance with the requirements set out by the Council, and in any case must be permanently affixed at all times

We again refer to our thoughts and the trades opinion on the negatives of permanent signage.

2. Cleanliness and Appearance of Vehicle

d.) If the vehicle is involved in an accident, no matter how minor, the proprietor/driver must inform the Council as soon as possible and in any case within 72 hours. An Accident Report form, available from the licensing office, must be completed, detailing the circumstances of the accident and any damage to the vehicle. The vehicle must be presented to the Council for inspection by an Authorised Officer. If the vehicle cannot be presented to the Council for inspection due to damage caused, the proprietor must send photographic evidence of the vehicles condition. All repairs to the vehicle must be carried out without undue delay and once repaired may be subject to a Compliance test and Sheffield City Council’s testing station.

To clarify, the damage done is in accordance with the LGMPA 1976 section 50 (3) as previously stated when making comment on Section 10 - ACCIDENTS

3. Equipment and Fittings

b.) All audio equipment must be factory fitted. No additional amplifiers, speakers, sub-woofers are to be fitted and connected to the vehicle.

These vehicles are also for personal use and therefore provided that the equipment is fitted in a professional manner and does not alter or affect the luggage area requirements, we cannot determine how this would affect public safety.

4. Insurance

c.) The proprietor shall produce to the Council within five days of such request the certificate of insurance issued by an insurance company or broker in respect of the vehicle.

Insurance is emailed to drivers by both underwriters and brokers, the driver should be allowed to forward this email to the SCC. Previous accusations of drivers being involved in an insurance fraud by third parties is not sufficient evidence to deny this line of communication. A licensed driver is deemed to be of a fit and proper character.

Additional tests

Those vehicles that attract a suspension notice as issued by an Authorised Officer or Police Officer will be required to present the vehicle for a test at Sheffield City Council’s vehicle testing station in order to prove it is roadworthy. The cost of such test will be met by the proprietor.

This is on line with the LGMPA 1976 Section 68 and also includes section 60 subsections (2) and (3), where it does not state who is responsible for such costs. Further explanation is required, including the specific sections of the LGMPA 1976 that this refers to.

The enforcement of the SCC has much to be desired, especially in the way that it deals with issues about both the driver and the vehicle, of which this has been copied verbatim from the drivers license document.

We disagree with this enforcement and wish to point out the fact that no proactive enforcement is ever used, purely reactive, and this needs to change within the SCC and its dealings with licensees.

As an example, when questioned about the amount of times that the option of CAUTION had been used over the past several years, the answer from the SCC was 'never'. This is not acceptable and lends to tantamount bullying.

The whole process including the delegation of powers must be reviewed before this consultation is published as a final product.

APPENDIX A

Please include the contact information for ALPHA

ALPHA

SOAR Works

14 Knutton Road

Sheffield

S5 9NU

0114 201 4774

www.alpha.direct

APPENDIX B

Questions will require rewording after consultation is in agreement with the proposed public safety and contact concerns

APPENDIX C

Will require rewording after the consultation is in agreement with many issues raised

28. GMB – 30/06/2016

Further to our meeting today we the GMB Team Sheffield, respond as follows:

We fully support private hire vehicle age policy to continue as current and review year 2019/2020, 5yr for entry and 9yrs for expiry and incentive for low emission vehicles,

We support Combined Door stickers "All in One" type and Not Permanent and on Front 2 Door only Stickers.

29. STTA – 12/07/2016

Thank you for the update on issues.

We can confirm that we agree with the ph vehicle age policy proposal. We strongly believe it is better to offer drivers an incentive rather than to try and hit them hard so well done on this proposal.

We also agree with the ph vehicle signage policy proposal.

30. City Taxis – 08/07/16

I agree, this is a very fair way forward.

Regards.

Kevin Flint

General Manager

31. ALPHA – 14/07/2016

The members of ALPHA have agreed to the proposals with regards to vehicle age and signage.

Equality Impact Assessment Notes

Specialist Provision

Proposal impacts on or relates to specialist provision: No Impact

Poverty (Financial Inclusion)

Proposal has an impact on poverty or financial inclusion: No Impact

Health

Proposal has significant impact on health and well-being (including effects on the wider determinants of health):

Customer Impact: Positive

Summary of Impact:

The policy aims to introduce higher standards amongst the private hire vehicle fleet, particularly in regards to emission standards. It will encourage the take up of more environmentally friendly vehicles, therefore supporting improvement of air quality, especially in urban areas.

Age

Customer Impact: Positive

Summary of Impact

The policy will protect all ages, but particularly children and vulnerable adults.

Work and consultation with the Safeguarding Children's Board has been undertaken and included in the policy.

Briefings and consultation results, in regards to vulnerable adults, has been undertaken with Disability Sheffield and Transport4All. Findings from briefings and the consultation have been fed into the policy and Committee Report.

Safeguarding training and policy conditions will support the delivery of protecting children and vulnerable adults. The training will set out obligations for all private hire operators, both in terms of national legislation and local policy conditions.

Disability

Customer Impact: Positive

Summary of Impact

The policy will protect vulnerable adults from being harmed or exploited by licensees.

The policy, through mandatory conditions and objectives, will ensure that all groups, including those with a disability, are treated with dignity and respect and not exploited in any way. Compliance and enforcement procedures have been established to ensure all licensees comply with requirements.

Work, including briefings and consultations, have been undertaken with Transport4All and Disability Sheffield. Comments from the briefings and the consultation have, where appropriate, been fed into the policy and referenced in the Committee report.

Pregnancy/Maternity

Customer Impact: No Impact

Race

Customer Impact: No Impact

Religion/Belief

Customer Impact: No Impact

Sex

Customer Impact: No Impact

Sexual Orientation

Customer Impact: No Impact

Transgender

Customer Impact: No Impact

Carers

Customer Impact: No Impact

Voluntary, Community and Faith Sectors

Customer Impact: No Impact

Cohesion

Customer Impact: No Impact

Partners

Customer Impact: No Impact

Armed Forces

Customer Impact: No Impact

Other/Additional

Customer Impact: No Impact

Summary of Impact

The policy is anticipated to have a positive impact on those with the characteristics identified by promoting awareness and reminding licensees of their responsibilities.

The Equality Impact Assessment has not highlighted any significant differential equality impacts. Other than impacts identified above, the proposal is fundamentally equality neutral.

SHEFFIELD CITY COUNCIL'S

Private Hire Operator and Vehicle Policy

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Frequently Used Terms

The following terms are used frequently throughout this Policy document.

'The licensing authority'	Refers to Sheffield City Council which carries out its function as the Licensing Authority under the Town Police Clauses Act 1847 and Local Government (Miscellaneous Provisions) Act 1976 as well as other relevant legislation and policies.
'The Council'	Refers to Sheffield City Council.
'The Licensing Committee'	Refers to the committee of Sheffield City Council.
'The Licensing Sub-Committee'	Refers to three members of the Licensing Committee with sub-delegation of functions.
'Licensing Policy'	Refers to this document, Sheffield City Councils Private Hire Operator and Vehicle Policy
'LGMPA'	Refers to the Local Government (Miscellaneous Provisions) Act 1976
'TPCA'	Refers to the Town Police Clauses Act 1847

Part 1 – Foreword

We are proud of Sheffield's reputation as a safe and vibrant city which includes the provision of licensed private hire vehicles and operators which are valued by residents, visitors and businesses. It is important that these operate lawfully and sensitively, taking account of the needs of customers but also the wellbeing of nearby residents and people enjoying other activities.

In Sheffield, we will use this Private Hire Vehicle & Operators Policy to guide the licensed trade and potential new applicants when making applications under the relevant legislation and also to assist councillors in reaching decisions on those applications they consider.

We believe this is a robust policy. We welcome and support those seeking to work in the private hire trade, and we have, through writing and adopting this policy, in our view, created a fair and proportionate balance.

Sheffield City Council seeks to set some of the highest standards in the country and be recognised for delivering best practice; our intention is to both protect the public and safeguard children and the vulnerable.

This policy is also aimed to promote improved professional standards and behaviours amongst licensees, drivers and operators; to increase their awareness of safeguarding issues, equality, diversity and inclusion, the law, license conditions, and to allow those that share the Council's vision and commitment to deliver a high standard of service to thrive throughout the industry.

The policy will make it extremely difficult for any disreputable individuals and/or companies to operate within the licensed trade in Sheffield.

At the heart of the policy is a commitment to:

- protect the public;
- safeguard children and the vulnerable;
- increase awareness and knowledge of the law and licence conditions;
- prevent crime and disorder; and
- prevent public nuisance

This document sets out Sheffield City Council's general approach to the licensing of private hire vehicles and operators in the City and supports the Council's priorities of:

- being an in touch organisation;
- supporting a strong economy;
- supporting thriving neighbourhoods and communities;
- promoting better health and wellbeing; and
- tackling inequalities

We aim to ensure that licensed vehicles and operators that are working in the City are of the highest quality, and can be held to account for their performance.

The Council recognises the important role that the private hire trade play in enabling people to travel around the city 24/7 and in doing so they also have a role to play in portraying the image of the City.

The drivers of private hire vehicles and all those that work for private hire operators have a key role to play as ambassadors for the City and customers rightly expect that in using licensed vehicles they will be transported in a clean, comfortable and safe environment. This will help ensure that the industry and the local economy thrive.

We are committed to building on the partnership approach that already exists with the licensed trade and we will continue to look at improving standards and behaviours to ensure that Sheffield remains a safe place to visit, live and enjoy leisure time and that everyone has a safe and pleasant journey in our licensed vehicles.

The policy has been subject to a ten week consultation period and we are grateful to all those who have submitted comments that have helped shape the final policy.

The Council will implement the policy as from the 1st September, 2016 and will keep the policy under constant review and will in any case undertake a full formal review in three years.

Part 2 – Introduction

Sheffield City Council is responsible for the regulation of licensed private hire vehicles, drivers and operators within the city boundary. The policy builds on the experience and knowledge we have gained by administering and enforcing the legislation for many years, particularly when addressing issues that may impact on the safety and wellbeing of our residents, visitors and those working in the city.

We want to promote Sheffield's cultural excellence, increase engagement in cultural activities and encourage vibrant, safe and strong communities. We want to celebrate the City's cultural diversity and also respect and provide for the needs of all those that live, visit or work in our city.

This policy and any related procedures and processes will guide the work of Sheffield City Council and the way it carries out its functions. The policy has effect from the 1st September, 2016 and will be applied to existing licences, renewals and new applications received after the date 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 vehicles and operators to ensure that perverse or wrong decisions are discovered and corrected. Such audits will be conducted using this policy as the required standard.

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

- Our aims and objectives (see section 3 of this policy)
- Current legislation
- Other Sheffield Council Policies
- The Office of Fair Trading "The Regulation of Licensed Taxi and PHV Services in the UK" 2003
- Taxi and PHV Licensing Criminal Convictions; Policy, Local Government Regulation, Sept 2010
- Guidance on the Rehabilitation of Offenders Act 1974 – March 2014
- Disclosure & Barring Service Information Note on Rehabilitation of Offenders Act 1974 and Police Act 1997 Orders - 2014
- Regulators' Code 2014
- The Department for Transport "Taxi and Private Hire Vehicle Licensing: Best Practice Guidance" March 2010 (under review)

This policy sets out the requirements and standards that must be met. In exercising its discretion in carrying out its regulatory functions, the Council will have regard to this policy

document. However each application or enforcement action will be considered on its own merits.

The policy will be evaluated 12 months after it has been introduced; this will be to determine whether the policy is effective and has achieved the aims set out in Section 3 of this document. Following this initial evaluation, the Council will formally review the policy statement at least every three years and informally re-evaluate it from time to time. Where revisions are made, the Council will publish a statement of such revisions, along with a revised policy.

To enable the three key hackney carriage and private hire policies to be reviewed in separate years, this policy will be formally reviewed for the first time in 2020.

Part 3 – Aims and Objectives

The principal purpose of private hire vehicle and operator licensing is to protect the public and promote public safety. Sheffield City Council will adopt and carry out its licensing functions with a view to promoting the following:

- the protection of the public, safeguarding children and the vulnerable, prevention of crime and disorder, prevention of public nuisance;
- the provision of professional, courteous and knowledgeable licence holders; and
- promoting the Vision and Objectives of Sheffield City Council

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

The protection of the public, safeguarding children and the vulnerable, prevention of crime and disorder, prevention of public nuisance:

- raising awareness amongst the licensed trade, and the general public, of issues in relation to safeguarding children and vulnerable adults;
- impose strict policies, conditions and disciplinary processes;
- impose strict vehicle testing arrangements;
- impose high standards with regards to vehicle specification, emissions, age limits and record keeping;
- give a commitment to work with the police and other licensing authorities to tackle illegal plying for hire and other related offences; and
- make it clear that there is an expectation that all licensees and their staff will treat all customers, passengers, the general public and Council officers with respect and courtesy at all times.

Professional and knowledgeable:

- consider the history of vehicle and/or operator licence holders convictions and cautions;
- consider the testing history of individual vehicles;
- deliver training for licensees and staff employed by licensed operators and increase their knowledge, awareness and performance;
- promote crime prevention measures; and
- increase public education.

Promoting the vision and objectives of Sheffield City Council

Everyone in Sheffield should have the opportunity to fulfil their potential, in doing this the priorities of the Council will be enhanced by:

- protecting our most vulnerable people and families, enabling them to maximise their independence;
- promoting a quality 24/7 public transport service through licensed vehicles and operators;
- helping people to improve their health and wellbeing and promoting equality within the city; and
- stimulating the local economy and helping local people into work;

The above 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 these and the Council will therefore continue to work in partnership with the industry, its neighbouring authorities, the police, local businesses and local people towards the promotion of these aims and objectives.

Part 4 – Integrating Strategies

The licensing authority will have regard to strategies, policies and guidance in its decision making, including those developed by internal services, and partnerships forged with outside organisations.

The following plans and strategies have been considered throughout this policy, helping to shape and define the objectives that the licensing authority has set in place for all applicants and licensees involved in the private hire industry.

Sheffield City Council Corporate Plan 2015-2018

The corporate plan sets our direction and priorities for the next three years.

Priority 1: An in touch organisation

How the Licensing Service will contribute:

- Listen and be responsive, and meet the increasingly diverse needs of the individuals of Sheffield.
 - Intelligent – make full use of information to inform decision making and drive service improvement; and
 - Efficient – continually strive to provide value for money improving quality and outcomes

Priority 2: Strong economy

How the Licensing Service will contribute:

- Help achieve our economic potential, be well connected, with skilled individuals and assist businesses.
 - Vibrant City – help to provide good public transport.
 - Distinctive cultural and sporting assets – assist in delivering; and maintaining these venues

Priority 3: Thriving neighbourhoods and communities

How the Licensing Service will contribute:

- Assist people to have a good quality of life and feel proud of where they live and have great local amenities.
 - Deliver an efficient and safe taxi licensing system that provides an efficient mode of transport; and
 - Assist in improving community safety by reducing antisocial behaviour

Priority 4: Better health and wellbeing

How the Licensing Service will contribute:

- Promote good health, and assist in preventing and tackling ill health.
 - Provide information and education around the impact of alcohol and gambling;
 - Work in partnership with Public Health and the NHS to tackle issues around licensing and ill health; and
 - Provide a taxi licensing system that aims to meet the needs of vulnerable passengers; and
 - Reducing emissions in vehicles

Priority 5: Tackling inequalities

How the Licensing Service will contribute:

- Help invest in the most deprived communities and support individuals to help themselves.
 - Through licensing help promote equality, diversity and inclusion; and
 - Promote equality, diversity and inclusion

Safeguarding Children and Vulnerable Adult Policy

The licensing authority considers the Sheffield Safeguarding Children Board to be the primary recognised body competent to give advice on the protection of children and vulnerable passengers. For the purpose of this Policy a child is anyone under the age of 18 years.

The Sheffield Safeguarding Children Board takes a positive view of this role and where possible, is committed to working in partnership with licensed operators, statutory agencies and other organisations to ensure licensed transport services recognise and aim to meet the needs of children and vulnerable passengers.

The licensing authority expects licensed operators to comply with training and guidance provided or endorsed by the Sheffield Safeguarding Children Board to ensure a safe and appropriate service is available for children and vulnerable passengers who live in, or visit, our city.

The licensing authority will work in partnership with internal services, including the Safeguarding Children Board, Adult Safeguarding Partnership and other relevant partners to develop good practice guidance and share information to promote public safety and safeguarding vulnerable passengers. The Council will recognise and support the work of the Licensing Core Group.

Air Quality Action Plan

Due to UK air quality standards not being met in Sheffield, the Council declared an Air Quality Management Area covering the Sheffield urban area due to both nitrogen dioxide (NO₂) and fine particles (PM¹⁰). In 2012, the Council approved an Air Quality Action Plan (AQAP).

In 2013 Sheffield's Low Emission Zone Feasibility Study confirmed that road transport is the biggest single contributor (10% - 90%) to NO₂ emissions, which need to reduce by up to 30% to help achieve the air quality standards.

Using the findings established in the AQAP and by working with neighbouring services, the licensing authority will endeavour to make positive changes to both the hackney carriage and private hire fleet, therefore helping to drive improvements in air quality, thus helping Sheffield to achieve its aims and objectives as laid out in the AQAP.

The licensing authority will drive policy that aims to increase the number of Ultra Low Emission Vehicles (ULEV's) that are used as private hire vehicles in Sheffield, helping to deliver positive changes in air quality. It is deemed that any such changes are justifiable and are a key factor in moving forward in this area.

Part 5 – Delegations

Sheffield City Council, as the licensing authority, has established a Licensing Committee that consists of 15 Councillors. The Licensing Committee has the authority, amongst other licensing matters, to discharge non-executive regulatory functions in respect to hackney carriage and private hire licensing and to help formulate and review licensing policies in this regard.

The Licensing Committee has further delegated its functions to a Licensing Sub-Committee, usually consisting of three members that have been selected from the Licensing Committee, and are responsible with hearing individual cases.

In addition, the Chief Licensing Officer has been delegated to appoint and authorise Licensing Officers to investigate and discharge statutory duties under the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976. Some of these authorised powers include, but are not limited to:

- Accepting applications;
- Granting of licenses;
- Suspension of licenses;
- Issuing warnings/cautions;
- Investigation and preparation of prosecution files; and
- Investigating complaints/offences.

Those applications that cannot be determined by licensing officers will be referred to the Licensing Sub-Committee for determination.

There is a right of appeal against licensing authority and Licensing Sub-Committee decisions. Appeal applications must be made to Sheffield Magistrates' Court within 21 days of the determination.

The table below sets out the agreed delegation of decisions and functions to the Licensing Committee, Sub-Committees and Officers.

Matter to be dealt with	Full Committee	Sub Committee	Officers
Full Policy/Policy Objectives Review	✓		
Fee setting (when appropriate)	✓		
Application for a Private Hire Operators Licence		✓	✓
Refusal of licence		✓	
Revocation of licence		✓	

Suspension of licence		✓	✓
Review of licence		✓	
Formal Warnings		✓	✓
Investigation or offences and preparation of prosecution files			✓
Complaints		✓	✓

Part 6 – Exchange of Information

The licensing authority, in enabling itself to exercise its duties and functions proficiently, will exchange information with other authorities and legal bodies, specifically in relation to the prevention and detection of crime and prevention of children from harm.

The licensing authority will apply the general principle of dealing with information in accordance with the provisions of the Data Protection Act 1998.

Any information supplied must only be used for the purpose for which it is obtained. It must be securely retained whilst in the possession of the party that has requested it, and must be securely disposed of when no longer required. It must not be further transmitted to a third party without the consent of the original authority that supplied the information.

The licensing authority will also have regard to powers contained in the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976 when dealing with and requesting information from licensees and third party organisations

SHEFFIELD CITY COUNCIL'S
Private Hire Operator Policy

Part 1– Legislative Background

Sheffield City Council must adhere to the regulatory frameworks as set out in the Local Government (Miscellaneous Provisions) Act 1976 in respect to the licensing of private hire operators.

The legislative framework contained in this Act, as well as the policy objectives set out in this document will be used in relation to all issues pertaining to the licensing of private hire operators.

Local Government (Miscellaneous Provisions) Act 1976

The Local Government (Miscellaneous Provisions) Act 1976 is used by Sheffield City Council to regulate the private hire trade. The Act was adopted by Sheffield City Council at its meeting on Wednesday 1st March 1978.

A private hire operator's licence is issued under the Local Government (Miscellaneous Provisions) Act 1976, Section 55. It states:

'Subject to the provisions of this Part of this Act, a district council shall, on receipt of an application from any person for the grant to that person of a licence to operate private hire vehicles grant to that person an operator's licence'

'Operate' is defined in the Local Government (Miscellaneous Provisions) Act 1976, Section 80 as follows:

"Operate" means in the course of business to make provision for the invitation or acceptance of bookings for a private hire vehicle'

A private hire vehicle means:

'a motor vehicle constructed or adapted to seat, other than a hackney carriage or public service vehicle, which is provided for hire with the services of a driver for the purpose of carrying passengers'

Integrating National Legislation

In addition to compliance with the above Act, the licensing authority must also comply with other legislative requirements when undertaking its licensing functions; these include, but are not limited to the:

- **Transport Act 1985, 1991 and 2000** – An Act which provides a number of measures regarding transport in Great Britain.
- **Crime and Disorder Act 1998** – An Act that introduces key areas such as Anti-Social Behaviour Orders, Sex Offender Orders, Parenting Orders and the granting of more powers and responsibilities to local authorities with regards to strategies for reducing crime and disorder and the introduction of law specific to racially aggravated offences.

- **Anti-Social Behaviour, Crime and Policing Act 2014** – An Act to implement changes to how Local Authorities respond to antisocial behaviour (ASB). Introducing new tools and powers to replace existing provisions, including the introduction of ASB case reviews, also known as the ‘community trigger’.
- **Equality Act 2010** - An Act that legally protects people from discrimination in the workplace and in wider society. The Act covers all provisions from the 1995 Disability Discrimination Act, and also includes new duties for drivers and their vehicles.
- **Road Traffic Act 1988** - An Act governing the use of all vehicles on the road.
- **Health Act 2006** – An Act to make provision for the prohibition of smoking in certain premises, places and vehicles.
- **Human Rights Act 1988** - An Act to give further effect to rights and freedoms guaranteed under the European Convention of Human Rights.
- **Rehabilitation of Offenders Act 1974** - An Act that primarily exists to support the rehabilitation into employment of reformed offenders. Private hire and hackney carriage driving is an exempt occupation under the Act, therefore spent convictions will still be taken into consideration.

Part 2 – Fit and Proper Person Requirement

The licensing authority has adopted the 'fit and proper' test as contained in the Local Government (Miscellaneous Provisions) Act 1976, Section 55 in respect of a private hire operator's licence. This states that:

'Subject to the provisions of this Part of this Act, a district council shall, on receipt of an application from any person for the grant to that person of a licence to operate private hire vehicles grant to that person an operator's licence:

'Provided that a district council shall not grant a licence unless they are satisfied that the applicant is a fit and proper person to hold an operator's licence'.

The term 'fit and proper' has no legal definition; however, when deciding whether a person is fit and proper, the licensing authority will use a common sense approach, judging each case on its own merits. The burden of proof lies with the applicant proving they are fit and proper, and not the licensing authority proving they are not.

Although there is no legal definition of fit and proper, an explanation of the term was proffered during the case of McCool vs Rushcliffe Borough Council 1998. It was stated that:

'One must it seems to me approach this case bearing in mind the objectives of this licensing regime which is plainly intended among other things to ensure so far as possible that those licensed to drive private hire vehicles are suitable persons to do so, namely that they are safe drivers with good driving records and adequate experience; sober, mentally and physically fit, honest and not persons who would take advantage of their employment to abuse or assault passengers.'

Although the operator (unless they are already licensed by Sheffield City Council as a hackney carriage and private hire driver) is not directly responsible for transporting passengers, they are in a position of trust; holding large amounts of personal information and dealing with the public either face-to-face, over the telephone or by email. To this end, the need to be fit and proper is as important for licensed operators as it is for licensed drivers.

The fit and properness will be assessed throughout the period for which a person holds an operator's licence, with checks, as identified in the following sections, carried out to ensure compliance.

Part 3 – Pre-Application Requirement

The licensing authority must ensure that all licensed private hire operators are of the highest possible standard and provide a service that meets the needs of the City.

The application procedure and background checks will form the basis of ensuring that those operators licensed in Sheffield are suitable. It will be a requirement for applicants who are not currently licensed hackney carriage and private hire drivers to undertake training as provided by the licensing authority in matters surrounding safeguarding children and vulnerable passengers.

Safeguarding Children and Vulnerable Passengers

The licensing authority expects all applicants and those already licensed to have a good awareness of the safeguarding issues surrounding children and vulnerable adults.

Providing a safe environment for the transportation of children and vulnerable passengers is of paramount importance. The licensing authority has therefore put in place robust measures to ensure this is adhered to at all times.

Policy – Objective 1

Safeguarding Children and Vulnerable Passengers

The licensing authority expects all new applicants to undertake recognised safeguarding training in relation to children and vulnerable passengers and that applicants for renewed licenses will undertake recognised safeguarding training (or refresher training), as part of their professional development. This is to ensure that all licensees operate to a consistent standard and are able to provide a safe and suitable level of transport service to children and vulnerable passengers. The training is also to support licensees to protect themselves, by keeping records and observing a code of conduct.

The training course is mandatory for new and existing applicants and will be delivered by the licensing authority.

Part 4 – Background Checks

The licensing authority must ensure that all applicants applying for a new private hire operator's licence and those who are applying to renew their operator's licence are fit and proper.

In order to assess the fit and properness of applicants the licensing authority will undertake such checks as it deems necessary. The checks cited in this section are mandatory for all applicants and form the basis of the application procedure. Failure in applicants to fulfil these checks may result in an application being rejected.

Disclosure and Barring Service (DBS) Checks

A criminal record check is an important tool in assessing a person's fit and properness and is therefore seen as an essential measure that all applicants and licensees must undertake.

All criminal record checks are carried out by the Disclosure and Barring Service which carries out such checks for licenses included in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 and those prescribed in the Police Act 1997 (Criminal Records) regulations.

Both hackney carriage and private hire licensing are included in the Rehabilitation of Offenders Act 1974 (Exemptions) Order 1975 (Amendment) (England and Wales) Order 2013 and will therefore be expected to disclose on application any caution or conviction even if in other circumstances it could be considered as spent.

Policy – Objective 2

Disclosure and Barring Service (DBS) Checks

All applicants must complete an Enhanced DBS check that details live and spent convictions, police cautions and other relevant information that indicates that a person poses a risk to public safety.

The licensing authority will normally only accept DBS certificates that have been applied for through Sheffield City Council's Licensing Service as the registered body. However, in some circumstances certificates will be accepted if they are to an enhanced level, have been processed in relation to the child and adult workforce employment position and have been printed within the last three months.

Applicants must sign up to the Disclosure and Barring Online Service in order for the licensing authority to monitor a criminal record once a licence is granted. An online check will normally be undertaken annually, but should circumstances necessitate they will be undertaken on a more frequent basis. If the check returned reveals new information then an applicant will be required to undertake an Enhanced DBS check. The licence holder will be required to give permission to the licensing authority for them to access their DBS record and will be required to pay any costs incurred.

Where applications are submitted in the name of a company, the registered director and/or secretary of that company will be required to undertake a DBS check. Applicants in this

respect will also be expected to submit information in line with Section 57 of the Local Government (Miscellaneous Provisions) Act 1976, including information as to any convictions recorded against a director or secretary of that company at any time.

Relevance of Convictions, Cautions, Reprimands and Warnings

The licensing authority, when making a decision on a person's fit and properness, will take into account all convictions, cautions, reprimands, warnings and any relevant information provided by the police and other relevant authorities'. However, particular regard will be given to:

- The class of the offence;
- The age of the offence;
- The number of offences; and
- The apparent seriousness, as determined by the licensing authority.

Having a criminal conviction is not a bar to obtaining a licence, but the licensing authority will be required to refer the application to the Licensing Sub-Committee for determination where it is deemed appropriate to do so.

The licensing authority will pay particular attention to:

- Any term of imprisonment or custody;
- Any conviction and/or caution for violence, sexual offence or dishonesty which is of a serious nature; and
- Any offence contrary to hackney carriage and private hire legislation.

The licensing authority will also take into account additional information held by local police that they consider reasonably relevant to the role of a private hire operator and any information or intelligence obtained from other sources, in addition to that held on the licensing record.

The police will only disclose information that has a reasonable basis of credibility and that is related to the occupation as a private hire operator. This could include unproven allegations or charges for which an applicant/licensee has been acquitted. This information could show that a person acted in a way that is not compatible with being a licensee.

Other information could include complaints which show a pattern of behaviour, or intelligence from other authorities or Council departments.

The licensing authority will look at all of the information and may decide that it shows a tendency to behave in ways which mean the applicant/licensee is not fit and proper. The assessment is made on the civil standard of proof, that being the balance of probabilities.

The licensing authority will take into account all information and will make determinations of fit and proper based on it. The Licensing Sub-Committee can make a decision to revoke, suspend or refuse based solely upon this other information.

Right to work in the United Kingdom

Applicants will require documentary evidence to show that they are legally entitled to work in the UK.

The licensing authority has therefore taken direction from the Home Office *An employer's guide to acceptable right to work documents* guide published in 2014. This provides guidance on what documents are acceptable and will help the authority in issuing licences to those people that are legally entitled work in the UK.

Policy – Objective 3

Right to work in the United Kingdom

The licensing authority will require all applicants to submit documentation that proves they are entitled to work in the UK.

Any one of the following documents will be accepted as proof:

- A full UK Birth/Adoption Certificate issued in the UK;
- A passport showing the holder is a British Citizen or a citizen of the UK Colonies having the right to abode in the UK;
- A passport or national identity card showing the holder is a national of a European Economic Area, including Switzerland;
- A Registration Certificate or Document Certifying Permanent Residence, issued by the Home Office;
- A permanent Residence Card issued by the Home Office;
- A current Biometric Immigration Document issued by the Home Office;
- A current passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right to abode in the UK, or has no time limit on their stay in the UK;
- A current Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay in the UK, together with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer;
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland, together with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer; and
- A certificate of registration or naturalisation as a British citizen, together with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

This list is not exhaustive and other documents may be accepted. Full guidance can be obtained from the Home Office at <https://www.gov.uk>.

Where an applicant is under immigration control – such as limited leave to remain – a licence will not be issued beyond the period that the applicant has permission to remain, as identified by their immigration documents. Applicants are encouraged to seek legal advice or contact the Home Office should they have any questions.

Insurance Certificates

As part of the application process for a private hire operator's licence the applicant is required to produce appropriate insurance for the services they are undertaking and for the premises they are operating from.

Policy – Objective 4

Insurance Certificate

The licensing authority requires applicants and licensees to have taken out appropriate insurance, including public liability insurance for the premises which is to be licensed, and where necessary employers liability insurance.

All licensed operators shall have in force a Public Liability Insurance policy providing a minimum of £2,000,000 indemnity in respect of any one incident where there is public access to a booking office.

All licensed operators shall have in force an Employers' Liability Insurance policy complying with the Employers' Liability (Compulsory Insurance) Act 1969 covering death or personal injury arising out of any incident during the course of a person's employment.

A copy of the relevant certificates must be in place when making an application. An application will not be accepted without the relevant documentation.

Planning Permission

All private hire operators must have in place a suitable premises in which to operate from. The premises must be fit for purpose and have in place, if required, the correct planning consent.

Further information in regards to planning issues can be sought by visiting the planning webpage: <https://www.sheffield.gov.uk/planning-and-city-development/applications>

Policy – Objective 5

Planning Permission

It may be necessary for the premises used for the provision for the invitation or acceptance of bookings for a private hire vehicle to have in place suitable planning permission.

Applicants must present, as part of the application process, written proof from the Sheffield City Council Planning Service stating the correct planning permission has been obtained or that planning permission is not required.

Registering with the Information Commissioner's Office

All private hire operators that process personal information are required, under the terms of the Data Protection Act 1998, to register with the Information Commissioner's Office (ICO). Private hire operators that fail to register are committing a criminal offence.

Policy – Objective 6

Registering with the Information Commissioner's Office

All private hire operators are required to register with the Information Commissioner's Office, under the terms set out in the Data Protection Act, 1998.

Further information can be found by visiting the Information Commissioner's Office website: <https://ico.org.uk/for-organisations/register/>

The cost of registering with the Information Commissioner's Office is £35 and is paid on an annual basis.

Use of operator name

All private hire operators are associated with a company name. The company name must be unique, in that it cannot be the same or similar to that used by another company within the same district.

Policy - Objective 7

Use of operator name

The company name for use as a private hire operator company must be one that is not used or similar to that used by another operator within the district.

If a private hire operator licence is revoked by the Council, the name, or one that is similar to, the private hire company cannot be used by another private hire company until such time that six months has passed since the time of the revocation or until all matters relating to an appeal have been exhausted, whichever is longer.

Similarly, if a private hire operator licence is relinquished or where the company is amalgamated with another company, the company name cannot be used by another private hire company until such time that 12 months has passed.

Private Hire Operators Application Questionnaire

It is important for those applicants that are applying for a private hire operator's licence to be able to demonstrate that they possess the correct qualities and understand the complexities of undertaking such a business.

Policy – Objective 8

Private Hire Operators Pre-Application Questionnaire

The licensing authority requires all applicants to undertake an application questionnaire in order to allow them to demonstrate that they possess the knowledge and aptitude required to run a private hire operator business.

A copy of the application questionnaire can be found at Appendix B. The licensing authority reserves the right to change the application questionnaire at any time it sees fit.

Part 5 – Private Hire Operator Licence

The licensing authority has developed an application procedure that aims to ensure all those that are granted a licence are of the highest possible standard.

As stated previously, private hire operators have much responsibility. Although they are not directly responsible for the transportation of passengers, they have a duty of care and are responsible for recording and maintaining large amounts of personal information, and, in certain circumstances, ensuring the safety of vulnerable adults and young children.

It is for these reasons that all applicants must first undertake the pre-application tests as the first stage in obtaining a licence. Background checks will also perform part of the application procedure and will help to ensure that licensees are fit and proper and suitable to hold a licence.

Duration of Licence

Section 55 (2) of the Local Government (Miscellaneous Provisions) Act 1976 (as amended by Section 10 (3) of the Deregulation Act 2015), states that:

'Every licence granted under this section shall remain in force for five years or for such lesser period, specified in the licence, as the district council think appropriate in the circumstances of the case.'

Policy – Objective 9

Duration of Licence

The licensing authority, will in normal circumstances – where the applicant has satisfied the licensing authority that they are fit and proper - issue a licence for a period not exceeding five years for both new and existing applicants. An option to apply for a licence for a period of less than five years will be offered to all applicants where they feel this would be beneficial to them.

Licensees who do not satisfy the fit and proper criteria may have their application referred to the Licensing Sub-Committee who will make a decision, based on the evidence put before them, of whether to issue a licence, and if so whether it should be for a shorter term than normal (5 years).

The licensing authority will endeavour to inform licensees at least a month in advance of the expiry of the licence. However, it is ultimately the licensee's responsibility to remember when their licence expires and make the appropriate application to renew.

Part 6 – Private Hire Operator Conditions

Section 55 (3) of the Local Government (Miscellaneous Provisions) Act 1976 states that:

‘A district council may attach to the grant of a licence under this section such conditions as they may consider reasonably necessary.’

The licensing authority will attach to all private hire operator licenses a set of mandatory conditions that must be observed at all times.

Following determination of an application by the Licensing Sub-Committee additional conditions may be imposed. The licensee will have the right to appeal to Magistrates Court following the hearing or can request a review of their licence at a later time to ask that additional conditions be removed.

Definitions	
‘The Council’	Refers to Sheffield City Council
‘The District’	Refers to the district of Sheffield
‘The Act’	Refers to the Local Government (Miscellaneous Provisions) Act 1976
‘Private Hire Vehicle’	Refers to the same meaning as in the Act
‘Vehicle’	Refers to a private hire vehicle
‘Operator’	Refers to a person who has been granted a private hire operator’s licence issued by the Council under Section 55 of the Act
‘Premises’	Refers to the private hire operator’s place of business for the purpose of operating vehicles
‘Authorised Officer’	Refers to any officer of the Council authorised in writing by the Council for the purpose of regulating private hire legislation

1. Operator Licence

a.)	Operators will at all times adhere to statutory legislation, Sheffield City Council’s Private Hire Operator’s Licence Policy document and information contained in these conditions. Operators must also adhere to health, safety, welfare, environmental and equalities legislation as appropriate.
b.)	The licensee, to whom the licence has been issued, shall display such licence in a prominent position at each business premises recorded on the licence. Exceptions to this will be where the licence is to be presented to the licensing authority for amendment and/or inspection.
c.)	A separate licence will be issued, where applicable, to each approved secondary booking office.

d.)	The operator licence is not transferable. The operator's licence is a personal or company licence and is not transferable between individuals. Any change of operating address within the district must be notified to the Authority at least 7 days before the date of the change, and a new licence showing the new address will be issued and a charge will be made in accordance with our fee and charges
e.)	Any intended change of business premises must be notified to the licensing authority and approval obtained before being so used.
f.)	The operator must not at any time operate more vehicles than is specified on the licence. A proposed increase in the number of vehicles to be operated must be made in writing to the Council and consent given before being implemented.
g.)	If the person as named on the operator licence is to be absent from the day to day running of the business for a period of not less than two consecutive months they shall inform the licensing authority of such. In doing so, the operator must name a person who will be responsible for running the business on their behalf.
h.)	The operator shall at all times ensure that the licensing authority has their most up to date contact details, including a mobile telephone number and email address. There should be a generic email address for the company and a confidential email address for the operator in order that sensitive information can be properly handled and held confidentially by the operator.
i.)	The operator, in line with statutory legislation and as a condition on this licence, will only operate from a premises within the district of the Authority. The Authority will not grant any operator's licence where the operating base is outside the boundary of the district. This is to ensure both compliance with legislation and that proper regulation and enforcement measures may be taken.
2. Premises	
a.)	The licensee shall only conduct business from the address named on the operator licence. The licensing authority reserves the right for an Authorised Officer to inspect the premises for suitability and compliance with the requirements of these Conditions.
b.)	The Operator shall only employ or utilise persons to conduct their business that have been approved by the licensing authority.
c.)	If additional persons are employed at the business premises then the premises must be kept clean, adequately lit, heated and ventilated and must conform to all other legal requirements, such as no smoking to be allowed on the premises (Health Act 2006), the requirements of the Regulatory Reform (Fire Safety) Order 2005 which requires that a fire safety risk assessment is in place at the premises and Health and Safety at Work Regulations are adhered to.
d.)	The operator premises must be staffed at all times that the operator is open for business.
3. Record of Bookings	
a.)	The Operator must keep an accurate record of every booking of a private hire or hackney carriage vehicle that is accepted. The loss of records must be reported to the licensing authority within 24 hours and immediately to the police. Separate records must be kept at each premises from which the operator conducts business. The

	records must be kept at the business address/addresses at all times. All records must be in English and be permanent. Records must be kept for a period of not less than 12 months from the date of last entry.
b.)	<p>The operator shall, before the commencement of each journey, record in a manner prescribed by the Council, the following details of each booking:</p> <ul style="list-style-type: none"> (i) The time and date the booking was received and, if required, any subsequent cancellation; (ii) The method by which the booking was received (e.g. telephone, email, electronic application etc.); (iii) The person taking the booking (or in the case of a computer system, the identity, including the site/location of where the booking was received); (iv) The time and date of the journey; (v) The address/premises from which the journey will commence and the address/premises of the destination; (vi) The registration and plate number of the hackney carriage or private hire vehicle that is to be used for the booking; (vii) The name, badge number and call-sign of the driver of the vehicle to be used; (viii) Remarks, including details of any subcontracting to another licensed operator.
c.)	Where bookings are sub-contracted either by the operator to another licensed operator or are accepted by the operator from another licensed operator a full record of the booking (in line with 3b above) and notes must be included; including the name of the sub-contractor, what time the job was sub-contracted and any contact information.
d.)	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 an Authorised Officer or Police Officer. Officers must be permitted to photograph and/or remove such records and to remove from the premises if so required.
4. Details of Vehicles	
a.)	<p>The operator shall keep at the main business address a detailed list in writing of all the vehicles they operate. This will include:</p> <ul style="list-style-type: none"> (i) The registration mark issued in respect of the vehicle under the Vehicles (Excise) Acts; (ii) A copy of the current private hire vehicle licence as issued by Sheffield City Council; (iii) A copy of the current insurance certificate for the vehicle, clearly stating the permitted drivers and permitted use of the vehicle; (iv) The date on which the vehicle commenced to be operated by the licensee; (v) The date on which the vehicle ceased to be operated by the licensee; (vi) Any radio/computer call-sign/number allocated to the

	vehicle by the licensee.
b.)	The Operator shall only operate private hire and hackney carriage vehicles where the vehicle and driver are licensed by Sheffield City Council. The Operator must check and keep a copy of all driver and vehicle licence documents in order to ascertain the legitimacy of such documents.
c.)	When the operator ceases to operate any licensed vehicle, the operator shall notify the licensing authority within 72 hours for amendment by an Authorised officer.
5. Details of Drivers	
a.)	<p>The operator shall keep at the main business address a detailed list in writing showing the following particulars in respect of every driver of every private hire and hackney carriage vehicle operated:</p> <ul style="list-style-type: none"> (i) The name, address and date of birth of the driver of the vehicle; (ii) A copy of the hackney carriage and private hire driver's licence as issued by the Council; (iii) The date in which the driver commenced driving each vehicle; (iv) The date on which the driver ceased driving each vehicle.
b.)	The operator shall keep the records in alphabetical order, by surname, for a period of two years from the date on which the driver first commenced driving for them.
c.)	The Hackney Carriage and Private Hire Driver's licence shall be available at all times for inspection by any Authorised Officer of the Council or Police Officer. The licence may be taken away from the premises if so required.
d.)	The operator shall take all reasonable steps to ensure that drivers of vehicles employed, used or controlled by them observe and perform the conditions attached to their hackney carriage and private hire vehicle driver's licence, the vehicle licence and all other statutory requirements, including road traffic regulations.
6. Public Complaints	
a.)	The operator must maintain a register of complaints that are made by the public, either in hard copy or computer format.
b.)	<p>The operator shall, upon a receiving a 'specified complaint', notify the licensing authority within 72 hours in writing.</p> <p>A specified complaint is considered as any allegation of criminal behaviour whilst acting as a private hire driver; these may include:</p> <ul style="list-style-type: none"> • Sexual misconduct, sexual harassment or inappropriate sexual attention; • Racist behaviour; • Violence; • Dishonesty; and • Breaches of equality.
c.)	The operator shall, upon receiving a 'low level complaint', maintain

	<p>such a register for inspection by the licensing authority. Complaints of this nature shall be kept for a minimum period of 12 months.</p> <p>Low Level complaints are those that are indicative of a professional development need, of concealing some potential significant offending or allegations of unsafe behaviour.</p>
d.)	<p>The operator must ensure that customers can speak to a real person in the event of a complaint or problem with the journey. Therefore all operators must have a telephone line, based in Sheffield, that is advertised to the public and is accessible at all times.</p>
7. Acceptance of Bookings	
a.)	<p>The Operator shall only operate private hire and hackney carriage vehicles where the vehicle and driver are licensed by Sheffield City Council. The Operator must check all driver and vehicle licence documents in order to ascertain the legitimacy of such documents.</p>
b.)	<p>Where the operator sub-contracts a job booking and/or accepts a sub-contracted job booking to/from another operator they must ensure that:</p> <ul style="list-style-type: none"> (i) The operator is licensed under the Act; (ii) The vehicle and driver are licensed by the same authority; and (iii) The vehicle is appropriately insured.
c.)	<p>Every contract for the hire of a private hire vehicle (or hackney carriage for such purpose) shall be deemed to be made with the licensed operator who accepted the booking, whether or not that licensed operator subsequently provides the vehicle.</p>
d.)	<p>Where bookings are sub-contracted either by the operator to another licensed operator or are accepted by the operator from another licensed operator a full record of the booking and notes must be included; including the name of the sub-contractor, what time the job was sub-contracted and any contact information.</p>
e.)	<p>The operator shall provide a prompt, efficient and reliable service to members of the public at all times, unless delayed or prevented by sufficient cause.</p>
f.)	<p>The operator will be responsible for a booking that has been transferred to another operator and will therefore remain accountable for that service delivery.</p>
g.)	<p>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 an 'assistance dog'.</p>
h.)	<p>The operator must have the ability to take a booking up to seven days prior to the commencement of the journey.</p>
8. Fares	
	<p>Where a request for hiring is received and the vehicle to be used for hiring is not fitted with a meter (private hire vehicle), the operator must inform the person making the booking, if so requested, the basis of the hire charge. If requested, the information must be put in writing.</p>

9. Lost Property	
a.)	The operator shall keep a record of all lost property retained by them.
b.)	The operator shall deliver any property left in a vehicle and handed to them by the driver, to the local police station as soon as possible and in any case within 24 hours.
10. Criminal convictions, cautions, reprimands, warnings, fixed penalty notices, or restorative justice.	
	The operator shall, within 14 days of the date of receiving or having imposed on them any criminal convictions, cautions, reprimands, warnings, fixed penalty notices, or if they have been made subject to a restorative justice disposal, disclose to the licensing authority in writing, details of the criminal convictions, cautions, reprimands, warnings, fixed penalty notices, and/or restorative justice disposal during the period of the licence.
11. Compliance with other Legislation	
a.)	The operator must bring to the attention of all drivers their legal obligations regarding the use of seatbelts by both adults and children less than 14 years of age.
b.)	The operator must bring to the attention of all drivers their legal obligation regarding no smoking in vehicles under the Health Act 2006.
c.)	The operator must ensure that all drivers are aware of their obligations under any other legislation relevant to the work of a private hire, or a hackney vehicle carriage used for private hire purposes.
d.)	The operator must register with the Information Commissioner's Office (ICO).
e.)	The operator must ensure, as far is reasonably practicable, that all drivers wear their licence badges when working.
f.)	The operator must ensure, as far is reasonably practicable, that vehicles display the correct vehicle signage as provided by the Council.

Part 7 – Compliance and Enforcement

The primary aim of the licensing authority is public safety, and to provide a service that businesses and individuals can depend on for reasons of health, safety, welfare, equality and consistency.

Therefore, the undertaking of compliance and enforcement checks on private hire operators is essential in order to achieve this. Ultimately these checks are undertaken in order to ensure fit and properness (as referred to in part 2), compliance with the law, compliance with licence conditions and to ensure the safety of the general public.

In order to achieve this objective the licensing authority ensures that private hire operators are complying with statutory requirements and licensing conditions by undertaking regular enforcement and compliance checks.

A broad range of tools and powers are available to the licensing authority should breaches of compliance be found. The following options, which will be discussed in more detail throughout this section include, but are not limited to:

- No Action;
- Informal Warning;
- Formal Warning;
- Review;
- Suspension;
- Revocation;
- Simple Caution; and
- Prosecution

Where appropriate and where there are causes for concern the licensing authority will pass on information to partner organisations such as the police, Sheffield City Council Transport Services and the Sheffield Safeguarding Children Board.

Equally, the licensing authority will act on information received from those and other partner organisations and deal with complaints in line with the Licensing Authority's Complaints Procedure. A copy of the complaints procedure can be obtained by contacting the licensing authority.

Better Regulation Delivery Office: Regulators' Code, 2014

In undertaking enforcement duties the licensing authority will pay particular attention to the Regulators Code. This sets out the standards that the licensing authority should follow when undertaking compliance and enforcement checks. Therefore the licensing authority will:

- 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 framework 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; and
- ensure that their approach to their regulatory activities is transparent.

Better Regulation Unit: Enforcement Concordat

Attention will also be paid to the principals of good enforcement as contained in the Enforcement Concordat and the licensing authority will ensure that when carrying out enforcement we are:

- **Open:** The licensing authority will provide information in plain language and will be transparent in the activities it undertakes. It will also be clear with customers on how the service operates.
- **Helpful:** The licensing authority will work with licensees to advise and assist with compliance. A courteous and efficient service will be provided by all staff and licensees will have a single point of contact and telephone number for further dealings. Applications will be dealt with promptly and where possible enforcement services will operate effectively to minimise overlaps and time delays.
- **Proportionate:** The licensing authority will minimise the costs of compliance for licensees by ensuring any action taken is proportionate to the risks involved; an account of the circumstances and attitude of licensee will be considered at all times.
- **Consistent:** The licensing authority will carry out all duties in a fair, equitable and consistent manner. Licensing officers will exercise judgment in all cases and arrangements will be put in place to promote consistency.

The licensing authority will also provide a well-publicised, effective and timely complaints procedure that is easily accessible to licensees and members of the public alike.

Any advice given by licensing officers on behalf of the licensing authority will be put clearly and simply at all times and confirmed in writing.

The licensing authority will also ensure that before formal action is taken as a result of enforcement or compliance checks, an opportunity to discuss the circumstances will be provided in order to resolve the points of difference. However, in circumstances where immediate action is necessary, such as health and safety or preventing evidence being destroyed, the licensing authority will be required to take a more formal approach. An explanation as to why such action was required will be given at the time and confirmed in writing in most cases within five days and, in all cases, within 10 working days.

Enforcement and Non-Compliance Options

In line with the Regulators' Code and Enforcement Concordat the licensing authority will choose the most appropriate form of action under the circumstances. The licensing authority has at its disposal a range of enforcement and non-compliance options.

Where there have been several instances of non-compliance and at the discretion of the licensing authority, licensees may be referred to the Licensing Sub-Committee without further warning where a decision will be made as to the future of their licence.

Stage 1 - No Action

A decision of no action may be taken where formal enforcement is deemed inappropriate under the circumstances. In such cases the licensee, and where necessary the complainant, will be informed of the reason(s) for such a decision.

The licensing authority will look at all the evidence before making a determination on how to proceed following enforcement and compliance checks. It may be that evidence comes to light after the checks, indicating no action is required.

Stage 2 - Informal Warning/Words of Advice

Where there is a minor contravention and where the degree of risk from a given situation is minor, an informal warning may be deemed the most appropriate form of action.

An informal warning may come in the form of a verbal notice and recorded as such on the licensees' record. A culmination of verbal notices may result in a more serious form of action; this will be reviewed on a case by case basis.

This type of warning may be used where there is little or no impact on licensees, service users and members of the public and where all other forms of enforcement action are viewed as inappropriate and/or disproportionate.

Stage 3 - Formal Warning

A formal warning is a tool that is available for more serious breaches of licence conditions. Each event is viewed on a case by case basis and enforcement officers will use their judgment as to whether to exercise the formal warning procedure.

A formal warning will be held on the licensees' record for a set period of time, not exceeding five years. Should the licensee be referred to the Licensing Sub-Committee while the warning is live, the Licensing Sub-Committee will be made aware of it.

Suspension of licence

Where there has been a serious breach of licence, non-compliance or any other reasonable cause it may be deemed appropriate to suspend the licence.

The power to suspend a licence is contained in the Local Government (Miscellaneous Provisions) Act 1976, Section 62. It states:

Notwithstanding anything in this Part of this Act a district council may suspend or revoke, or (on application therefor under section 55 of this Act) refuse to renew an operator's licence on any of the following grounds-

- (a) *any offence under, or non-compliance with, the provisions of this Part of this Act;*
- (b) *any conduct on the part of the operator which appears to the district council to render him unfit to hold an operator's licence;*
- (c) *any material change since the licence was granted in any of the circumstances of the operator on the basis of which the licence was granted;*
or

(d) *any other reasonable cause*

Where the Licensing Sub-Committee, as part of a review of the licence, is satisfied that one of more of the above grounds has not been adhered to, they may suspend the licence for any specified period as they see fit.

Upon the suspension of a licence the licence holder may appeal the decision to the Magistrates Court; there is no other recourse available.

Revocation

In circumstances of more serious breaches of conditions, as those stated above (Local Government ((Miscellaneous Provisions)) Act 1976, Section 62) or where there have been repeated contraventions or convictions, a revocation of the licence may be deemed necessary.

The power to revoke a licence is retained by the Licensing Committee and will be implemented where there is considered to be an immediate and on-going risk to public safety.

Upon the revocation of a licence the licence holder may appeal the decision to the Magistrates Court; there is no other recourse available.

Refusal to Renew

Reasons to refuse an application may be due to information received at renewal stage, such as background checks as referred to in section 4, or where the applicant has failed to comply with the provisions of the Act.

In making a decision on whether to refuse to renew a licence the Licensing Sub-Committee will take into account the fit and proper test, the provisions of the Act and any supporting documents that are supplied by the applicant and the licensing authority.

If a decision is reached whereby the licensee is refused they will have the opportunity to appeal the decision to Magistrates Court.

Caution

Where a serious breach of conditions or non-compliance has been evidenced, but where a prosecution would not be in the public interest, a formal caution may be issued.

Guidance as issued by the Health and Safety Executive provides practical advice and sets out certain preconditions that must be adhered to in order for a formal caution to be used:

- The offender making a clear and reliable admission of the offence before a simple caution can be offered;
- A realistic prospect of conviction if the offender were to be prosecuted in line with the Code for Crown Prosecutors;
- The offender agreeing to receive a simple caution; and
- A full explanation of the ramifications of accepting a caution.

In addition a formal caution may be issued where the offender has no previous history in relation to the offence and has done everything in their power to make amends. If a formal caution was offered and refused by the offender the matter would then proceed to court. In any event, a decision to offer a caution will rest solely with the licensing authority.

A formal caution issued by the licensing authority will not be passed on to third party organisations automatically. However, if internal services or neighbouring authorities seek information on licensees information will be discharged, subject to appropriate Data Protection Act provisions.

Prosecution

A prosecution will be implemented in cases where there has been a flagrant breach of licence conditions and where other options have been considered and deemed unsuitable, or where serious issues of public safety have arisen.

In order for a prosecution to be initiated there must be enough evidence to provide a realistic prospect of a conviction and it is the public interest to do so. In determining whether a prosecution should be initiated the Code for Crown Prosecutors should be considered:

- Is there enough evidence against the defendant; and
- Is it in the public interest to bring the case to court.

Part 8 – Complaints

The licensing authority has established a complaints procedure in order to ensure that all complaints received on behalf of the general public, other authorities and licensees are able to be dealt with effectively and efficiently.

The licensing authority has several methods for allowing complaints to be submitted, including a report form via the Sheffield City Council webpage, via email directly to the licensing service, face-to-face and over the telephone.

All complaints will be dealt with in-line with statutory timeframes as set out by Sheffield City Council. A full copy of the complaints procedure can be viewed by visiting www.sheffield.gov.uk/your-city-council/how-to-contact-us/complaint.

In dealing with a complaint the licensing authority will take into account all the evidence submitted by the complainant, including any supporting documents, and then take an holistic approach in deciding the most appropriate form of action, as outlined in part 7.

Guidance Information on Submitting a Complaint

It is important that when submitting a complaint that as much information as possible is included along with any supporting documentation that can be used in order to substantiate such a complaint.

The licensing authority has produced a template form that can be used for most complaints. The form has been designed in such a way as to help those making a complaint include all salient points in order that officers can investigate appropriately.

SHEFFIELD CITY COUNCIL'S
Private Hire Vehicle Policy

Part 1 – Legislative Background

Sheffield City Council must adhere to the regulatory frameworks as set out in the Local Government (Miscellaneous Provisions) Act 1976 in respect to the licensing of private hire vehicles.

The legislative framework contained in this Act, as well as the policy objectives set out in this document will be used in relation to all issues pertaining to the licensing of private hire vehicles.

Local Government (Miscellaneous Provisions) Act 1976

The Local Government (Miscellaneous Provisions) Act 1976 is used by Sheffield City Council to regulate the private hire trade. The Act was adopted by Sheffield City Council at its meeting on Wednesday 1st March 1978.

A private hire vehicle licence is issued under the Local Government (Miscellaneous Provisions) Act 1976, Section 48. It states:

'(1 Subject to the provisions of this Part of this Act, a district council shall, on receipt of an application from the proprietor of any vehicle for the grant in respect of such vehicle of a licence to use the vehicle as a private hire vehicle, grant in respect thereof a vehicle licence:

Provided that a district council shall not grant such a licence unless they are satisfied –

(a) that the vehicle is-

- (i) suitable in type, size and design for use as a private hire vehicle;*
- (ii) not of such design and appearance as to lead any person to believe that the vehicle is a hackney carriage;*
- (iii) in a suitable mechanical condition;*
- (iv) safe; and*
- (v) comfortable;*

(b) that there is in force in relation to the use of the vehicle a policy of insurance or such security as complies with the requirements of [Part VI of the Road Traffic Act 1988], and shall not refuse such a licence for the purpose of limiting the number of vehicles in respect of which such licences are granted by the council.

(2) A district council may attach to the grant of a licence under this section such conditions as they may consider reasonably necessary including, without prejudice to the generality of the foregoing provisions of this subsection, conditions requiring or prohibiting the display of signs on or from the vehicle to which the licence relates.'

Integrating National Legislation

In addition to compliance with the above Act, the licensing authority must also comply with other legislative requirements when undertaking its licensing functions; these include, but are not limited to the:

- **Transport Act 1985, 1991 and 2000** – An Act which provides a number of measures regarding transport in Great Britain.
- **Equality Act 2010** - An Act that legally protects people from discrimination in the workplace and in wider society. The Act covers all provisions from the 1995 Disability Discrimination Act, and also includes new duties for drivers and their vehicles.
- **Road Traffic Act 1988** - An Act governing the use of all vehicles on the road.
- **Health Act 2006** – An Act to make provision for the prohibition of smoking in certain premises, places and vehicles.
- **Human Rights Act 1988** - An Act to give further effect to rights and freedoms guaranteed under the European Convention of Human Rights.

Part 2 – Application Process

The licensing authority must ensure that the City of Sheffield has private hire vehicles that are off the highest possible standard and meet the needs of its residents and those that visit the City.

Application for a Private Hire Vehicle

The licensing authority has put in place several measures to ensure that any applications received by the licensing authority for a private hire vehicle are suitable and just, and meet the requirements as set out in the vehicle specification in part 4.

Policy – Objective 1

Application Process

When making an application for a private hire vehicle the following information must be submitted as a minimum:

- The private hire vehicle application form;
- The V5C registration certificate (log book) or the new keepers supplement section of the V5 if the vehicle has been recently bought and is not already licensed;
- The original certificate of insurance or insurance cover note;
- Compliance Certificate as issued by the Sheffield City Council Testing Station (certificates issued by other testing stations will not be accepted); and
- The appropriate fee.

Licenses will be issued for a period not exceeding 12 months.

Part 3 – Emissions

Background

Sheffield is currently not adhering to UK air quality limits, including limits on Nitrogen Dioxide (NO₂) and fine particles (PM¹⁰). The Council has therefore declared an Air Quality Management Area that covers the Sheffield urban area and in 2012 an Air Quality Action Plan (AQAP) was approved.

In 2013 Sheffield's Low Emission Zone Feasibility Study confirmed that road transport is the biggest single contributor (10% - 90%) to NO₂ emissions. A reduction of up to 30% is required to help achieve the air quality standards.

Private Hire Emissions

Private hire and hackney carriage vehicles account for 5% of traffic in urban Sheffield. However, due to the relative age and emissions profile of the fleet, the result of intensive trip making and therefore engine degradation, they account for 10% of urban NO_x emissions¹. By 2020 overall road traffic emissions are predicted to fall by 30%.² Emissions from private hire vehicles are however predicted to fall relatively slowly compared to other vehicle classes – by 0.5% without any intervention.

To enable tailpipe improvements to be brought forward earlier than natural private hire vehicle renewal, further interventions are required. The table below provides information on Non Ultra Low Emission Vehicles and Ultra Low Emission Vehicles (ULEV), including age, emission and testing regimes. This new criteria will allow for the licensing of private hire vehicles with significantly reduced emissions.

Private Hire Vehicles		
	Non ULEV's	ULEV's
Age and Emissions	Euro VI emission standard or less and can remain licensed up to nine years old.	Emissions of CO ₂ below 75g/km, or fully electrically powered and can remain licensed up to 11 years old.
Testing	Tested annually up to six years old; tested bi-annually over six years old.	Tested annually up to six years old; tested bi-annually over six years old.

¹ Sheffield Low Emission Zone Feasibility Study , <https://www.sheffield.gov.uk/dms/scc/management/corporate-communications/documents/environment/pollution/air/Low-Emission-Zone-Feasibility-Study---Phase-2-Report/Low%20Emission%20Zone%20Feasibility%20Study%20-%20Phase%20%20Report.pdf>

² Dependent on traffic growth being at 2014 levels and engine technology delivering cleaner air

Part 4 – Private Hire Vehicle Specification

A vehicle that wishes to be licensed as a private hire vehicle must conform to the vehicle specification. The vehicle specification sets out the exact minimum requirements that all vehicles wishing to be licensed as a private hire vehicle must adhere to.

Age Limit

Non-Ultra Low Emission Vehicles

A non-ultra low emission private hire vehicle shall not be more than five years old on the date of issue of the first private hire vehicle licence. The date of first registration (as set out on the V5C registration certificate) will be used to determine the age of the vehicle.

Licenses will not be renewed in respect of any vehicle that has been registered (or in the case of imported vehicles, manufactured) for more than nine years.

Ultra Low Emission Vehicles

Ultra Low Emission Vehicles (ULEV's) must meet the requirement as set out in part 3. These vehicles shall not be more than five years old on the date of issue of the first private hire vehicle licence. The date of first registration (as set out on the V5C registration certificate) will be used to determine the age of the vehicle.

Licenses will not be renewed in respect of any ULEV that has been registered (or in the case of imported vehicles, manufactured) for more than 11 years.

Vehicle Suitability

All vehicles must comply in all respects to Sections 45 and 58(1) of the Road Traffic Act 1988 and the Motor Vehicle Type Approval Regulations 1984 and any subsequent amendments.

Every new vehicle offered for approval must comply in all respects with the British and European vehicle regulations. Approval types accepted are as follows:

- European Community Whole Vehicle Type Approval (ECWVTA)
- British National Type Approval (BNTA)

Vehicles that have been designed and constructed for the carriage of passengers and comprising no more than eight seats in addition to the driver's seat must meet the requirements of M1 category of European Whole Type Approval 2007/46/EC as last amended by 385/2009.

Vehicles that have only obtained Individual Vehicle Approval (IVA) will not be permitted.

The vehicle should have no signs of accident damage. Additionally, vehicles that have been categorised by insurance companies as Category A, B, C or D insurance write offs will not be accepted as suitable for a licence.

Further information on vehicle approval can be found at <https://www.gov.uk/vehicle-approval/overview>

Steering

All vehicles must be right hand drive.

Wheels and Tyres

All licensed vehicles should adhere to the following in respect of wheels and tyres:

- The vehicle must be fitted with four road wheels.
- All tyres, including the spare (if supplied), must have at least 2.0mm tread depth throughout the continuous band in the centre 3/4 of the tread and around the entire circumference of the tyre.
- All tyres fitted must be fit for purpose and free from any defects; this means:
 - Be compatible with the types 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 greater, and which is deep enough to reach the ply or cord; and
 - Not have any part of the ply or cord exposed.
- Tyres must be correctly inflated to the vehicle/tyre manufacturer's recommendation.
- A space saver tyre must only be used in an emergency. Where a vehicle is presented for a test with a space saver fitted it will fail the test.
- Where a spare wheel is not supplied as standard by the manufacturer, the use of the manufacturer's method of dealing with punctured tyres is permissible. The vehicle though must come equipped with a serviceable wheel brace and jack.

Dimensions

All licensed vehicles should adhere to the following:

Leg Room

The minimum leg room available to any passenger shall be 609mm. The measurement will be taken from the base of the seat to the rear of the seat in front when the front seat is at its full, rearwards extension. Where there is no seat in front the measurement will be taken from the base of the seat to the nearest obstruction in front.

Head Room

The minimum internal floor to roof height in seating areas shall be 1092mm.

Ride Height

Access to the vehicle shall not be more than 460mm from ground level.

Where the top tread for the entrance exceeds 460mm and the vehicle is not fitted with approved running boards, a moveable intermediate step must be provided at each entrance into the passenger compartment. The intermediate step shall be encased beneath the vehicle and be electrically operated to extend outwards. When not in use and

whenever the vehicle is in motion, the step must not exceed outwards beyond the vertical line of the bodywork.

The step must be operated from within the driver's compartment and must have a failsafe device linked to the handbrake mechanism to prevent the possibility of the vehicle being driven while the step is extended.

The step must be covered with a suitable non-slip surface with the edges of the step highlighted in a high visibility colour, which is different from the colour scheme of the vehicle.

Running boards will only be allowed where they are fitted by the manufacturer and where the vehicle has European Community Whole Vehicle Type Approval (ECWVTA) with running boards. All running boards must conform with construction and use regulations, meaning boards must not exceed the width of the widest part of the vehicle (mirrors are not included as part of the vehicle). The board must be a minimum five inches in width, all of which must be available as a step.

Luggage Space

The dedicated accessible luggage space shall not be less than 0.43 cubic metres. The luggage space must either be a separate lockable compartment or there must be some suitable device fitted to prevent luggage coming into contact with the passenger(s).

Doors

The vehicle must have as a minimum four doors, two to each side. They must be easily accessible to passengers without the need to move any other seat etc. to gain access to them.

An exception to this is where the vehicle has a single passenger carrying area (e.g. minibus). In this instance there must be two doors available to every passenger for egress from the vehicle. Clarification should be sought from the licensing authority or Testing Station should you propose licensing a vehicle that has fewer than four doors.

Sliding Doors

The interior door handle must be clearly visible and easily accessible to passengers when the door is in a fully open position.

There must be approved reflective strips on both the front and rear edges of the door.

There must be a sign in an approved position clearly visible from the rear of the vehicle bearing the words "door open". This must be automatically linked to the passenger doors, in order that when either door handle is activated to open the door, the sign is illuminated. The size of the sign shall be not less than 400sq cm, and shall be so positioned so as not to impair the rear vision.

Seats

The vehicle must have sufficient seating capacity to carry a minimum of four and not more than eight passengers.

The seating capacity will be determined by the licensing authority and will be based upon the manufacturer's specification as stated in the V5C document, the orientation of the seating and the dimensions of the seating.

Each seat shall not be less than 406mm in width. All measurements are taken across the front of the seat cushion.

Where bench seats are provided, then the seat must provide a minimum of 406mm seating space for each passenger – the rear bench seat must not be less than 1218mm in order to accommodate three passengers.

All seats within the vehicle, front and rear, must be fitted with working seatbelts.

Fire Extinguisher

The installation of fire extinguisher is not mandatory.

However, where a fire extinguisher is installed it must:

- Be securely fitted to the vehicle within the driver's compartment where it is within easy reach of the driver and does not interfere with the safe operation of the vehicle;
- Comply with the requirements of BS EN3 1996 and have a minimum fire rating of 5a and 34b;
- Contain not less than 0.9 litres AFFF foam or 1kg dry powder and must have a seal or gauge mechanism;
- Be regularly maintained and annually inspected by a competent person. Details of the inspection must be recorded on the extinguisher;
- Display the registration number of the vehicle in which it is situated.

NB: Where a fire extinguisher has not been fitted the following should be observed:

- Always put your own and other peoples safety first; help passengers to exit the vehicle in a safe manner
- On discovering the fire, immediately raise an alarm (dial 999);

Windows

Opening windows shall be provided with mechanisms (manual or electronic), which permit the passenger adjacent to that window to open and close it.

All glazing must comply with Road Vehicles (Construction and Use) Regulations 1986, Section 32 in regards to the level of tints.

Light transmission must meet the following criteria:

- Front windscreen - minimum 75% light transmission
- Front side door glass - minimum 70% light ingress transmission
- Remaining glass - minimum 70% light ingress transmission

In cases of non-saloon type vehicles the rear side windows and rear windscreen, which in the opinion of the tester **does not impact on the seating area of passengers**, can have a higher density tint, but this must allow at least 20% light transmission.

Tinted films applied to any window are not permitted.

Heating System

The vehicle must have an efficient heating system.

Bodywork and vehicle structure

The vehicle must have no signs of any significant accident damage which affects the safety or appearance.

The paintwork must be of a professional standard and consistent with the colour scheme of the vehicle.

All parts of the passenger compartment must be clean and free of any damage which may affect its suitability for the carriage of passengers.

The bodywork shall have no significant signs of corrosion.

Wheelchair carrying facilities

Any vehicle that has the facility for the carriage of wheelchair passengers must conform to M1 classification and comply in all respects to EC Whole Vehicle Type Approval (ECWVTA).

The vehicle will be fitted with:

- Approved anchorages for the wheelchair and wheelchair disabled person. The anchorage must be either chassis or floor linked and capable of withstanding approved dynamic or static tests. 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.
- 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 locking device must be fitted to ensure that the ramp(s) do not slip or tilt when in use. Provision must be made for the ramps to be stored safely when not in use.
- The vehicle should be equipped with a manufacturer's user manual/guide on the safe loading and unloading and security of wheelchair passengers.

Alternative Fuel/Dual Fuel Vehicles

Vehicles that have been manufactured to operate on a particular fuel system (dual fuel, Liquid Petroleum Gas), and which have been type approved (see vehicle suitability) will be accepted.

Vehicles that have not been manufactured to operate on a dual fuel system or Liquid Petroleum Gas systems and have been altered to allow such use will only be accepted if tested and certified by an Associated Accredited Installer. The certificate must be produced at the time of application.

Maintenance

The vehicle, once licensed, must maintain all fittings, advertisements, signs and notices to approved standards. The vehicle must be kept clean and tidy and in good working order.

Vehicles, at any time will be subject to test and inspection and should it be found that a vehicle is not being properly maintained or kept in good working order, a notice or suspension of the vehicle licence will be served on the driver or licensee prohibiting the use of the vehicle until the defects have been rectified and/or it has passed the City Council's full mechanical test.

Advertisements

The vehicle shall carry no advertisements, either printed, written or via digital media systems or any other material or notices on any part (interior or exterior) except without prior written consent from the licensing authority.

Entertainment and Digital Media Systems

The vehicle shall not be fitted with any additional entertainment and digital media systems without the prior written consent of the licensing authority.

Interior Lighting and Auxiliary Equipment

Any interior lighting and/or auxiliary equipment that is fitted to a vehicle must not impede the driver in anyway, or hinder their view, or impede, or cause hazard to any passengers/public or any other road users.

Currently licensed Vehicles

Any vehicle that is currently licensed and attends for a full mechanical test will be required to be fitted with the following:

- Interior numbers – displayed where they are clearly visible to passengers or to the public;
- Exterior licence plate. The licence plate issued by the licensing authority should be affixed to the rear outside of the vehicle as determined in the Private Hire Vehicle Licence Conditions. The licence plate should be securely affixed to the vehicle using the fixing plate and secured by the approved tag system.
- Front door signs, as determined in the Private Hire Vehicle Licence Conditions.
- Radio and/or data head apparatus.
 - Where a vehicle has been fitted with a two-way radio or data head system, no part of the system may be fixed in the passenger area or compartment.
 - No part of the system can be in the rear boot compartment if LPG or CNG tanks or equipment are situated therein.
 - No other radio equipment or image recording equipment shall be fitted without prior written consent from the licensing authority.

Part 5 – Special Occasion Vehicles

Special Occasion Vehicles are licensed under the same principle as a Private Hire Vehicle but as the name suggests, the vehicles are only to be used in the event of a Special Occasion booking and not as a standard pre-booked private hire agreement.

Special Occasion Vehicles are vehicles such as a:

- Vintage Vehicle;
- Executive Vehicle;
- Other non-standard type converted vehicles used for special events.

The above list is not exhaustive and other vehicles may be considered.

All vehicles that wish to be licensed as a Special Occasion Private Hire Vehicle must conform to the private vehicle specification as contained in part 3. The specification sets out the exact minimum requirements that all vehicles wishing to be licensed as a Special Occasion Private Hire Vehicle must adhere to.

However, where a person makes an application for a special occasion private hire vehicle licence that is or will be more than five years of age, then the application will have to be referred to the Licensing Sub-Committee for determination.

Additionally, vehicles issued with a special occasion licence shall only be used for special occasions and executive business contracts. Vehicles licensed within this category shall not be used for everyday private hire use. Private Hire Operator records need to be maintained recording the nature of the special occasion i.e. why the customer wanted a special event vehicle.

Part 6 – Exceptional Vehicle Criteria

In circumstances in which proprietors wish to licence a vehicle beyond the normal period of nine years (Non ULEV) or 11 years (ULEV) it must be considered as an 'exceptional vehicle'.

An exceptional vehicle is one which meets the Exceptional Vehicle Criteria as set out below.

Policy – Objective 2

Exceptional Vehicle Criteria

Those proprietors that wish to licence a private hire vehicle beyond the normal term of nine years (Non ULEV) or 11 years (ULEV) must ensure that the vehicle meets all of the following criteria. Consideration will not be given to those vehicles that do not meet the criteria 100%.

A vehicle will be considered in 'exceptional condition' where:

- It has never failed a vehicle Compliance test at Sheffield City Council's testing station (or standard MOT where the vehicle has not been previously licensed);
- It has never failed to attend a pre-arranged vehicle Compliance test, unless in exceptional circumstances;
- All bodywork is in A1 condition with no signs of rust, dents, scratches, stone chips or any other defects that may detract from the overall appearance;
- The paint condition is in A1 condition, showing no signs of fading, discoloration or mismatching that may detract from the overall appearance;
- The interior of the vehicle is in A1 condition, including carpets, mats and upholstery;
- All luggage compartments are in A1 condition, clean and free from any signs of damage;
- There is a complete service record, showing it has been properly serviced in line with manufacturer's guidelines. All receipts in relation to servicing must be available;
- The vehicle has not been suspended at any time due to the mechanical and/or physical condition;
- The vehicle meets at least Euro VI emission standards.

The decision to grant a licence beyond the normal term of nine (Non ULEV) or 11 years (ULEV) can only be taken by the Licensing Sub-Committee. In order for the Licensing Sub-Committee to consider an application to extend the vehicle licence beyond the normal term the proprietor must be able to demonstrate that the vehicle meets all of the criteria as set out above as well as exhibiting valid reasons why an extension should be granted.

Reasons of a financial basis will not be taken into consideration as this has no bearing on the fitness and history of the vehicle.

Part 7 – Vehicle Inspections and Testing

Age Limits

A private hire vehicle shall not be more than 5 years old on the date of issue of the first private hire vehicle licence. The date of first registration (as set out on the V5C registration certificate) will be used to determine the age of the vehicle.

Licenses will not be renewed in respect of any vehicle that has been registered (or in the case of imported vehicles, manufactured) in excess of nine years, or in the case of ULEV's, 11 years. This applies to the renewal of licenses only.

Frequency of Tests

Private Hire Vehicles perform an arduous workload and cover many miles within their lifetime. The high mileage and continuous operation of such vehicles puts constant stress on the vehicle; a review undertaken by the National Society for Cleaner Air in 2005 found that private hire vehicles were more likely than other vehicles to fail an emissions test. Therefore, the frequency with which a private hire vehicle must be tested is extremely important, ensuring it is operating in good working order and is mechanically sound.

Policy – Objective 3

Frequency of Tests

All vehicles wishing to obtain private hire status must undergo and pass a Compliance test at Sheffield City Council's testing station. The standards of the Compliance test can be found at Appendix C.

New Vehicles

All new vehicles must undertake a pre-licence Compliance test, even if the vehicle would not normally need an MOT test due to its age (under three years old).

Currently Licensed Vehicles

Licensed vehicles must have a Compliance test no more than four weeks prior to the renewal date of the licence.

A private hire vehicle is required to undergo a Compliance test as follows:

- Non-ULEV Private Hire Vehicles up to five years old – Tested annually
- ULEV Private Hire Vehicles up to five years old – Tested annually
- Non-ULEV Private Hire Vehicles over five years old – Tested bi-annually
- ULEV Private Hire Vehicles over five years old – Tested bi-annually

The age of the vehicle and the subsequent testing regime shall be determined by the V5C document as presented at the initial application stage.

The licensing authority may require a private hire vehicle to be tested three times in a calendar year at the expense of the licensee. Additionally, the licensing authority may send the vehicle for more than three Compliance tests times a year, though the costs would be

borne by the authority. Reasons for additional tests will be provided by the licensing authority.

Testing Criteria

The Compliance test goes above and beyond the criteria as used for the Ministry of Transport (MOT) test. Due to the nature of work that is undertaken by private hire vehicles it is important that all aspects of the vehicle are checked for safety, including the internal condition.

Further information on the testing procedures and standards for MOT tests can be found by visiting: <https://www.gov.uk/government/publications/mot-inspection-manual-for-class-3-4-5-and-7-vehicles>

Information in regards to the private hire vehicle inspection standards can be found at Appendix C.

Testing Station

All private hire vehicles are required to undergo a Compliance test at Sheffield City Council's testing station, based at Staniforth Road. Compliance and MOT certificates provided by other testing stations will not be accepted.

The Sheffield City Council testing station carries out its functions in line with best practices from the Department for Transport (DFT), Drivers and Vehicles Standards Agency (DVSA), The Technical Officer Group of the Public Authority Transport Network and the current standards required by Sheffield City Council for its licensed vehicles.

Part 8 – Insurance

As with any vehicle, it is vitally important that a private hire vehicle has in place valid and appropriate insurance at all times.

Vehicle Insurance

Policy – Objective 4

Vehicle Insurance

All private hire vehicles are required to have in place valid and appropriate insurance, enabling them to operate legally.

As a minimum, the licensing authority will require:

- A valid insurance certificate or cover note confirming the persons insured to drive the vehicle and the purposes for which the vehicle can be used, i.e.: *For the carriage of passengers or goods for Hire and Reward by prior appointment only. Provided such use complies with the laws and regulations of the appropriate Licensing Authority;*

The licensing authority will undertake monthly auditing to ensure that all licensed private hire vehicles are appropriately insured.

Insurance Certificates will be accepted by electronic means (email), provided that they are sent directly by the Underwriter or Insurance Broker. Insurance Certificates will not be accepted where they have been sent from a licensee's personal email account.

Public Liability Insurance

Private hire vehicles that are equipped to carry wheelchair passengers must do so in a safe manner and have in place adequate insurance.

Policy – Objective 5

Public Liability Insurance

Public liability Insurance, with a minimum cover of £2,000,000, is required in respect of all private hire vehicles that are capable of carrying passengers in wheelchairs.

As a minimum the insurance should cover personal injury claims and damage sustained to property.

Part 9 – Advertising

Private hire vehicles are only permitted a limited amount of advertising. All advertising will be subject to licensing authority approval and must be in line with the advertising policy.

Policy – Objective 6

Advertising

Advertisements on private hire vehicles must conform to the following conditions, without exception:

- Advertisements shall only be permitted on the rear doors of the vehicle;
- Advertisements shall not be larger than the permitted combined Private Hire Operator and Advanced Booking Only signage (A3);
- Advertisements should not promote either directly or indirectly tobacco or alcohol products; and
- Advertisements should not be of a sexual, religious or political nature, nor should they be likely to cause offence;

The contract for the advertisement must comply with the following requirements:

- Advertisements should be submitted by the private operator for which job bookings are received, with agreement from the proprietor of the vehicle;
- The contract for advertisement must have a facility to state the vehicle details and the termination of the contract; and
- The contract must contain a condition that the advertisement must be removed at the end of the contract term.

Any advertisements fitted to a vehicle must not obscure notices, signs or plates that form part of the vehicle licence conditions. Additionally, should any approved advertisement come to be in such a condition that, in the opinion of an Authorised Officer, it adversely affects the safety or the appearance of the vehicle then the vehicle licence will be suspended with immediate effect.

Part 10 – Accidents

Where a private hire vehicle is involved in an accident or has been damaged by another such cause it is the responsibility of the vehicle proprietor to report as such to the licensing authority. Section 50 (3) of the Local Government (Miscellaneous Provisions) Act 1976 states:

'...the proprietor of a Hackney Carriage or Private Hire Vehicle, licensed by a district council shall report to them as soon as reasonably practicable, and in any case within seventy two hours of the occurrence thereof, any accident to such Hackney Carriage or Private Hire Vehicle causing damage materially affecting the safety, performance or appearance of the Hackney Carriage or Private Hire Vehicle or the comfort or convenience of persons carried therein.'

The statutory duty contained in the above legislation does not affect in any way the liability placed upon a person under Section 170 of the Road Traffic Act 1988 in relation to the reporting of certain accidents to the police. Further information in this respect can be found visiting <http://www.legislation.gov.uk/ukpga/1988/52/contents>.

Policy – Objective 7

Accidents

Where a private hire vehicle has been involved in an accident affecting the safety, performance or appearance, it is the responsibility of the proprietor to inform the licensing authority within 72 hours of the accident occurring.

The proprietor will be required to complete an Accident Damage Report form detailing the events of the accident and any damage suffered to the vehicle. An Authorised Officer will inspect the vehicle to ascertain the damage and where appropriate (vehicle fitness has not been satisfied) suspend the vehicle licence until such time that the vehicle has been repaired and passed a Compliance test at Sheffield City Council's testing station.

If a vehicle has been damaged to such an extent that it can no longer be driven then the proprietor must inform the licensing authority as such. The proprietor will be required to provide the licensing authority with photographic evidence as to the vehicle's condition, specifically showing the parts of the vehicle that have been most severely damaged. The vehicle must be presented to Sheffield City Council's testing station as soon as possible after the accident has taken place – the appointment will be arranged by the licensing authority at a mutually agreeable time with the proprietor. A suspension notice will not be issued where an inspection of the vehicle by an Authorised Officer is not possible.

Part 11 – Transfer of Vehicle Licence

A proprietor, at any time, may wish to transfer a private hire vehicle registered in their name to another person/licensee.

Policy – Objective 8

Transfer of vehicle licence

Where a proprietor wishes to relinquish their interest in a private hire vehicle and transfer that interest to another person/licensee they must inform the licensing authority within 14 days of doing so, paying the appropriate fee.

In notifying the licensing authority the proprietor must specify the name(s), date of birth and address of the person(s) to whom the private hire vehicle has been transferred.

The proprietor must also provide the following documentation at the time of the transfer request:

- The log book (V5C) - this must be in the new owner's name and current address; or if the log book (V5C) is not in the new owner's name and address, a copy of the main page of the original log book showing the changes to be made and signed by the previous keeper and the new keeper; and
- A current insurance certificate or valid cover note relating to the vehicle and its intended use as a private hire vehicle. Insurance must be in the name of the new owner(s). If new owner(s) is not a licensed driver, the insurance certificate must state a named licensed driver.

Part 12 – Signage

In order to establish that a vehicle is licensed as a private hire vehicle it must display signage to that effect. The signage shall be displayed on the vehicle at all times.

Signage on private hire vehicles is vitally important. The most important aspect is in terms of safety; helping members of public to ascertain details of the vehicle with which they are using.

Policy – Objective 9

Signage

Each private hire vehicle shall display the following signage, all of which must be securely affixed to the vehicle.

Combined Operator and ‘Advance Bookings Only’ Signage

Each private hire vehicle shall display on both the **nearside and offside front doors** information to identify the operator for which bookings are being accepted; the private hire identification number of the vehicle; and the words ‘Advance Bookings Only’.

The private hire company name and telephone number (or in cases where a telephone number is not used, the app for the private hire operator) should also be clearly displayed on the signage.

Signage must be no smaller than A3 (420mm x 297mm) in size.

Signage (excluding information relating to the operator) will be provided by the Licensing Authority. Only signage (excluding operator information) issued by the licensing authority is permissible.

The signage must be securely affixed to the vehicle; either permanently, by magnets or other such methods that are suitable for the vehicle.

Formal warnings will be issued to licensees where vehicles are seen not displaying vehicle signage. After two such warnings, a third and final warning will be issued and the licensee referred to the Licensing Sub-Committee for non-compliance of Vehicle Conditions.

Licence Vehicle Plate (Exterior)

The licence plate must be securely affixed to the rear of the vehicle at all times. It shall be displayed so as not to obscure the vehicle’s registration mark and must be clearly visible by daylight.

The licence plate will be provided by the licensing authority.

Licence Vehicle Plate (Interior)

Interior licence signage must be permanently affixed to the interior glazed surface of the quarter light on the nearside rear door.

Interior licence signage must be permanently affixed on the left hand side of the glazed surface of the front windscreen.

The signage will be provided by the licensing authority.

The signage must be permanently affixed to the vehicle at all times.

Part 13 – Image Recording Equipment

The personal security of both private hire drivers and customers is vitally important. The Crime and Disorder Act 1998 makes it a requirement of all local authorities and others to consider crime and disorder reduction while exercising all of their duties.

It is therefore important that the personal security of both private hire drivers and customers is considered in this context.

Whilst not compulsory, it is recommended, both for the safety of private hire drivers and customers alike, that Image recording equipment is installed in all private hire vehicles.

Policy – Objective 9

Image Recording Equipment

The installation of image recording equipment is not compulsory; it is at the discretion of the individual private hire vehicle proprietor. Where a request is made for the installation of such equipment it must be done so in terms of the licensing authority's specification, and in any case conform to Data Protection legislation.

Detailed information of the use of such equipment can be found at the Information Commissioner's Office website: www.ico.gov.uk.

The following specification must be observed in respect of image recording systems wishing to be installed in private hire vehicles:

Data Protection

- All image recording equipment must comply with the current Information Commissioner Data Protection requirements. Documentary evidence of compliance must be provided with any application for consent to use such equipment.

Installation

- Equipment must be installed in such a way that it will not cause injury to the driver or the passenger(s).
- Equipment must be secure and not interfere with the safe operation of the vehicle.
- All wiring must be fused at source and appropriately routed.
- Equipment must be marked with the Electro Magnetic Certification (EMC), showing it meets the European Industry Standard.

Operation and Image Security

- Images captured must remain secure at all times and be accessible only to Authorised Officers of Sheffield City Council, Police Officers or other bodies specifically approved by Sheffield City Council. Images should not be capable of being viewed by the driver or any person travelling in the vehicle.

- Some form of encryption and access code will be required to ensure permanent security of images.
- Recorded images must show the date and time that the images were captured and identify the vehicle to which the equipment is installed.
- All images must be capable of being stored for a minimum of thirty days before being recorded over.

Signage

- There must be a sign informing passengers that the vehicle is fitted with surveillance equipment. The recommended wording on the sign is as follows:

PASSENGER NOTICE
 This private hire vehicle is protected by a
Digital Surveillance Camera

Any images recorded are held in a secure format and can only be viewed by the police and the Council.

- Signs shall not be less than 88sq cm (11 x 8cm)
- The proposed signage must be submitted to the Council for approval.
- The signs shall be located on each passenger door window and legible from outside the vehicle.

Dash Cameras

Dash Cameras are permitted to be installed in all private hire vehicles. Where Dash Cameras are installed they must be done so in line with the installation requirements as set out above and not at any face point towards the inside of the vehicle.

Conditions for the use of Image Recording Equipment

Vehicles that have installed image recording equipment will have the following conditions applied to their licence.

Mandatory Conditions for the use of Image Recording Equipment	
a.)	No image recording system shall be installed without the prior consent of the licensing authority.
b.)	No cameras shall be installed in the vehicle without prior written consent from the licensing authority as to the number and location of such cameras. The number and location of cameras shall not be varied without prior written consent of the licensing authority.
c.)	Signage, informing passengers as to the use of image recording equipment shall be displayed in the vehicle at all times. Signage shall be displayed on the outside of the rear passenger windows where they can be easily seen.

d.)	The proprietor shall ensure that all equipment is properly and regularly maintained and serviced in accordance with the manufacturer's instructions by a suitably qualified person. Written records of all maintenance and servicing shall be made and retained by the proprietor for a minimum of 12 months. Such written records shall be made available on demand by an authorised officer of the Council or a Police officer.
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Part 14 – Conditions

Attached to all licensed private hire vehicles shall be a set of mandatory conditions in accordance with Section 48 Local Government (Miscellaneous Provisions) Act 1976.

Private Hire Vehicle Conditions

Definitions	
'Authorised Officer'	Any officer of the Council authorised in writing by the Chief Licensing Officer and Head of Licensing of the Council for the purposes of these conditions
'The Council'	Sheffield City Council
'Hackney Carriage'	Has the same meaning as in the Town Police Clauses Act 1847
'Licence Plate'	The plate issued by the Council for the purpose of identifying the vehicle as a private hire vehicle duly licensed by the Council.
'Interior Licence Plate'	The plate issued by the Council for the purpose of identifying the vehicle as a private hire vehicle duly licensed by the Council.
'Interior Driver Identification Plate'	The card which provides a photograph of a driver, driver licence number and the date of expiry of the licence. At all times it remains the property of the Council.
'Proprietor'	The person or persons or body named in this licence as the proprietor of the vehicle and includes a part proprietor.
'The Vehicle'	The private hire vehicle in respect of which this licence is issued.

1. Identification Plate and Signs

a.)	A licence plate must be securely affixed to the rear of the vehicle at all times. It shall be displayed so as not to obscure the vehicle's registration mark and must be clearly visible by daylight.
b.)	An interior licence plate must be permanently affixed to the interior glazed surface of the quarter light on the nearside rear door so that the particulars are clearly visible to all passengers in the vehicle.
c.)	An interior licence plate must be permanently affixed to the glazed surface of the front windscreen so that the particulars are clearly visible from the outside of the vehicle.
d.)	Signage, as supplied by the Council, must be securely affixed to nearside and offside front doors, consisting of the following information: <ul style="list-style-type: none"> • The Private Hire Operators Name • The Private Hire Vehicle Licence Number • The telephone number and/or app of the Private Hire

	<p>Operator</p> <ul style="list-style-type: none"> • Wording that states 'Advance Bookings Only'.
e.)	The proprietor shall not display or suffer or permit to be displayed on or from the vehicle any sign or notice not relating to the above without the prior written consent of the Council.
f.)	Without prejudice to the provisions of this condition the proprietor shall not display or suffer or permit to be displayed on or from the vehicle any sign, notice, mark, illumination or other feature which having regard to the time and place at which it is displayed and to any other circumstances, may suggest to a person seeking to hire a private hire vehicle or hackney carriage that the vehicle is immediately available without pre-booking for the purpose of carrying passengers for hire and reward.
g.)	The Council will permit a deviation from these conditions in certain circumstances. A request for deviation will need to be made in writing to the licensing authority, with a decision made by the Licensing Sub-Committee.
Signage, licence plates and notices as referred to above will be issued or approved for use by Sheffield City Council Licensing Authority.	
Signage, licence plates and notices must be fixed to the vehicle in accordance with the requirements set out by the licensing authority, and in any case must be securely affixed at all times.	
2. Cleanliness and Appearance of Vehicle	
a.)	The vehicle must be maintained in a safe and clean condition at all times. The Council can inspect a vehicle at any time it sees fit.
b.)	Storage areas must be kept free from obstruction at all times in order to allow the safe storage of passenger luggage.
c.)	Bodywork must be maintained to a high standard, with no signs of corrosion, inferior spray work and temporary repairs.
d.)	<p>If the vehicle is involved in an accident, affecting the safety, performance or appearance, the proprietor/driver must inform the Council as soon as possible and in any case within 72 hours. An Accident Report form, available from the Council, must be completed, detailing the circumstances of the accident and any damage to the vehicle.</p> <p>The vehicle must be presented to the Council for inspection by an Authorised Officer. If the vehicle cannot be presented to the Council for inspection due to damage caused, the proprietor must send photographic evidence of the vehicles condition.</p> <p>All repairs to the vehicle must be carried out without undue delay and once repaired may be subject to a Compliance test at Sheffield City Council's testing station.</p>
e.)	The proprietor/driver must carry out frequent safety checks of the vehicle. As a minimum this must include lights, oil, water, tyres, mirrors and seatbelts. Any faults found must be rectified immediately.
3. Equipment and Fittings	
a.)	All fittings and auxiliary equipment must be kept tidy and safe at all times.
b.)	All audio equipment must be factory fitted. No additional amplifiers, speakers, or sub-woofers are to be fitted and connected to the

	vehicle.
4. Insurance	
a.)	At all times the proprietor shall have in place a policy of insurance in relation to the use of a private hire vehicle that complies with the requirements of the Road Traffic Act 1988 Part VI.
b.)	Where the private hire vehicle is used to carry passengers in wheelchairs there must be in place Public Liability Insurance with a minimum cover of £2m.
c.)	The proprietor shall produce to the Council within five days of such request the certificate of insurance issued by an insurance company or broker in respect of the vehicle.
Seats and Passengers	
a.)	The proprietor shall not cause or permit to be conveyed in the vehicle a greater number of persons exclusive of the driver than the number of persons specified on the licence.
b.)	Once a vehicle has passed a Compliance test the seating layout must not be changed, except in circumstances where the temporary accommodation of wheelchair is to be required.
c.)	Where it is possible to change the seating layout, the proprietor must ensure that no more seats than are stated on the licence are fitted.
d.)	All passengers must have access to at least two side doors, one of which must be on the nearside of the vehicle.
Drivers	
a.)	<p>The proprietor must keep a written record showing the following particulars in respect of every driver (for private hire purposes) of the private hire vehicle detailed on this licence:</p> <ul style="list-style-type: none"> • The name and address and date of birth of the driver of the vehicle; • The number and date of expiry of every licence issued in respect of the driver under Section 51 of the Local Government (Miscellaneous Provisions) Act 1976 and in force during such time as the driver is driving the vehicle; • The date on which the driver commenced driving the vehicle; • The date on which the driver ceased driving the vehicle. <p>The proprietor must keep the records 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.</p>
b.)	Any person who drives a private hire vehicle must have in place a hackney carriage and private hire driver's licence.
c.)	All drivers must be fully aware of the need to provide assistance to passengers, especially those with a disability.
d.)	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 certificate as issued by the Council.
Convictions	
	The proprietor/driver of a private hire vehicle must notify the Council within 14 days of any conviction, binding over, caution, warning,

	reprimand for any matter imposed on them during the course of a licence.
Transfer of Licence	
	A proprietor, in transferring the vehicle to another person, must notify the Council within 14 days of doing so.
Change of Address	
	The proprietor must notify the Council in writing of a change of address within 14 days of such change.
Change of Operator	
a.)	Any Sheffield licensed vehicle may only be registered to work with one licensed operator at any one time, except where the vehicle is also operated personally by the proprietor/driver.
b.)	The proprietor or such driver of the vehicle must notify the Council immediately or in any event within 5 working days, of any change of operator to which the vehicle is to be operated.
Additional Tests	
	Those vehicles that attract a suspension notice as issued by an Authorised Officer or Police Officer will be required to present the vehicle for a test at Sheffield City Council's vehicle testing station in order to prove it is roadworthiness.

Part 15 – Compliance and Enforcement

The primary aim of the licensing authority is public safety, and to provide a service that businesses and individuals can depend on for reasons of health, safety, welfare, equality and consistency.

Therefore, the undertaking of compliance and enforcement checks on licensed private hire vehicles is essential in order to achieve this. Ultimately these checks are undertaken in order to ensure vehicles are fit for purpose, are complying with the law and licence conditions and to ensure the safety of passengers, pedestrians and other road users.

In order to achieve this objective the licensing authority ensures that licensed private hire vehicles are complying with statutory requirements and licensing conditions by undertaking regular enforcement and compliance checks, whether it be independently or with partners such as South Yorkshire Police and the Driver and Vehicle and Standards Agency (DVSA).

A broad range of tools and powers are available to the licensing authority should breaches of compliance be found. The following options, which will be discussed in more detail throughout this section include, but are not limited to:

- No Action;
- Informal Warning;
- Formal Warning;
- Review;
- Suspension
- Revocation;
- Simple Caution; and
- Prosecution

Where appropriate and where there are causes for concern the licensing authority will pass on information to partner organisations such as the police and Sheffield City Council Transport Services.

Equally, the licensing authority will act on information received from those and other partner organisations and deal with complaints in line with the Licensing Authority's Complaints Procedure. A copy of the complaints procedure can be obtained by contacting the licensing authority.

Better Regulation Delivery Office: Regulators' Code, 2014

In undertaking enforcement duties the licensing authority will pay particular attention to the Regulators Code. This sets out the standards that the licensing authority should follow when undertaking compliance and enforcement checks. Therefore the licensing authority will:

- 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 framework 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; and
- ensure that their approach to their regulatory activities is transparent.

Better Regulation Unit: Enforcement Concordat

Attention will also be paid to the principals of good enforcement as contained in the Enforcement Concordat and the licensing authority will ensure that when carrying out enforcement we are:

- **Open:** The licensing authority will provide information in plain language and will be transparent in the activities it undertakes. It will also be clear with customers on how the service operates.
- **Helpful:** The licensing authority will work with licensees to advise and assist with compliance. A courteous and efficient service will be provided by all staff and licensees will have a single point of contact and telephone number for further dealings. Applications will be dealt with promptly and where possible enforcement services will operate effectively to minimise overlaps and time delays.
- **Proportionate:** The licensing authority will minimise the costs of compliance for licensees by ensuring any action taken is proportionate to the risks involved; an account of the circumstances and attitude of licensee will be considered at all times.
- **Consistent:** The licensing authority will carry out all duties in a fair, equitable and consistent manner. Licensing officers will exercise judgment in all cases and arrangements will be put in place to promote consistency.

The licensing authority will also provide a well-publicised, effective and timely complaints procedure that is easily accessible to licensees and members of the public alike.

Any advice given by licensing officers on behalf of the licensing authority will be put clearly and simply at all times and confirmed in writing.

The licensing authority will also ensure that before formal action is taken as a result of enforcement or compliance checks, an opportunity to discuss the circumstances will be provided in order to resolve the points of difference. However, in circumstances where immediate action is necessary, such as health and safety or preventing evidence being destroyed, the licensing authority will be required to take a more formal approach. An explanation as to why such action was required will be given at the time and confirmed in writing, in most cases within five days and, in all cases, within 10 working days.

Enforcement and Non-Compliance Options

In line with the Regulators' Code and Enforcement Concordat the licensing authority will choose the most appropriate form of enforcement under the circumstances. The licensing authority has at its disposal a range of enforcement and non-compliance options.

Where there have been several instances of non-compliance and at the discretion of the licensing authority, licensees (vehicle proprietors) may be referred to the Licensing Sub-

Committee without further warning where a decision will be made as to the future of their private hire vehicle licence.

Stage 1 - No Action

A decision of no action may be taken where formal enforcement is deemed inappropriate under the circumstances. In such cases the offender, and where necessary the complainant, will be informed of the reasons for the decision.

The licensing authority will look at all the evidence before making a determination on how to proceed following enforcement and compliance checks. It may be that evidence comes to light after the checks, indicating no action is required.

Stage 2 - Informal Warning/Words of Advice

Where there is a minor contravention and where the degree of risk from a given situation is minor, an informal warning may be deemed the most appropriate form of action.

An informal warning may come in the form of a verbal notice and recorded as such on the record. A culmination of verbal notices may result in a more serious form of action; this will be reviewed on a case by case basis.

This type of warning may be used where there is little or no impact on licensees (vehicle proprietors), service users and members of the public and where all other forms of enforcement action are viewed as inappropriate and/or disproportionate.

Stage 3 - Formal Warning

A formal warning is a tool that is available for more serious breaches of licence conditions. Each event is viewed on a case by case basis and enforcement officers will use their judgment as to whether to exercise the formal warning procedure.

A formal warning will be held on the licensees' record for a set period of time, not exceeding three years. Should the licensee be referred to the Licensing Sub-Committee while the warning is live, the Licensing Sub-Committee will be made aware of it.

Suspension of licence

Where there has been a serious breach of licence, non-compliance or any other reasonable cause it may be deemed appropriate to issue a suspension notice.

The power to suspend a vehicle licence is contained in Section 60 of the Local Government (Miscellaneous Provisions) Act 1976. Further information on these suspensions can be obtained from the Acts themselves.

A suspension may be issued where the vehicle is deemed to be unfit for purpose, in terms of the mechanical condition, safety and/or comfort. A suspension notice may also be issued for 'any other reasonable cause'.

Upon the suspension of a licence the licence holder may appeal the decision to the Magistrates Court; there is no other recourse available.

Revocation

In circumstances of more serious breaches of conditions, such as the private hire vehicle being unfit for purpose, non-compliance with the provisions of the Act of 1847 or the Act of 1976 or for any other reasonable cause, a revocation of the licence may be deemed necessary.

The power to revoke a licence is retained by the Licensing Committee and will be implemented where there is considered to be an immediate and on-going risk to public safety.

If a decision is reached whereby the licence is revoked they will have the opportunity to appeal the decision to Magistrates Court.

Refusal to Renew

Reasons for non-renewal of a licence may be due to information received at renewal stage; such as the private hire vehicle being unfit for purpose, non-compliance with the provisions of the Act of 1847 or the Act of 1976 or for any other reasonable cause.

In making a decision on whether to refuse to renew a licence the Licensing Sub-Committee will take into account information received from the licensing authority and any supporting documents that are supplied by the applicant.

If a decision is reached whereby the licensee is refused they will have the opportunity to appeal the decision to Magistrates Court.

Caution

Where a serious breach of conditions or non-compliance has been evidenced, but where a prosecution would not be in the public interest, a formal caution may be issued.

Guidance as issued by the Health and Safety Executive provides practical advice and sets out certain preconditions that must be adhered to in order for a formal caution to be used:

- The offender making a clear and reliable admission of the offence before a simple caution can be offered;
- A realistic prospect of conviction if the offender were to be prosecuted in line with the Code for Crown Prosecutors;
- The offender agreeing to receive a simple caution; and
- A full explanation of the ramifications of accepting a caution.

In addition a formal caution may be issued where the offender has no previous history in relation to the offence and has done everything in their power to make amends. If a formal caution was offered and refused by the offender the matter would then proceed to court. In any event, a decision to offer a caution will rest solely with the licensing authority.

A formal caution issued by the licensing authority will not be passed on to third party organisations automatically. However, if internal services or neighbouring authorities seek information on licensees information will be discharged, subject to appropriate Data Protection Act provisions.

Prosecution

A prosecution will be implemented in cases where there has been a flagrant breach of licence conditions and where other options have been considered and deemed unsuitable, or where serious issues of public safety have arisen.

In order for a prosecution to be initiated there must be enough evidence to provide a realistic prospect of a conviction and it is the public interest to do so. In determining whether a prosecution should be initiated the Code for Crown Prosecutors should be considered:

- Is there enough evidence against the defendant; and
- Is it in the public interest to bring the case to court.

Part 16 – Complaints

The licensing authority has established a complaints procedure in order to ensure that all complaints received on behalf of the general public, other authorities and licensees are able to be dealt with effectively and efficiently.

The licensing authority has put in place several methods for allowing complaints to be submitted, including a report form via the Sheffield City Council webpage, via email directly to the licensing service, face-to-face and over the telephone.

All complaints will be dealt with in-line with timeframes as set out by Sheffield City Council. A full copy of the complaints procedure can be viewed by visiting www.sheffield.gov.uk/your-city-council/how-to-contact-us/complaint.

In dealing with a complaint the licensing authority will take into account all the evidence submitted by the complainant, including any supporting documents, and then take an unbiased approach in deciding the most appropriate form of action, as outlined in section 13.

Guidance Information on Submitting a Complaint

It is important that, when submitting a complaint, as much information as possible is included along with any supporting documentation that can be used in order to substantiate such a complaint.

The licensing authority has produced a template form that can be used for most complaints. The form has been designed in such a way as to help those making a complaint include all salient points in order that officers can investigate appropriately. Complainants can contact the licensing authority if they wish to receive a copy of the template in order to submit a complaint; however, complaints will still be received and dealt with if the template is not used.

Appendix A

Useful Contacts

Licensing Service		
Block C, Staniforth Road Depot Staniforth Road Sheffield S9 3HD	Telephone	0114 2734264 / 0114 2734880
	Email	licensing@sheffield.gov.uk
	Website	www.sheffield.gov.uk/licensing

Sheffield Taxi Trade Association (STTA)		
Unit 3, 150 Worksop Road Attercliffe Sheffield S9 3TN	Telephone	07966204473
	Email	info@stta-taxi.co.uk
	Website	www.stta-taxi.co.uk

Department for Transport (DFT)		
Great Minster House 33 Horseferry Road London SW1P 4DR	Telephone	0300 330 3000
	Email	
	Website	https://www.gov.uk/government/organisations/department-for-transport

Driver and Vehicle Standards Agency (DVSA)		
Leeds GVTS Patrick Green Woodlesford Leeds LS26 8HE	Telephone	0113 282 1156
	Email	
	Website	https://www.gov.uk/government/organisations/driver-and-vehicle-standards-agency

Driver and Vehicle Licensing Agency (DVLA)		
Agency (DVLA), Longview Road, Morrison, Swansea SA6 7JL	Telephone	
	Email	
	Website	https://www.gov.uk/government/organisations/driver-and-vehicle-licensing-agency

Sheffield Safeguarding Children's Board		
Floor 3 South Howden House Union Street Sheffield S1 2SH	Telephone	0114 273 4934
	Email	child.protection@sheffield.gov.uk
	Website	https://www.safeguardingsheffieldchildren.org.uk

Disclosure and Barring Service (DBS)		
DBS customer services PO Box 3961 Wootton Bassett SN4 4HF	Telephone	03000 200 190
	Email	customerservices@dbs.gsi.gov.uk
	Website	https://www.gov.uk/government/organisations/disclosure-and-barring-service

Ofqual		
Spring Place Herald Avenue Coventry CV5 6UB	Telephone	0300 303 3344
	Email	public.enquiries@ofqual.gov.uk
	Website	https://www.gov.uk/government/organisations/ofqual

Sheffield City Council Transport Department		
Block C Staniforth Road Depot Sheffield City Council S9 3HD	Telephone	0114 2037575
	Email	transport@sheffield.gov.uk
	Website	https://www.sheffield.gov.uk

GMB Yorkshire and North Derbyshire		
Taxi and Private Hire Licensing GMB Thorne House 188/190 Norfolk Street Sheffield S1 1SY	Telephone	0845 337 7777
	Email	sheffield.office@gmb.org.uk
	Website	http://www.gmb.yorkshire.org.uk/

The Royal Society for the Prevention of Accidents		
RoSPA House, 28 Calthorpe Road, Edgbaston, Birmingham B15 1RP, UK	Telephone	0121 248 2000
	Email	help@rospa.com
	Website	www.rospa.com

Health and Safety Executive		
Health and Safety Executive Bld 5S.2 Redgrave Court Merton Road Bootle Merseyside L20 7HS	Telephone	0300 003 1747
	Email	
	Website	www.hse.gov.uk

Information Commissioner's Office		
Information Commissioner's Office Wycliffe House Water Lane Wilmslow Cheshire SK9 5AF	Telephone	0303 1231113
	Email	casework@ico.org.uk
	Website	www.ico.gov.uk

Disabled Persons Transport Advisory Committee		
Disabled Persons Transport Advisory Committee (DPTAC) c/o Department for Transport Great Minster House 33 Horseferry Road London SW1P 4DR	Telephone	
	Email	dptac.enquiries@dft.gsi.gov.uk
	Website	www.dptac.gov.uk

APLHA		
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ALPHA SOAR Works 14 Knutton Road Sheffield S5 9NU	Telephone	0114 201 4774
	Email	
	Website	www.alpha.direct

Private Hire Operator Application Questions

1. What experience of the private hire trade do you have? Please include dates, types of experience and supporting written evidence.
2. Please detail the premises you intend to use for accepting bookings as a private hire operator. You must include the full postcode, a copy of the planning permission permitting its use for private hire operator purposes; brief lease/rental details; room sizes etc...

Please note that an operator licence will only be granted to a premises in the district of Sheffield.

3. Please supply a copy of your business plan for your proposed business as a private hire operator.
4. Please indicate how many Sheffield licensed private hire vehicles you intend to use:
 - a. When you start your business
 - b. After three months
 - c. After 12 months
5. Please indicate how many Sheffield licensed hackney carriage vehicles you intend to use:
 - a. When you start your business
 - b. After three months
 - c. After 12 months
6. Please indicate how many Sheffield licensed hackney carriage and private hire drivers you intend to use:
 - a. When you start your business
 - b. After three months
 - c. After 12 months
7. Please detail in full the proposed customer care policy.
8. Please detail in full the proposed customer complaints procedure you intend to adopt.
9. What steps to deal with equal opportunities issues will you take?
10. Indicate how many people will you employ:
 - a. When you start your business
 - b. After three months
 - c. After 12 months

- 11.** What will be the duties of your employees?
- 12.** If you are absent for a period of time, who will look after the business and what authority will they have?
- 13.** Please state your insurance requirements and provide certificates of insurance taken out.
- 14.** Detail how you intend to comply with the record keeping requirements of the private hire operator's licence; include detailed samples of records which you intend to keep.
- 15.** How do you intend to ensure that every vehicle operated by you is and remains licensed?
- 16.** How do you intend to ensure that every driver of every vehicle operated by you is and remains licensed?
- 17.** How do you intend to ensure that the driver of any private hire vehicle operated by you does not ply for hire without a licence?
- 18.** How do you intend to ensure that every vehicle operated by you is and remains insured?
- 19.** How do you intend to ensure that every vehicle operated by you is and remains safe?
- 20.** How do you intend to ensure that every vehicle operated by you is and remains clean and otherwise fit for public service?
- 21.** How do you intend to ensure that every journey in every vehicle operated by you is not unnecessarily prolonged in distance or time?
- 22.** On what basis will you establish the fares to be charged by drivers of private hire vehicles operated by you?
- 23.** How will you give information about fares to customers?
- 24.** How will you ensure that you only operate drivers and vehicles that are licensed by Sheffield City Council?
- 25.** How will you promote public safety and ensure the safeguarding of children and vulnerable adults?
- 26.** What is the law pertaining to Private Hire Operators?

Appendix C

Sheffield City Council Taxi and Private Hire Licensing Vehicle Compliance Inspection Standards.

Section	Subject
1	<p>Lighting and Signalling Equipment:</p> <p>1.1 Warning Lamps 1.2 Electrical Wiring and Auxiliary Equipment 1.3 Additional Lamps</p>
2	<p>Steering and Suspension:</p> <p>2.1 Steering and Suspension</p>
3	<p>Brakes:</p> <p>3.1 Brakes</p>
4	<p>Tyres and Road Wheels:</p> <p>4.1 Tyres – Condition 4.2 Tyres – Fitting</p>
5	<p>Seat Belts:</p> <p>5.1 Seat Belts – Type Approval</p>
6	<p>Body and Structure</p> <p>6.1 Body Alignment, Chassis and Sub-frames 6.2 Vehicle Body and Condition – Exterior of Body and Licence Plate 6.3 Vehicle Body and Condition – Interior of Body 6.4 Interior Signage 6.5 Doors and Seats 6.6 Bumper Bars</p>
7	<p>Fuel and Emissions:</p> <p>7.1 Exhaust System 7.2 Fuel System – Pipes, Tanks and Cables 7.3 Exhaust Emissions – General 7.4 LPG Conversions</p>

8	<p>Drivers View of the Road</p> <ul style="list-style-type: none"> 8.1 Mirrors 8.2 Windscreen – View Top the Front 8.3 Window Glass or Other Transparent Material 8.4 Window Tints 8.5 Wipers – Front and Rear
9	<p>Additional Requirements</p> <ul style="list-style-type: none"> 9.1 Speedometer and Odometer 9.2 Transmission 9.3 Engine and Transmission Mounting 9.4 Oil and Water Leaks 9.5 Luggage and Load Space 9.6 Engine Condition
10	<p>Ancillary Equipment</p> <ul style="list-style-type: none"> 10.1 Wheelchair Restraint and Access Equipment 10.2 Taxi Meter 10.3 Motion Locks (Hackney Carriage Only) 10.4 Electrically Operated Side Steps and Running Boards 10.5 Drivers Information Systems (Sat Navs, Data Heads etc)

1.1 - Warning Lamps

Method of Inspection	Reason for Rejection
All warning lamps on dashboard to work to manufacturer's specification.	
Headlamp main beam warning lamp to illuminate when main beam is switched on.	Main beam warning lamp does not illuminate.
Engine management lamp to operate with ignition on and go out when engine started.	Engine management lamp not working or does not go out when engine started.
Air bag warning lamp to operate when ignition is on and go out when engine is started.	Air bag warning lamp not working or does not go out when engine started.
Any brake warning lamp to operate with ignition is on and go out when engine started or parking brake released.	Any brake warning lamp staying on when engine started and brakes released.
Any other manufacturer's warning lamps to operate as the manufacturer intended.	Any other manufacturer's warning lamp not working or staying illuminated when engine started. E.g. oil and charge lamps.

1.2 - Electrical Wiring and Auxiliary Equipment

Method of Inspection	Reason for Rejection
<p>This examination is limited to that part of the electrical system that can be readily seen without dismantling any part of the vehicle.</p> <p>Check all electrical wiring for:</p> <ul style="list-style-type: none"> • Condition • Security • Position • Signs of overheating • Heavy oil contamination 	<p>Wiring:</p> <ul style="list-style-type: none"> • Not adequately insulated • Not adequately secured • Positioned so that it is chafing or clipped to a fuel line or likely to be damaged by heat so that insulation will become ineffective • With clear evidence of overheating • Heavily contaminated with oil <p>Battery and Carrier:</p> <ul style="list-style-type: none"> • A battery and/or carrier not secure and likely to become displaced • Battery Leaking
<p>Check battery and carrier for:</p> <ul style="list-style-type: none"> • Security • Leaks 	<p>Any switch not illuminated, insecure, faulty, no symbol or signage.</p>
<p>Check all switches for operation, security, illumination and symbol or signage.</p>	<p>Any auxiliary wiring not fused.</p>
<p>Check any auxiliary wiring is correctly fused</p> <p>Security cameras, when fitted, must be fitted correctly with appropriate signs. Proprietor must provide written consent when requested.</p>	<p>Camera not fitted correctly, signs missing or deteriorated. No consent for equipment.</p>
<p>Any multimedia equipment or systems must be fitted correctly, and driver/licensee must provide written consent when requested.</p>	<p>Equipment not fitted correctly. No written consent on request.</p>

1.3 - Additional Lamps

Method of Inspection	Reason for Rejection
With the ignition switched on check:	A reversing lamp:
Reversing lamps	
That the reversing lamps emit a diffused white light when reverse gear is selected.	That fails to operate or does not emit a white diffused light.
The lamps extinguish when neutral gear is selected.	Fails to extinguish when neutral or forward gear is selected.
The lamps are in good working order, are secure and carry an approval mark.	Are not in good working order, are insecure or unapproved.
The lamps do not flicker when lightly tapped by hand.	Lamps flicker when tapped lightly by hand.
Reversing warning alarms, if fitted, must operate.	Not working correctly, i.e. should not work in the hours of darkness. Should have a failsafe on the side lights separate marked up switch.
Front Fog / Driving Lamps	
Check that:	
a) A single front fog lamp emitting a white or yellow diffused light illuminates only when dipped beam is selected.	Lamps inoperative or operate other than in dipped beam mode.
b) A pair of matched fog lamps both emitting a white or yellow diffused light should illuminate together.	Lamps operate incorrectly.
A pair of matched, long-range driving lamps, both emitting a white diffused light should illuminate together.	Lamps operate incorrectly.
Check any auxiliary lamps fitted to washer jets, extra running lights or any standard manufacturer lighting for security and operation.	Any lamp insecure, deteriorated or not working.
'For Hire' Roof Signs	
Check that:	
Correct style and type of sign fitted (according to Sheffield City Council vehicle specification).	Incorrect colour or details shown on sign.
Ensure that the sign is securely fastened to the vehicle.	Insecure sign.
Condition and security of wiring.	Wiring is not in good condition and is loose or chafed.
Functional test of signs for illumination.	Illumination not consistent across the sign, i.e. all light bulbs, LEDs illuminated when switched on.
Roof lights must work through meter at all times and not be able to be switched off by a separate switch.	Any separate switch that switches of roof light fitted.

2.1 – Steering and Suspension

Method of Inspection	Reason for Rejection
Check all steering, suspension and wheel bearing and all joints, bushes and linkages for presence, condition, operation and freedom of leaks.	
Check all steering and suspension ball joints and rubber covers for any play or deterioration.	Any steering or suspension ball joint (including covers/gaiters) showing signs of advanced wear/play, deterioration or splits.
Check all steering and suspension bushes for wear and splitting or deterioration.	Any steering or suspension bush showing signs of advanced wear/play, splits or deterioration.
Check all wheel bearings for any play.	Any wheel bearing showing advanced wear/play.
Check coil and leaf springs for any weakness causing vehicle to sit low or tilt to one side.	Any coil or leaf spring weak or showing advanced wear.
Check all shock absorbers for condition and leaks.	Any shock absorber leaking or weak in operation.
Check condition of any suspension hydraulic pipes for corrosion and deterioration.	Any suspension hydraulic pipe corroded or deteriorated.

3.1 Brakes

Method of Inspection	Reason for Rejection
Check all brake components for presence, security, operation, condition and freedom from leaks.	
Check condition of rigid brake pipes for condition, corrosion, security and chafing.	Any rigid brake pipe corroded so that when lightly scraped still shows signs of corrosion, or any pipe kinked or chafing.
Check condition of brake hoses and ferrules for any cracks, corrosion or any heat damage or deterioration.	Any brake hose cracked. Any ferrule corroded to an advanced state. Any heat damage or deterioration.
Check servo pipes for security, cracks, chafing or any deterioration to rubber.	Any servo pipe insecure, cracked, chafing or deteriorated.
Check brake cables for condition and any strands for fraying.	Any brake cable with broken strands or fraying.
Check brake pads for wear and condition.	Front brake pads less than 4mm. Rear brake pads less than 3mm.
Check brake discs for wear, including pits, scoring or corrosion.	Any brake disc showing advanced wear, pitting, scoring or advanced corrosion.
Check brake pad anti-slip provision for advanced wear.	Brake pedal pad worn smooth or deteriorated.
Check rear brakes on rolling road for any obviously out of balance application or low effort.	Any rear brake obviously out of balance or low effort.
Check security of brake master cylinder cap and all covers and seals for presence and security.	Any cap, seal or cover missing or insecure.

Section 4.1 – Tyres and Road Wheels

Method of Inspection	Reason for Rejection
<p>Tyres – Condition</p> <p>On all tyres, including spare wheel (if supplied), examine each tyre meets all the requirements laid down in the MOT Inspection Manual for Car and Light Commercial Vehicles (ISBN 0-09549239-0-1).</p> <p>Note 1:</p> <p>Where a doughnut tank is fitted in the boot for LPG, the spare wheel if still carried in the boot must be properly secured. Alternatively, a spare wheel cage installed to manufactures and British Standards may be fitted to the underside of the vehicle.</p>	<p>Not in accordance with the MOT Inspection Manual for Car and Light Commercial Vehicles (ISBN 0-9549239-0-1).</p> <p>Note 2:</p> <p>Space saver tyres should only be approved with the support of a method statement highlighting driver responsibilities with regard to the maximum permitted speed, and that space savers are a temporary 'get-you-home tyre'.</p>
<p>Special Notice – Stretched Limousines</p> <p>In the case of American imported stretched limousines, vehicle inspectors will need to be vigilant when inspecting tyres for suitability. Most converted stretched limousines are converted from Ford Lincoln Town Cars, with a number of Cadillac variants also. In approved 'stretch' limousine conversions, the maximum weight is approximately 7,100lbs (3.2 tonnes) and care should be exercised when determining suitable tyre ratings. Generally speaking, a Ford Lincoln would require a tyre rating index of 109 T, which gives a load rating of 2,271lbs (1.03 tonnes) with a maximum speed of 118mph. The Cadillac would require a tyre rating index of 115 T, which gives a load rating of 2,679lbs (1.22 tonnes) with a maximum speed of 118mph.</p>	<p>Stretched Limousines</p> <p>More information guidance and the procurement of suitable tyres can be obtained from:</p> <p>Fleet Transport Association Hermes House 2 Manor Road Horsforth Leeds LS18 4DX</p> <p>Tel: 03717 11 22 22 www.fta.co.uk</p> <p>Alternatively, contact National Limousine and Chauffeur Association at www.ncla.co.uk</p>

Section 4.2 – Tyres and Road Wheels

Method of Inspection	Reason for Rejection
Tyres – Fitting	
Check all tyres, including spare (if supplied), for condition and deterioration.	
Tyres must have 2mm of tread across the whole width of the tyre.	Any tyre with tread less than 2mm.
Check tyre side walls for cracks and signs of being run flat.	Any tyre with excessive cracks or signs of being run flat.
All tyres to be of the same size all around the vehicle (exceptions where front and rear fitted different by manufacturer).	A tyre different size to any other on vehicle.
Check for presence of an appropriate jack and wheel brace and security.	No jack or wheel brace fitted or insecure.
Check spare tyre for correct fitment and inflation.	Spare tyre fitted incorrectly or not inflated.
Check that the spare tyre is not a rotational type.	A spare tyre that is a rotational type.

Section 5.1 – Seat Belts – Type Approval

Method of Inspection	Reason for Rejection
<p>Type Approval All seats, including the drivers, shall be provided, where possible, with a lap and diagonal 3-point seat belt. Where this is not possible a 2-point lap seat belt appropriate to the tyre and position of the seat, as laid down in: European Directive 76/115 EEC (as amended by 90/629 EEC) and Regulation 46 and 47 of “The Road Vehicle (Construction and Use) Regulations 1986” whether or not those Directives or Regulations apply to that particular seat or the vehicle.</p>	<p>Seat belts do not comply with the Directives or Regulations as stated within Method of Inspection.</p>
<p>Anchorage Points All seat belts shall be fitted with the number of anchorage points appropriate to the type of seat belt. All anchorage points shall comply with M1 standards as laid down in European Directive 76/115 EEC (as amended by 90/629 EEC) or EEC Regulation 14, whether or not those instruments apply to the particular anchorage or the vehicle.</p>	<p>Anchorage points do not comply with the Directives or Regulations as stated within Method of Inspection.</p>
<p>Wheelchair Passengers Wheelchair passengers shall be provided, where possible, with a 3-point seat belt, and where not possible, a 2-point lap belt appropriate to the position of the wheelchair as laid down in European Directive 76/115 EEC (as amended by 90/629 EEC) and Regulations 46 and 47 of “The Road Vehicle (Construction and Use) Regulations 1986” whether or not those Directives or Regulations apply to that particular seat or the vehicle.</p>	<p>Seat belts for wheelchair passengers do not comply with the Directives or Regulations as stated within Method of Inspection.</p>
<p>All seat belts fitted shall comply with Regulation 47 of “The Road Vehicle (Construction and Use) Regulations 1986” and bear the designated mark required by that regulation, whether or not those regulations apply to that seat belt or the vehicle.</p>	<p>Seat belts do not comply with Regulation 47 of “The Road Vehicle (Construction and Use) Regulations 1986” and bear the designated mark.</p>

Section 6.1 – Body Alignment, Chassis and Sub-frames

Method of Inspection	Reason for Rejection
<p>Check all body, chassis and sub-frames for security, condition and alignment, paying particular attention to chassis legs; bulkheads; A, B and C posts; crumple zones and general vehicle alignment.</p> <p>Vehicles (new applications) that have been categorised by insurance companies as a Category A, B, C or D write-offs will not be accepted as suitable for a licence.</p> <p>Vehicles that are already licensed and sustain Category C or D insurance markers, and/or sustain significant accident damage will only be accepted for further use a hackney carriage or private hire vehicle providing:</p> <ul style="list-style-type: none"> • All work is carried out to a professional standard by a competent body shop • If requested (by the tester or the licensing department) a Chassis Alignment Check is carried out providing evidence that the vehicle is within the manufactures tolerances. • The tester is satisfied that the general vehicle structure has not been compromised, and that in the event of another accident the crumple zones and vehicle structure would perform as the manufacturer as intended 	<p>Signs of significant accident/structural damage.</p>

Section 6.2 – Vehicle Body and Condition - Exterior

Method of Inspection	Reason for Rejection
<p>Body Condition – Exterior Examine the body thoroughly for security, corrosion, damage, poor repair/paint match or sharp edges that are likely to cause injury.</p>	<p>An insecure or missing body panel, trim, step or accessory.</p> <p>Any sharp edge whatsoever which may cause injury.</p> <p>Heavy scuffing, abrasions or deformation to front and rear bumper.</p> <p>A single dent of more than 80mm in diameter, or more than 3 dents of not more than 20mm in any one panel.</p> <p>More than 4 scratches and/or abrasions of more than 50mm in length in any one panel.</p> <p>Dull, faded paintwork which has lost its gloss finish or paint mismatch to a panel(s) to such an extent that it detracts from the overall appearance of the vehicle.</p> <p>Evidence of poor repairs and/or paint finish to a repaired panel(s) including runs and overspray to adjoining panels/trim that detracts from the overall appearance of the vehicle.</p> <p>Any paint work not finished to a professional standard.</p> <p>Obvious signs of rust/corrosion of any size, particularly those that are covered by advertising signs.</p> <p>Lack of clearly displayed or omission of 'No Smoking' signs.</p>

Section 6.2 – Vehicle Body and Condition – Exterior (continued)

Method of Inspection	Reason for Rejection
Body Condition – Exterior	
Examine the body thoroughly for security, corrosion, damage, poor repair/paint match or sharp edges that are likely to cause injury.	
All repairs to vehicle structure and body to be a good quality and repaired by seam welding and a minimum amount of fillers to be used.	Any structural or body repair not seam welded or not to a good quality finish or excessive fillers used.
Check all jacking points for condition and damage and security of any pads fitted.	Any jacking point damaged or corroded. Any jacking pad missing.
Existing Licensed Vehicles	
Exterior licence plate and mounting bracket must be securely fixed to the body of the vehicle in accordance with the condition of the appropriate licence, with suitable nuts, bolts, rivets or screws, magnet and must have a tamper-proof device fitted.	Licence plate or bracket insecure. Tamper-proof device missing or damaged. Not fixed in accordance with licence conditions.
Licence plate must be displayed.	No plate displayed (without valid paperwork)
	Vehicles that are licensed and have the vehicle plate suspended and held by third party will provide documented evidence or reason for suspension or plate removal.
	Licensee/driver to produce documentary evidence of failure to display plate correctly. If driver or licensee does not supply such evidence the vehicle is a fail.

Section 6.3 – Vehicle Body and Condition – Interior

Method of Inspection	Reason for Rejection
Body Condition – Interior	
Examine thoroughly the interior for damaged, insecure or loose fixtures, fittings or accessories.	Insecure and loose seat(s).
Dirty, missing and worn trim, carpets, seat belts, mats, headlining, boot area and inclusion or prescribed items. Remove mats to inspect carpets underneath for cleanliness and wear.	Missing, dirty, soiled, stained, worn or insecure trim, carpets, headlining and mats.
Check all interior lights work, and operate correctly when doors open.	An inoperative interior light (all lights must illuminate if they are part of Sheffield City Council licensed vehicle specification and/or standard equipment).
Examine heating, demisting and air condition systems for correct operation, including passenger compartment controls where fitted (includes electric front and rear screen demisters).	A system which does not function correctly or any part is missing, including vents, controls and switches.
Examine all windows ensuring they allow lowering and rising easily.	An opening window that is inoperative or difficult to open and/or close mechanism broken/missing.
Examine interior door locks, grab handles/rails safety covers.	Missing, defective or loose door locks, child locks, protective covers, grab handles and rails. Grab handles/rails which are rigid to aid the blind and partially sighted, and are worn to excess.
Examine grills/partitions for security and condition.	A grill/partition which is insecure or has sharp edges which may cause injury to passengers or driver.
Examine electrical wiring for condition, security, including intercom systems and any ancillary systems.	Frayed, chafing wiring, non-shielded terminals and cables so routed that they cause a trip hazard, cables that can be easily disconnected. Intercom system defective, warning light inoperative and signs illegible/missing.
Where hospitality equipment is fitted (e.g. fridges, cocktail cabinets) these must be checked for security of installation and safety.	Any hospitality equipment that is insecure or unsafe.
Examine the boot for access, contents, cleanliness and water ingress.	Unable to open, close and/or lock boot lid. Failure or boot lid support mechanism, defective seals, evidence of water ingress, dirty boot and/or carpets, loose items stored in boot i.e. spare wheel tools and equipment etc...

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Section 6.4 – Interior Signage

Method of Inspection	Reason for Rejection
Hackney Carriage Only	
All appropriate signs must be fixed securely for exit, window opening and other switches.	Any exit sign missing, any window operations signs missing, any intercom operations signs missing, any interior switch signs missing.
Current table of fares to be displayed.	Fares table missing, out of date, not easily read, obscured or incomplete.
Hackney Carriage identification number to be displayed.	ID number missing, obscured or not easily read or incomplete.
Signage for the motion locks must be displayed.	Missing or deteriorated motion lock signage.
All Licensed Vehicles	
Any interior /exterior advertising must have written licensing consent available for inspection.	Consent not available or not given. Advertisement incomplete e.g. ripped, defaced or deteriorated.
No Smoking signs (minimum of two) to be displayed in a prominent position.	No Smoking signs missing, obscured, not easily read and/or incomplete. Must have at least two signs.
Where image recording equipment is fitted to the vehicle, approved signs must be displayed on entrance to vehicle and within the vehicle.	Image recording equipment but no signage displayed. Signs displayed are not to an approved standard as per specification. Signs not easily read, obscured, defaced and/or deteriorated.
Private Hire Only	
Private Hire Vehicle ID numbers are to be in nearside rear window and the nearside front screen facing outwards.	Private Hire Vehicle ID number missing or not facing outwards.

Section 6.5 – Door and Seats

Method of Inspection	Reason for Rejection
Doors and Emergency Exits	
Examine the condition of all doors and emergency exits. Check door locks, striker plates, handles and hinges for security, wear and missing and damaged trim/cover plates.	A door or emergency exit does not latch securely in the closed position. A door or emergency exit cannot be opened from both the inside and outside of the vehicle from the relevant control in each case. Missing, loose, worn handles or striker plate.
Check markings describing the presence and method of opening emergency exits are readily visible on or adjacent to the exit and are legible.	Markings describing the presence and method of opening an emergency exit missing, illegible or incorrect. Missing, loose or damaged trim/cover plate.
Check all seats are secure, clean and not unduly worn.	Seat cushions stained, torn, holed, worn or insecure. A seat that does not provide adequate support at base or backrest, torn, slashed or badly stained seats are not acceptable.
Any seat covers fitted must be airbag compatible if required and securely fitted.	Seat covers not airbag compatible where required or is insecure. Seat covers stained, torn, holed or worn.
There must be reflective strips on both front and rear edges of sliding doors and on the rear of normally opening doors.	No reflective strips fitted to the door edges.
	Note: A lamp is only acceptable if it has a built in reflector for if the bulb fails.
Accessibility: wheelchair Vehicles WAV	
Door configurations for wheelchair accessible vehicle:	
Single rear door – must open to a minimum of 90 degrees and be capable of locking in place.	Door does not open to a full 90 degrees and cannot be secured in the open position.
Check all vehicles with sliding rear doors have a door open sign in the rear window, which must illuminate when either sliding door is opened and go out when door is closed.	Sign does not illuminate when sliding doors opened. Sign stays on when doors are closed.
Hackney Carriage Only	
All interior grab handles to be highlighted, including exit handles.	Grab handles and exit handles not highlighted.

Section 6.6 – Bumper Bars

Method of Inspection	Reason for Rejection
Examine the bumper bars and check: They are secure to their mountings.	A loose bumper bar or mounting. A weakened bumper bar and/or mounting is insecure because of poor repairs.
The mountings are secure to the vehicle.	A fractured mounting bracket. Mounting bolts so worn or elongated that the bumper bar is likely to detach partially or completely from the vehicle when in use. A bumper bar secured by wire or other temporary means is regarded as insecure and must be rejected.
There is no evidence of damage.	Bumper bars which have jagged edges, cracks, splits or projections, which may cause injury to persons near the vehicle. Paint mismatch or fading which is significantly different to that of the rest of the paintwork.
Check the number plate for deterioration.	Number plates that are deteriorated.

Section 7.1 – Exhaust System

Method of Inspection	Reason for Rejection
Examine the Exhaust System.	
Check for corrosion, leaks, alignment and mountings for cracks.	Any part of the exhaust system showing advanced corrosion, leaks, miss-alignment or any mounting cracked or deteriorated.
Where applicable, check for presence, security and adequacy of grease to hot exhausts.	A heat shield missing, insecure or inadequate.

Section 7.2 – Fuel System, Pipes, Tanks and Cables

Method of Inspection	Reason for Rejection
Examine fuel tank(s) for security and leaks.	Fuel tank insecure or leaking.
Check that fuel tank filler caps are: <ul style="list-style-type: none"> • Present • Of the correct type • Secure and seated properly to ensure correct function of sealing 	A filler cap missing or unsuitable or in such condition that it would not prevent fuel leaking or spilling. Note: Temporary/emergency fuel caps are not permitted
Examine pipes to see they are securely clipped to prevent damage by chafing and cracking, and are not in a position where they will be fouled by moving parts.	Damaged, chafed, insecure pipes, or pipes so positioned that there is a danger of them fouling moving parts.
Check that no fuel pipe runs immediately adjacent to or in direct contact with electrical wiring or the exhaust system.	A fuel pipe immediately to or in direct contact with electrical wiring or exhaust system.
Check fuel pipes for any signs of excessive corrosion.	Any fuel pipe excessively corroded.
Check throttle cables for operation and condition.	Any cable sticking or deteriorated.

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Section 7.3 – Exhaust Emissions - General

Method of Inspection	Reason for Rejection
<p>The inspector/tester will be required to inform the presenter of the vehicle, the following:</p> <ul style="list-style-type: none"> • That it is the responsibility of the presenter to inform the test station if he thinks the emission test will damage the vehicle • Keep your vehicle well maintained in accordance with the manufacturer's recommendations • Have the camshaft drive belt changed at the recommended intervals • Ensure the oil and water levels are filled to the correct level • Do not tamper with governor settings, seals etc.... 	<p>The tester must refuse to test your vehicle if he thinks that the smoke test may damage your engine.</p>

Section 7.4 – LPG Conversions

Method of Inspection	Reason for Rejection
Any vehicle that is converted to LPG must be done by a European Approved or British Government approved registered company and must have written evidence to state this when presented for test.	No written proof of being converted by an approved convertor/company scheme.
For each renewal of licence test thereafter the equipment must be serviced within on calendar month of test date.	No written evidence of fuel system fitted having been serviced by an approved servicer or registered company within the appropriate timescales of test date.
For intermediate or ad hoc tests thereafter the equipment must be serviced within one year of the test date.	

Section 8.1 – Mirrors

Method of Inspection	Reason for Rejection
<p>The number and position of all mirrors must be checked:</p> <p>Check the condition of each mirror reflecting surface and whether a person sitting in the driver's seat can see clearly to the rear.</p>	<p>Mirror condition:</p> <ul style="list-style-type: none">• A mirror deteriorated or broken• In such a position that a person sitting in the driver's seat cannot see clearly to the rear

Section 8.2 – Windscreen – View to the Front

Method of Inspection	Reason for Rejection
<p>Sit in the driver's seat and check that there is reasonable view of the road ahead, bearing in mind the original design of the vehicle.</p> <p>Note: Equipment or objects not originally fitted to the vehicle as part of the original design must not obstruct the designed forward view of the driver. In particular, objects such as (but not limited to) pennants, cab decorations and external stone guards/visors should not interrupt the view through the swept area by the windscreen wipers.</p>	<p>The position or size of any object restricts the driver's view of the road ahead, bearing in mind the original design of the vehicle.</p>

Section 8.3 – Window Glass or other Transparent Material

Method of Inspection	Reason for Rejection
Visually check the condition of all windscreens, internal screens, partitions; side, rear, roof and door windows for cracks, surface damage and discoloration.	A crack, surface damage or discoloration in glass or other transparent material that: <ul style="list-style-type: none"> • Impairs the driver's front, side or rear view of the road; or • Presents a danger to any person in the vehicle
Check presence and security of all windscreens, side, roof or rear windows, or internal screens or partitions.	A windscreen or any other outside window missing, or any windscreen, window, internal screen or partition insecure.
Check for evidence of obvious leaks from all windscreens and side, rear, roof or door windows.	Any external window or windscreen is obviously leaking.
Check for presence, security and condition of guard rails or barriers at windows, internal screens or partitions.	A guard rail or barrier at a window, internal screen or partition missing, insecure or damaged.
For all vehicles first used before 1 st January 1959, as far as is practicable, check that glass fitted to windscreens and outside windows facing to the front is safety glass.	The windscreen and/or any outside window facing to the front of a vehicle obviously not safety glass fitted to a vehicle first used before 1 st January 1959.
For all vehicles first used on or after 1 st January 1959, as far as it is practicable, check that glass used for windscreens and all outside windows is safety glass or safety glazing.	Glass used for a windscreen or an outside window is obviously not safety glass.
Vehicles first used on or after the 1 st June 1978, check that windscreens and other windows, wholly or partly, on either side of the drivers set are made from safety glass displaying an acceptable safety mark.	For vehicles first used on or after 1 st June 1978, that windscreens and/or other windows wholly or partly on either side of the driver's seat that are not made from safety glass display an acceptable safety mark.
<p>Note: Marking is not required for safety glass used on vehicles first used before 1st June 1978.</p>	

Section 8.4 – Window Tints

Method of Inspection	Reason for Rejection
Check all windows with approved measuring device for light ingress through windows.	
Front windshield must allow 75% light ingress,	Front window less than 75% light ingress.
All side and rear windows must allow 70% light ingress.	Any side or rear window less than 70% light ingress.
<p>Note: In case of non-saloon cars the rear windows and rear screen, which in the opinion of the tester does not impact on seating area of the passenger, can have a higher density tint but must not allow less than 20% light ingress.</p>	A non-saloon vehicle that has rear or rear screen that are not in the passenger seating area, and does not allow at least 20% light ingress.

Section 8.5 – Wipers – Front and Rear

Method of Inspection	Reason for Rejection
Check operation of front wipers for working on two speeds and rear wash/wipe.	
Check front wipers work on speeds one and two.	Front wipers not working on either speed, one or two.
Check operation or rear wash/wipe.	Rear washer not working and/or rear wiper not working.
Check all wiper blades for splits and deterioration.	Any wiper blade split or deteriorated.
For all air operated wipers examine: <ul style="list-style-type: none"> • The condition of any visible piping • The function of the operating mechanism, and • The function of necessary valves to protect the braking system 	Air operated wipers: <ul style="list-style-type: none"> • Pipes inadequately clipped or supported • Incorrect function of the wipers or leaking components • Incorrect operation of protection valves
Note: Rear wash/wipe can be removed if not working, but must be completely removed, including motor, and blanked off.	

Section 9.1 – Speedometer/Odometer

Method of Inspection	Reason for Rejection
Check that a speedometer/odometer is fitted.	Speedometer or odometer not fitted.
Check the condition of the speedometer/odometer.	Speedometer or odometer not complete or clearly inoperative, or dial glass broken or missing.
Check that the speedometer and odometer can be illuminated.	The speedometer or odometer cannot be illuminated.

Section 9.2 – Transmission

Method of Inspection	Reason for Rejection
Examine transmission, check for:	
Missing or loose flange bolts.	A loose or missing flange bolt(s).
Cracked or insecure flanges.	A flange cracked, or loose on the transmission shaft.
Wear in shaft and/or wheel bearings.	Excessive wear in shaft bearing.
Security of bearing housings.	A bearing housing insecure to its fixing.
Cracks or fractures in bearing housings.	A cracked or fractured bearing housing.
Wear in universal joints.	Excessive wear in a universal joint.
Deterioration of flexible couplings.	Deterioration of a transmission shaft flexible coupling.
Distorted/damaged shafts.	A damaged, cracked or bent shaft.
Deterioration of bearing housing flexible mountings.	Deterioration of a flexible mounting of a bearing housing.
Clearance between transmission shafts and adjacent components.	Evidence of fouling between any transmission shaft and an adjacent component.
Front Wheel Drive	
Check the drive shaft inner and outer universal joint couplings and constant velocity joints for:	<ul style="list-style-type: none"> • Drive shaft, constant velocity or universal joint coupling worn or insecure • A flexible rubber or fabric universal coupling unit damaged by severe cracking or breaking up • A flexible rubber or fabric universal coupling unit excessively softened by oil contamination or insecure • A drive shaft, constant velocity joint gaiter split, missing or insecurely mounted
<ul style="list-style-type: none"> • Wear and security • Damage to flexible rubber of fabric universal joints • Security and oil contamination of flexible rubber or fabric universal joints • Condition, presence and security of constant velocity joint gaiters 	

Section 9.3 – Engine and Transmission Mountings

Method of Inspection	Reason for Rejection
<p>Examine condition of:</p> <ul style="list-style-type: none"> • Mountings • Sub-frames <p>The security to chassis and check for:</p> <ul style="list-style-type: none"> • Fractures • Looseness • Deterioration 	<p>Any mounting or sub-frame</p> <ul style="list-style-type: none"> • Loose • Fractured • Deteriorated • Inappropriate repair

Section 9.4 – Oil and Water Leaks

Method of Inspection	Reason for Rejection
<p>Check vehicle for oil and water leaks from any assembly or component to the ground.</p> <p>Check vehicle for oil and water leaks from any assembly or component that could be deposited on surrounding bodywork onto the exhaust system.</p> <p>Note: If necessary, the engine can be run at idle speed to confirm the existence of an oil leak.</p>	<p>An oil or water leak, from any assembly, which deposits fluids underneath the vehicle whilst stationary.</p> <p>Leaks which, when the vehicle is moving, could be deposited upon the surrounding bodywork, exhaust and brake system so that it would:</p> <ul style="list-style-type: none"> • Contaminate areas • Could potentially cause a health, safety or fire risk

Section 9.5 – Luggage and Load Space

Method of Inspection	Reason for Rejection
<p>Luggage should be secure and prevented from becoming dislodged in an accident in such a manner as may cause injury.</p> <p>There must be an approved parcel shelf or pull out screen in the case of a hatch/back or estate car.</p> <p>A suitable grill or net is not acceptable.</p>	<p>Load restraint system, if required, not present at time of test.</p> <p>Load restraint system faulty or unserviceable.</p> <p>Parcel shelf or screen not fitted.</p>

Section 9.6 – Engine and Transmission

Method of Inspection	Reason for Rejection
The engine readily starts and displays no evidence of serious mechanical defects.	Engine shows signs or serious mechanical defect.
Must be able to be switched off.	Engine cannot be started or switched off.
Hackney Carriage Only A fuel cut off switch and sign should be fitted at the front of the vehicle. Note: If the vehicle is fitted with an inertia switch, above not required.	No fuel cut off switch or sign fitted.
Check clutch for excessive noise or slip or difficulty to select gears.	Clutch excessively noisy or slipping or difficult to select gears.
Check gearbox for excessive noise.	Gearbox excessively noisy.
Check clutch pedal anti-slip for wear and deterioration.	Clutch anti-slip worn or deteriorated.
Check the automatic gearbox selector illumination.	Not illuminated.

Section 10.1 – Wheelchair Restraint and Access Equipment

Method of Inspection	Reason for Rejection
Wheelchair Restraint	
Where applicable, check condition and operation of wheelchair restraint.	A wheelchair restraint is defective, worn or missing.
A system for the effective anchoring of wheelchairs shall be provided within the vehicle in all spaces designated as wheelchair spaces. The system and the devices used to secure a wheelchair to the vehicle shall comply with the relevant standards laid down in European Directive 76/115 EEC (as amended by 90/629 EEC) whether or not those directives apply to those devices or the vehicle.	Wheelchair anchorage systems and devices do not conform to European Directives 76/115 EEC (as amended by 90/629 EEC).
Wheelchair Access and Equipment	
Check that appropriate ramps are fitted and are securely installed.	Ramps missing, incorrectly stored, damaged/deformed and/or anti-slip covering in poor condition.
Examine for damage, deformity, sharp edges and provision of anti-slip covering.	
Presenter of vehicle to demonstrate the satisfactory fitting and deployment of ramps.	Presenter fails to demonstrate satisfactory fitting and deployment of ramps.
All new hackney carriage applications shall be equipped with a manufactures user manual/guide on the ramp deployment, and safe loading and unloading and security of wheelchair passengers.	Does not have the user manual/guide.
Any purpose designed wheelchair access ramp that is carried must be lightweight and easy to deploy.	Unable to deploy ramps.
Wheelchair access equipment shall be fitted into the side access door of the vehicle. The side door shall be the door situated on the nearside of the vehicle, i.e. kerbside when stopped in a normal road.	Wheelchair access equipment which can only be fitted to the offside access door of the vehicle.
A locking mechanism shall be fitted that holds the access door in the open position whilst in use.	No evidence of a suitable locking mechanism to hold the door open.
Any wheelchair tracking must comply with European Standard UNECE Regulation 14 (EC Directive 76/115/EEC).	Unable to present a valid or current certificate for wheelchair tracking.
Further information on disabled persons transport is available from the Disabled Persons Transport Advisory Committee (DPTAC) website: www.dptac.gov.uk	

Section 10.2 – Taxi Meter (Hackney Carriage Vehicles Only)

Method of Inspection	Reason for Rejection
<p>The taxi meter is to be measured on an approved single rolling road system. The test shall be carried out using the manufacturer's operating instructions and all health and safety precautions must be observed. Front wheel drive vehicles must be tied down for the rolling road test.</p>	<p>Taxi meter out of calibration.</p>
<p>All relevant distances for the test are to be taken from the current table of fares at the time of test.</p>	
<p>The meter is to be an approved type and fitted securely in the driver's compartment and in such a position that it is clearly visible to the passenger compartment.</p>	<p>Taxi meter not clearly visible to passengers. Taxi meter insecure.</p>
<p>The meter must have an approved form of seal to prevent non approved calibration of the meter.</p>	<p>No approved seal on the taxi meter.</p>
<p>A current table of fares must be clearly displayed to passengers. The table must be in good condition and not faded.</p>	<p>A current table of fares not clearly displayed, damaged or faded.</p>
	<p>Note: Where vehicles are manufactured as to be unable to be tested on a single rolling road system, the vehicle will be taken for test on a measured distance with the calculation taken from the current table of fares.</p>

Section 10.3 – Motion Locks (Hackney Carriage Vehicles Only)

Method of Inspection	Reason for Rejection
<p>Whilst the vehicle is being tested on the single rolling road or a measured distance, check the operation of motion locks.</p>	
<p>The rear doors must lock from the inside only as soon as the vehicle moves away, and the warning lights must illuminate. When the vehicle stops the doors must unlock and the warning lights extinguish.</p>	<p>Motion locks do not lock the rear doors when the vehicle is in motion.</p>
<p>Check the motion lock overriding system (if fitted) that operates through the footbrake lighting system (brake lights). The rear doors should lock from the inside when the foot brake is depressed, unless the system is switched off (some systems can be manually switched off).</p>	<p>Motion locks that do not unlock the rear doors when the vehicle stops (unless the foot brake is depressed on vehicles fitted with the foot brake override system).</p>
<p>Note: Not all vehicles have the foot brake override system The only override system allowed is the 'foot brake override system' described above.</p>	
<p>Check for any switches fitted that disable the motion lock system, and make sure that motion locks always operate whilst the vehicle is in motion.</p>	<p>Any switch that turns off the motion locks whilst the vehicle is in motion.</p>
<p>Check for any switches fitted that will lock the rear doors and not allow passengers to exit the vehicle.</p>	<p>Any switch fitted to lock rear doors and not allow passengers to exit vehicle.</p>
<p>Check that the motion door lock warning lights operate correctly, and check warning notices are displayed and are not deteriorated.</p>	<p>Missing or defective motion lock warning lamp, signage missing or faded.</p>

Section 10.4 – Fire Extinguisher

Method of Inspection	Reason for Rejection
If fire extinguisher present it must be securely fitted in the driver's compartment where it is within easy reach of the driver and does not interfere with the safe use operation of the vehicle.	Fire extinguisher not fixed, or not easily accessible to driver.
The fire extinguisher must comply with requirements of BS EN3 1996 and have minimum rating of 5a and 34b.	Does not comply with requirements.
The extinguisher must contain not less than 0.9 litres AFFF foam or 1kg dry powder and must have a seal or gauge mechanism.	Fire extinguisher is not of appropriate type or standards gauge or seal broken or showing empty.
The vehicle registration shall be permanently and legibly marked on the extinguisher.	Vehicle registration is missing or illegible.
NB: It is not a mandatory condition that a fire extinguisher is fitted within the vehicle.	

Section 10.5 – Electrically Operated Side Steps and Running Boards

Method of Inspection	Reason for Rejection
Check the condition, operation, security and cleanliness of the electrically operated side step.	Steps do not operate. Steps insecure or not in a clean condition.
Check the failsafe system connected to the handbrake lever.	Step warning lights not operating when the steps are deployed.
Check that the edges of the step are highlighted.	Steps do not retract when the handbrake is released.
Note: No switches to be fitted that allow the step to be deployed when the handbrake is in the off position, or the step kept out when the vehicle is in motion.	Steps not highlighted on all edges.
Running Boards	Any switch fitted that allow steps to be left in the out position when the handbrake is released.
If the vehicle is fitted with running boards, written evidence is to be provided for proof of fitment by the original body builder, and all measurements to be correct.	No written proof of fitment by the original body builder.
The step should have at least five inches of usable width on both sides of the vehicle, and should cover the length of the door aperture.	Does not have five inches of usable width on both sides of the vehicle. Length of the step does not cover the whole door aperture.
For vehicles fitted with running boards as standard this will be covered by the M1 Type Approval.	

Section 10.6 – Driver Information Systems

Method of Inspection	Reason for Rejection
Where information systems are fitted, e.g. data-heads, Sat-Navs, CCTV Systems and in-car entertainment.	
These must be checked for security of installation and safety.	Not securely fitted, unsafe operation, wiring loose, unsecured or potentially hazardous.
Must not interfere with driver's safe operation of the vehicle.	Interferes with the safe operation of the vehicle.
Must not hinder the forward vision of the driver.	Obstructs forward vision of the driver.

Definition of Motor Vehicles

Category	Definition
M	A motor vehicle with at least four wheels designed and constructed for the carriage of passengers.
M1	Vehicles designed and constructed for the carriage of passengers and comprising no more than eight seats in addition to the driver's seat.
M2	Vehicles designed and constructed for the carriage of passengers and comprising more than eight seats in addition to the driver's seat, and having a maximum mass not exceeding five tonnes.
M3	Vehicles designed and constructed for the carriage of passengers and comprising more than eight seats in addition to the driver's seat, and having a maximum mass exceeding five tonnes.