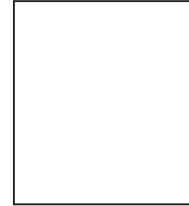




SHEFFIELD CITY COUNCIL Committee Report



Report of: Chief Licensing Officer, Head of Licensing

Date: 18th February, 2016

Subject: Hackney Carriage and Private Hire Drivers Policy

Author of Report: Craig Harper – 27 34264

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

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

Background Papers: Not applicable

Category of Report: OPEN

Hackney Carriage and Private Hire Drivers Policy - Approval

1.0 SUMMARY

1.1 The Licensing Service are streamlining the current policies in relation to the Licensed Hackney Carriage and Private Hire Trade. They are creating three policies, as follows;

- Hackney Carriage & Private Hire Drivers Policy;
- Private Hire Vehicle & Operators 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 “Hackney Carriage & Private Hire Drivers Policy” and for members to agree the implementation date as the 1st April 2016.

1.4 The remaining two policies will be placed before the Committee later this year.

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 vehicles which are valued by residents, visitors and businesses.

2.2 The new Drivers 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 drivers 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 hackney carriage and private hire 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 as ambassadors for the City that drivers must play if we are to enhance our reputation. Customers rightly expect that in using licensed vehicles they will be transported in comfort & safety and that they will be taken to their destination via the quickest route.

2.5 Sheffield City Council has always sought to set some of 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 hackney carriage & private hire drivers in the City which supports the Council's priorities:

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

3.0 BACKGROUND

3.1 The hackney carriage and private hire industry is governed by two main pieces of legislation, these are:

- Town Police Clauses Act 1847; and
- 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. The Act sets out the 'fit and proper' test which has been used to help set this policy.

3.3 Policy, including licence conditions and standards for vehicles and drivers is 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 determine 'fit and properness', set licence conditions and vehicle standards.

3.5 The aim of the Hackney Carriage and Private Hire Drivers Licence 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 drivers and operators, 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 hackney carriage and private hire drivers licensing, including the legislative background, the 'fit and proper' test, pre-application examinations and tests, background checks, Child Sexual Exploitation, enforcement and much more.

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

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

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;

- Safeguarding children and vulnerable passengers
- Certificate in Hackney Carriage and Private Hire Licensing
- Online DBS Checks
- Driver Referral Policy – Relevance of Convictions and Cautions
- Medical Assessment
- Assistance Animal Exemption Certificate
- Right to Work in the UK
- Duration of Licence
- Illegal plying for Hire
- Driver Conduct complaints

5.0 WHAT THE POLICY DELIVERS

5.1 The Hackney Carriage and Private Hire Drivers Licence Policy will assist the Council in achieving its priorities, as outlined below:

- **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

- **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

- **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

- **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;
- 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

- **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 Tuesday, 22nd September 2015 and concluded at 5:00pm on Monday, 30th November 2015.
- 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 local GP's who are registered with the licensing authority.
- 6.3 Information regarding the consultation was also published on the Licensing Service webpages.

7.0 THE RESULTS AND AMENDMENTS TO THE POLICY FOLLOWING CONSULTATION

- 7.1 The Licensing Service has received 19 responses to the formal consultation exercise and an overview of the details of those responses is attached at Appendix 'A'. Full details (copies) of all responses will be available at the meeting if required.
- 7.2 The final draft policy is attached to the report at Appendix 'B' for your information.

8.0 PROPOSED TIMEFRAME

- 8.1 It is proposed that if the policy is approved that it comes into force on Friday, 1st April 2016.

9.0 FINANCIAL IMPLICATIONS

- 9.1 There are no financial implications arising from this report.
- 9.2 The work undertaken on the Hackney Carriage and Private Hire Drivers Licence Policy has been undertaken within the current resources and budget of the Licensing Service.

10.0 RECOMMENDATIONS

- 10.1 That Members of the Licensing Committee approve the Hackney Carriage and Private Hire Drivers Licence Policy as attached at Appendix "B".

11.0 OPTIONS OPEN TO THE COMMITTEE

- 11.1 To approve the Hackney Carriage & Private Hire Drivers policy as attached at Appendix "B" to come in to force on the 1st April 2016.
- 11.2 To approve the Hackney Carriage & Private Hire Drivers policy as attached at Appendix "B" with amendments to come in to force on the 1st April 2016.
- 11.3 To approve the Hackney Carriage & Private Hire Drivers policy as attached at Appendix "B" with or without amendments to come in to force on an agreed date.

11.4 To defer the Hackney Carriage & Private Hire Drivers Policy as attached at Appendix “B” 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

18th February, 2016

Consultation Comments Received

No	Name	Organisation / Service / Premises	Overview of Comments	Has the Policy been updated following the comments?
1	Julie Hague	Sheffield Safeguarding Children Board	Recommended a minor change to wording under the child safeguarding section.	Yes
2	Phil Ashford	Sheffield Futures	Welcomed information on CSE. Enquired if we could provide more information in terms of the law.	No
3	UBER	Private Hire Operator	Would like to see a Reduction in barriers in order to obtain a Private Hire Driver Licence: <ul style="list-style-type: none"> • Removing Knowledge Test • Allowing DBS by third parties 	No
4	GMB	Trade Union	Would like to see a change to delegated power.	No
			An objection to the Certificate in Hackney Carriage and Private Hire Licensing in its current format.	Yes
			A change to the Knowledge Test, improving standards.	No
			An objection to the DBS checks – Certificate of Good Character Report.	Yes
			Would like to Remove ID badges in licensed vehicles.	No
5	Sheffield Taxi Trade Association	Trade Organisation	Supportive of the Level 2 Certificate in the Introduction of the role of the professional taxi and private hire driver for new applicants.	N/A
			Supportive of the Knowledge Test.	N/A
			Supportive of Driving Standards Examination.	N/A

			Supportive of training in Safeguarding Children and Vulnerable Passengers.	N/A
			An objection to the Certificate in Hackney Carriage and Private Hire Licensing in its current format.	Yes
			Supportive of Age and Experience requirements.	N/A
			An objection to the DBS checks – Certificate of Good Character Report.	Yes
			Supportive of Driver's Referral Policy.	N/A
			Supportive of Medical Policy.	N/A
			Supportive of Assistance Animal Exemption Certificate policy.	N/A
			Supportive of Right to Work in the UK policy.	N/A
			Supportive of DVLA checks. Sought clarification as to how it would operate.	N/A
			Supportive of Dual Licence policy.	N/A
			Supportive of Duration of Licence policy.	N/A
			Supportive of Code of Good Safeguarding Conduct section in Mandatory Conditions.	N/A
			Supportive of Safeguarding Children and Vulnerable Adults policy.	N/A
			Supportive of Illegal Plying for Hire policy.	N/A
			Supportive of Driver Complaints policy.	N/A
6	Paul Oxley	Licensee	An objection to the Certificate in Hackney Carriage and	Yes

			Private Hire Licensing in its current format.	
7	Richard Oxley	Licensee	An objection to the Certificate in Hackney Carriage and Private Hire Licensing in its current format.	Yes
8.	Kamran Afzaf	Licensee	Document contains too many legal jargons	No
			Found it difficult to understand; too many technical terms.	No
			Would like to know what protection is available for licensees.	No
			Would like information on what grounds a license can be revoked and the expected standards of a licensee.	No
			Would like information on safeguarding training.	Information in regards to this is contained in the policy.
			Cites there is no information on training and qualifications.	Information in regards to this is contained in the policy.
			Information sought on checking overseas drivers.	No
9.	K Hussain	Licensee	An objection to the Certificate in Hackney Carriage and Private Hire Licensing in its current format.	Yes
10.	Nosheen Hussain	Licensee	Would like to see the implementation of safety cameras.	This is better placed in the vehicle policy.
11.	Arshad Mahmood	Licensee	An objection to the Certificate in Hackney Carriage and Private Hire Licensing in its current format.	Yes
			Cited the speed of the consultation was too fast.	N/A
12.	Gulzar Hussain	Licensee	Referenced licensees from other districts working in Sheffield, and how as a Council we can stop this.	Comments not in relation to the consultation.
13.	Ahsan Ashraf	Licensee	Questioned the use if the 'fit and proper' test. Would to like to see a change to the definition.	This is imbedded in law. No change made. No
			An objection to the Certificate	Yes

			<p>in Hackney Carriage and Private Hire Licensing in its current format.</p> <p>Questioned the age policy.</p> <p>Concerns raised on the referral criteria, specifically in relation to unproven allegations in relation to sex offences and child sexual exploitation.</p> <p>Does not want the issuing of dual licenses.</p> <p>Issues over reporting concerns about children and vulnerable adults.</p> <p>Would like to see changes to the byelaws.</p>	<p>No</p> <p>No</p> <p>No</p> <p>Yes – Wording changed.</p> <p>No</p>
14	Asima Arif	Licensee	<p>Welcomes the introduction of the new policy</p> <p>An objection to the Certificate in Hackney Carriage and Private Hire Licensing in its current format.</p> <p>Concerns of over the Council's right to overturn a decision that has been previously made where errors are discovered.</p>	<p>N/A</p> <p>Yes</p> <p>No</p>
15	Sajid	Licensee	<p>An objection to the Certificate in Hackney Carriage and Private Hire Licensing in its current format.</p> <p>An objection to the DBS checks – Certificate of Good Character Report.</p> <p>Concerns over the issuing of dual licenses.</p>	<p>Yes</p> <p>Yes</p> <p>No</p>
16	Derek	? Maybe a licensee	<p>Welcoming and agrees to new policy.</p> <p>Referenced licensees from other districts working in Sheffield, and how as a Council we can stop this.</p>	<p>N/A</p> <p>Comments not in relation to the consultation.</p>
17	Waseem	Licensee	Stated that the URL link for	This was checked and found

	Mohammed		the consultation is inactive. Stated that track changes were not used to highlight changes.	not to be true. First policy of its type so no option to do this.
18	Arshad Mahmood	Licensee	An objection to the Certificate in Hackney Carriage and Private Hire Licensing in its current format. An objection to the DBS checks – Certificate of Good Character Report.	Yes Yes
19	Asma Akhtar	Licensee	Happy with the policy, citing 'very clear and concise'.	N/A

SHEFFIELD CITY COUNCIL'S
Hackney Carriage and Private Hire
Driver's Policy

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Frequently Used Terms

The following terms are used frequently throughout this Policy document.

<p>'The licensing authority'</p>	<p>Refers to Sheffield City Council which carries out its function as Licensing Authority under the Town Police Clauses Act 1847 and Local Government (Miscellaneous Provisions) Act 1976 as well as other relevant legislation and policies.</p>
<p>'The Council'</p>	<p>Refers to Sheffield City Council.</p>
<p>'The Licensing Committee'</p>	<p>Refers to the committee of Sheffield City Council.</p>
<p>'The Licensing Sub-Committee'</p>	<p>The Sub-Committee conducts hearings and makes determination in relation to the licensing of Hackney Carriages and Private Hire Drivers, Vehicles and Operators as well as related enforcement matters.</p>
<p>'Licensing Policy'</p>	<p>Refers to this document, Sheffield City Councils Hackney Carriage and Private Hire Driver's Policy</p>

We are proud of Sheffield's reputation as a safe and vibrant city which includes the provision of licensed vehicles 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 Drivers Policy to guide the licensed trade and new applicants when making applications under the relevant legislation, and to assist councillors in reaching decisions on those applications that they consider.

We believe this is a robust policy. We welcome and support those seeking to work in the hackney carriage and 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 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 designed to promote improved professional standards and behaviours amongst licenced drivers, to increase their awareness of safeguarding issues, and to allow those that share the Council's vision and commitment to achieve a high standard of service to thrive.

The policy will make it extremely difficult for any disreputable individuals 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;
- prevent crime and disorder; and
- prevent public nuisance.

This document sets out Sheffield City Council's general approach to the licensing of private hire & hackney carriage drivers in the City which supports the Council's priorities:

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

We aim to ensure that licensed drivers operating in the City are of the highest quality, and can be held to account for their performance.

The Council recognises the important role that hackney carriage and private hire 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.

The drivers themselves have a key role as ambassadors for the City and customers rightly expect that in using licensed vehicles they will be transported in comfort and safety. This will help to ensure that the industry and the local economy thrive.

We are committed to building on a partnership approach with the licensed trade and will continue to look at improving standards to ensure that Sheffield remains a safe place to visit and enjoy your leisure time and that everyone has a safe and pleasant journey home in our licensed vehicles.

The policy has been the subject of a ten week consultation period and we are grateful to all those who submitted comments that have helped to shape the final policy.

The council will implement the policy as from 1st April 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 hackney carriage and private hire drivers, vehicles 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 well-being of our residents, visitors to the city and those working in the city.

We want to promote Sheffield as a city of cultural excellence, increase engagement in cultural activities and encourage vibrant, safe and strong communities. We want to celebrate cultural diversity and 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 in which it carries out its functions. The policy has immediate effect and will be applied to existing licences and new applications received after the date that the policy is adopted by the Council.

The Council reserves the right to overturn a decision that has previously been made, or refuse a renewal of a licence, where clear errors are discovered. In addition, the Council will undertake periodic auditing of currently licensed drivers and vehicles to ensure that 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 into 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.

Part 3 – Aims and Objectives

The principal purpose of hackney carriage and private hire driver 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 drivers; 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 the issues in relation to safeguarding children and vulnerable adults;
- impose strict policies, conditions and disciplinary processes;
- administer regular accurate vetting, and monitoring of licensees;
- impose qualification requirements, establish local training and educational standards and processes;
- give a commitment to work with the police and other licensing authorities; and
- make it clear that there is an expectation that all licence holders will treat all customers, passengers, the general public and Council officers with respect and courtesy at all times.

Professional and knowledgeable drivers:

- consider the history of an individual's convictions and cautions;
- consider the history of complaints received against the individual;
- deliver driver training and increasing knowledge, checking qualifications and performance;
- testing the knowledge of the Sheffield City Council area;
- checking the health and fitness to fulfil the role of a licensed driver;
- promote crime prevention measures;
- check safety at ranks including the protection of drivers;
- conduct regular driver health checks; 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;
- ensuring all areas of Sheffield are safe, clean and well maintained;

- helping people to improve their health and wellbeing and promoting equality within the city;
- 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 – Legislative Background

Sheffield City Council must adhere to the regulatory frameworks as set out in the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976 in respect to the licensing of hackney carriage and private hire drivers.

The legislative framework contained in these two Acts, 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 and hackney carriage drivers.

Town Police Clauses Act 1847

The Town Police Clauses Act 1847 is used by Sheffield City Council to regulate the hackney carriage and private hire trade.

A hackney carriage driver's licence is issued by the Council in accordance with the Town Police Clauses Act 1847, Section 46. It states:

'No person shall act as a driver of any hackney carriage licensed in pursuance of the Act to ply for hire within the prescribed distance without first obtaining a licence from the commissioners (now the Council), which shall be registered by the clerk to the commissioners (licensing officers).'

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 driver's licence is issued by the Council in accordance with the Local Government (Miscellaneous Provisions) Act 1976, Section 51. It states:

'Subject to the provisions of this Part of the Act, a district Council shall, on receipt of an application from any person for the grant of a licence to drive private hire vehicles grant that person a driver's licence.'

Integrating National Legislation

In addition to compliance with the above Acts, 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 5 – 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 and hackney carriage 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

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;
- 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

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

Safer and Sustainable Communities Partnership Plan 2011-2014

The Sheffield First Safer Communities Partnership is the city's Community Safety Partnership and has a statutory responsibility to produce a multi-agency plan to tackle crime, anti-social behaviour and drug and alcohol misuse, as well as to seek to develop cohesive communities and support people from different backgrounds to get on well together.

The Partnership's priorities for the years 2014-17 are:

- **Victims:** Tackling crimes that affect people's quality of life, encouraging people to report typically under-reported areas such as domestic abuse and hate crimes and hate incidents, and providing support to victims of crime and anti-social behaviour;
- **Vulnerable people:** Including those experiencing domestic abuse, those at risk of sexual exploitation, those suffering from alcohol or substance misuse, those subject to repeat anti-social behaviour or bullying and those with mental health needs;
- **Re-offending:** Working in partnership to support those who have offended not to offend again, by focussing on, for example, mental health issues, drug and alcohol abuse and other drivers for offending behaviour;
- **Cohesion:** Supporting relationships between communities, including inter-generational, inter-faith, inter-ethnicity and background, to get on together and be tolerant of each other; and
- **Crime and anti-social behaviour:** Focus on tackling and reducing key challenges such as burglary and anti-social behaviour, by using the tools and powers available and by working partnership.

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 also 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. The Council will recognise and support the work of the Safeguarding Vulnerable Passengers Strategic Group.

Part 6 – Delegations

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/Head of Licensing 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	Licensing Committee	Licensing Sub-Committee	Officers
Full Policy/Policy Objectives Review	✓		
Fee setting (when appropriate)	✓		
Application for a hackney carriage and private hire driver's licence		If application falls within referrals criteria or there is cause for concern	If application does not fall within referrals criteria and no cause for concern
Refusal of licence		✓	
Revocation of licence		✓	
Suspension of licence		✓	✓
Review of licence		✓	

Formal Warnings		✓	✓
Investigation or offences and preparation of prosecution files			✓
Complaints		✓	✓

Part 7 – 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 and the vulnerable 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.

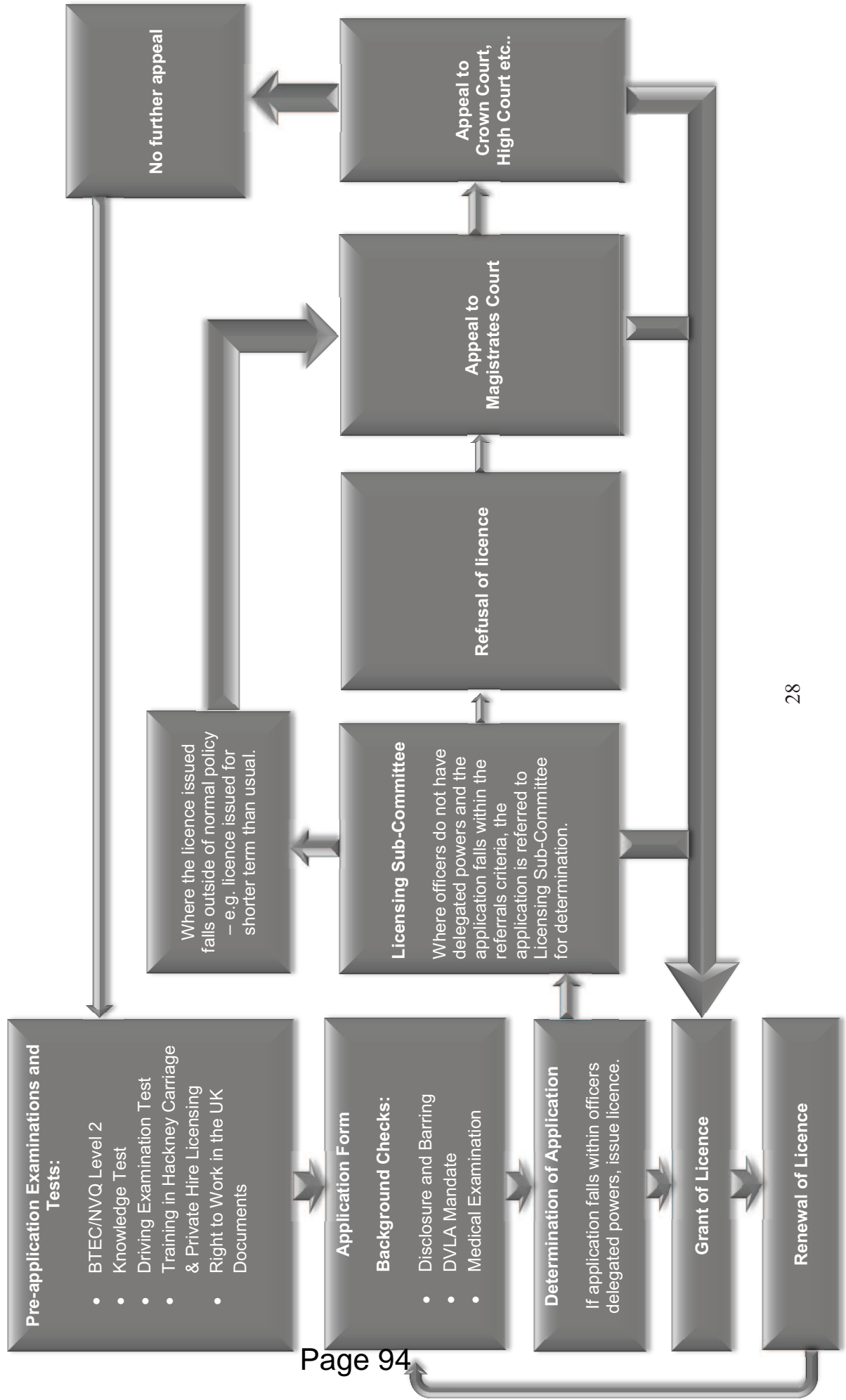
Any information supplied must only be used for the purpose for which it is obtained. It must be securely retained whilst in the possession of the party that has requested it, and must be securely disposed of when no longer required. It must not be further transmitted to a third party without the consent of the original authority that supplied the information.

The licensing authority has powers contained in the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976 to request information from licensees and third party organisations.

The licensing authority will apply the provisions of the Freedom of Information Act 2000 and the Data Protection Act 1998 on the receipt of requests for information. Full information can be found in the Councils publication scheme.

Under the above Act or in any other circumstances where there is a request for large amounts of information, or where the request is such that it will take the licensing authority time to research and retrieve such information, a charge may be applied.

Part 8 – Application Procedure Flowchart



Part 9 – 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, Sections 51 and 59. This states that:

‘a district council [the licensing authority] shall not grant a licence unless they are satisfied that the applicant is a fit and proper person to hold a driver’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.’

As well as the above definition the licensing authority will also consider the following statement in assessing the fit and properness of an applicant/licensee:

‘Would you (as a member of the licensing sub-committee or other person charged with the ability to grant a hackney carriage and private hire driver’s licence) allow your son or daughter, spouse or partner, mother or father, grandson or granddaughter or any other person for whom you care, to get into a vehicle with this person alone’.

In taking into account these statements the licensing authority has established a robust set of measures in deciding whether a person is fit and proper, including, but not limited to, the tests and examinations as contained in Part 10 as well as the background checks identified in Part 11. The fit and properness will be assessed throughout the period for which a person is licensed.

Information contained within this policy, specifically that which relates to fit and properness, will be applied to new applicants and those who are already licensed; retrospective action will be taken where necessary in order to ensure compliance of all those who are currently licensed.

Part 10 – Driver Pre-application Requirements

All applicants and licensed drivers must be able to demonstrate to the licensing authority that they have the right aptitude and skills to possess a licence. Licensed drivers are in a position of great trust and play an integral role in providing a public service to the people who live, visit and work in Sheffield.

The licensing authority must ensure that licensed drivers are of the highest standard and are providing a service that meets the needs of the City. The application procedure, mandatory examinations/tests and background checks have been designed in such a way to ensure the highest of standards are introduced, maintained and enforced accordingly.

Pre-application Qualifications and Tests

In order to assess the fit and properness and suitability of applicants the licensing authority shall undertake a range of pre-application examinations/tests and carry out appropriate background checks.

These examinations, tests and checks are designed to assist the applicant in satisfying the licensing authority that they are a fit and proper person to hold a licence.

The licensing authority has therefore introduced the following examinations and tests that all applicants must undertake and pass as the first stage in applying for a licence.

Level 2 Certificate in the Introduction to the Role of the Professional Taxi and Private Hire Driver

The licensing authority believes that, due to the nature of the role and the high demands and pressures that are brought with it, all applicants who are not currently licensed with the authority should undertake and pass a nationally recognised qualification that includes, but is not limited to, customer care, road safety and meeting the needs of people with disabilities.

Policy – Objective 1

Level 2 Certificate in the Introduction to the Role of the Professional Taxi and Private Hire Driver.

The licensing authority believes that all applicants applying for a licence should undertake, due to the nature of the role, a nationally recognised course that includes qualifications for the passenger transport industry.

Therefore all applicants are required to undertake and pass a Level 2 BTEC, or similarly recognised qualification, in the *Introduction to the Role of the Professional Taxi and Private Hire Driver*.

The course should cover the following units as a minimum:

- Carry fare paying passengers within the framework of the private hire industry;
- Drive a taxi or private hire vehicle in a professional manner;
- Ensure health and safety of the taxi and private hire driver and passengers;
- Plan routes in the taxi and private hire industries;
- Process fares and charges for private hire passengers;
- Provide professional customer service in the taxi and private hire industries;
- Provide a safe and legal vehicle for transporting passengers by taxi and/or private hire;
- Provide a service to customers using a wheelchair in an accessible taxi or private hire vehicle;
- Provide a transport service in the taxi and private hire vehicle industries for customers who require assistance; and
- Transport children and young persons by taxi, private hire or chauffeuring.

Unregulated qualifications will not be recognised and therefore not accepted. A list of all regulated qualifications can be found by visiting <http://register.ofqual.gov.uk>. It is advisable that applicants contact the licensing authority should they have any concerns about the legitimacy or standard of a course before undertaking.

Knowledge Test

The very nature of a private hire and hackney carriage driver is to transport passengers from one place to another, and to this end all licensees must have a sound knowledge of Sheffield city centre and the surrounding suburbs.

It is imperative that licensees do not have to rely on electronic devices and other forms of navigation equipment to be able to travel from place to place; they should have a sound knowledge of all major interests points in Sheffield, as well as the many different districts with which people live in and visit.

Policy – Objective 2

Knowledge Test

Hackney carriage and private hire drivers must have a sound geographical knowledge of Sheffield in order that they carry out their role proficiently and efficiently.

All applicants are therefore required to undertake and pass a Knowledge Test as devised by the licensing authority. The test is designed to examine applicant's knowledge of Sheffield and will include questions on:

- places of interest;
- districts; and
- routes between places of interest.

Applicants will be provided with guidance documentation produced by the licensing authority detailing the places of interest and districts that will form part of the test. It is the applicant's responsibility to revise sufficiently and to seek information; under no circumstances will answers be provided by the licensing authority.

The pass mark is set at 80% for each section; therefore a failure in one section will mean an overall failure. Those applicants that do not achieve the required pass mark will only be provided with feedback upon request and at the discretion of a licensing officer.

A non-refundable fee will be paid for each test undertaken. It is recommended that applicants leave a sufficient amount of time before booking a test in order to give themselves the best possible chance of passing the test without having to retake. Those applicants that fail three successive knowledge tests will be required to wait a period of not less than twelve months (from the date of the most recent failure) before reapplying.

Applicants must make a full application within 12 months of passing the test. Those applicants that fail to do so will be required to undertake and pass the test again and submit an application within the specified timeframe.

Those licensees, for whom we receive continuous complaints in regards the geographical knowledge of the city, and for which evidence can be provided, will be referred to the Licensing Sub-Committee where they may require that a licensee retake the knowledge test. Failure of the test may lead to their licence being suspended until such time that they pass the test. Any costs incurred will be met by the licensee.

Driving Standards Examination

The licensing authority expects high standards from all licensees and it is expected that the driving standards of a licensed driver should be higher than that of a normal road user.

It is therefore necessary for all applicants to undertake a driving assessment.

Policy – Objective 3

Driving Standards Examination

Applicants are expected to demonstrate an above average knowledge of the principles of good driving and road safety, and to prove this knowledge can be applied in practice.

All applicants are therefore required to undertake and pass a driving standards test carried out by a suitably qualified driving standards examiner at Sheffield City Council's Transport Department.

All assessments will include any three of the following manoeuvres: emergency stop, left hand reverse, right hand reverse, turn in the road and reverse park.

Applicants will also be tested on their knowledge of the Highway Code and are advised to obtain and study the Driving Standards Agency book – *Driving – The Essential Skills*.

A non-refundable fee will be paid for each test undertaken. There is no limit on the number of tests that can be undertaken in a specific timeframe.

Applicants must make a full application within 12 months of passing the test. Those applicants that fail to do so will be required to undertake and pass the test again and submit an application within the specified timeframe.

Those licensees for whom we receive continuous complaints regarding their driving standards, and for which evidence can be provided, will be referred to the Licensing Sub-Committee where they may be required to retake the test to indicate they possess the standards required. Failure of the test may lead to their licence being suspended until such time that they pass the test. Any costs incurred will be met by the licensee.

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 4

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 drivers 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 drivers to protect themselves, by keeping records and observing a code of conduct, as outlined in Part 12.

Training in Hackney Carriage and Private Hire Licensing

The licensing authority expects all applicants and licensees to have a good knowledge of the private hire and hackney carriage licensing industry, along with information and awareness of those aspects that have a direct or indirect effect on such matters.

All applicants and current licensees are therefore expected to undertake the Certificate in Hackney Carriage and Private Hire Licensing, as provided by Sheffield City Council Licensing Authority. The course covers a wide spectrum of information and guidance, providing applicants and licensees with the skills and attributes they will require.

Policy – Objective 5

Training in Hackney Carriage and Private Hire Licensing

All applicants and current licensees will be required to undertake the Certificate in Hackney Carriage and Private Hire Licensing. The Course will cover, as a minimum, the following modules:

- Hackney Carriage and Private Hire Licensing Law;
- Licensing Authority Laws;

- Licensing Authority Licence Conditions;
- Licensing Authority Policies;
- Safeguarding Children and the Vulnerable;
- Child Sexual Exploitation;
- Code of Good Safeguarding Conduct;
- Participation Scheme;
- The Role of a licensed driver;
- Customer Care;
- Equality, Diversity and Inclusion; and
- Disability Awareness

New applicants will be required to undertake and pass the course as part of the pre-application procedure.

Existing licensees will be required to undertake the course within six years of the policy coming into force. Those licensees that fail to undertake the course within the specified timeframe may not be issued a licence until such time that they have done so.

Any costs incurred will be met by the applicant.

Requirement for Licensee to Retake Examinations, Tests and Training

In certain circumstances it may be a requirement for a licensee to retake tests and examinations.

Policy - Objective 6

Requirement for Licensee to Retake Examinations, Tests and Training

Those applicants that make an application for a licence between a period of one month and 12 months since the expiry of the last licence will be considered a new applicant, but will not be required to undertake any further training, examinations or tests if they have already done so. However, if necessary they will be required to undergo a medical examination if appropriate for the age of the applicant.

Those applicants that make an application for a licence after a period of 12 months since the expiry of the last licence will be classed as a new applicant and will be required to undertake all tests, examinations and training appropriate for new drivers.

Part 11 – Driver Background Checks

Applicants and those already licensed are expected to act with truthfulness at all times and disclose to the licensing authority any information that is reasonably requested. In doing this the licensing authority will be provided with information that enables decisions on the fit and properness of applicants to be ascertained.

Therefore, the licensing authority will undertake such background checks as it deems necessary in order to help assess the fit and properness and suitability of new applicants and those already licensed. The checks cited in this section are mandatory for all applicants and form the basis of an application. Failure to undertake such checks will result in the licensing authority being unable to grant a licence.

A failure of one of the objectives will result in the application being referred to the Licensing Sub-Committee for determination.

Age and Experience of Applicant

Age is an important factor to take into consideration in judging the suitability of new applicants due to the nature of the role. The licensing authority must be satisfied that all applicants have appropriate experience and knowledge of driving a motorised vehicle and can cope with the demands of the job.

Policy – Objective 7

Age and Experience

It is expected that applicants when making an application will not be less than 21 years of age and will have held a DVLA driver's licence for not less than two years at the time of a licence being granted.

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 will be carried out by the Disclosure and Barring Service which carries out such checks for licences 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 drivers 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 8

Disclosure and Barring (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 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.

Applicants and licensees are also required to inform the licensing authority of any new convictions picked up in the term of a licence within 14 day of conviction. The licensing authority will take into account the type of conviction in deciding what action will be taken.

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 falls within the referral criteria or where it is deemed appropriate to do so.

The licensing authority will take the same approach in determining the suitability of existing licensees, considering the same parameters with which new applicants are judged.

The licensing authority will pay particular attention to:

- Any term of imprisonment or custody;

- Any conviction for a violent, sexual offence or dishonesty which is of a serious nature;
- Any serious motoring offence, such as dangerous driving, driving whilst disqualified, driving under the influence of drink and drugs; and
- Any offence contrary to hackney carriage and private hire vehicle legislation.

The licensing authority will also take into account additional information held by local police that they consider reasonably relevant to the role of hackney carriage and private hire driver and any information or intelligence obtained from other sources, in addition to that held on the licensing record.

The police only disclose information that has a reasonable basis of credibility and that is related to the occupation as a hackney carriage and private hire driver. 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 licensed driver.

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.

The full terms of the driver's referral policy can be viewed below.

Policy Objective 9

Driver's Referral Policy - Relevance of Convictions and Cautions

The licensing authority will in certain circumstances refer applicants and/or licensees to the Licensing Sub-Committee for the determination of an application/licence.

Set out below is the criterion for referrals of a hackney carriage and private hire driver's application/licence to the Licensing Sub-Committee.

- Any term of imprisonment or custody.
- Except where in exceptional circumstances and in the view of the Chief Licensing Officer the age and nature of the offence(s) are such that a referral to the Sub-Committee is not merited.
- Any conviction for violence, or violence offences which the Chief Licensing Officer considers to be of a serious nature.
- Any conviction, for dishonesty, or dishonesty offences which the Chief Licensing

Officer considers to be of a serious nature.

- Any conviction for sexual offences.
- Any conviction for any drugs offences. Any related offences to the supply of drugs or drug related offences which the Chief Licensing Officer considers to be of a serious nature.
- Any caution or fixed penalty notice for any drugs offences or related offences to the supply of drugs.
- Any caution, warning, anti-social behaviour order (ASBO), fixed penalty (non-driving), Acceptable Behaviour Contract (ABC), Civil Injunctions and Criminal Behaviour Orders (CBO's) which the Chief Licensing Officer considers to be of a serious nature.
- Any information that has been disclosed and has a reasonable basis of credibility and that is related to the occupation as a hackney carriage and private hire driver. This could include unproven allegations or charges for which an applicant/licensee has been acquitted.

Medical Assessment

The licensing authority views a medical assessment as an important tool for assessing the fitness, wellbeing and ability of a person to drive a licensed vehicle. This is supported by a report by The House of Commons Transport Select Committee on Taxis and Private Hire Vehicles which recommended in 1995 that taxi licence applicants should pass a medical examination before such a licence is granted.

Licensed drivers are on the road for longer hours than most normal drivers, are required to assist disabled passengers in and out of the vehicle, lift and move heavy pieces of luggage and work unsociable hours, all of which requires a person to have a good level of health and wellbeing.

Policy – Objective 10

Medical Assessment

All applicants will require Group 2 medical standards applied by DVLA in relation to bus and lorry and drivers, as the appropriate standard for taxi and private hire drivers. Group 2 medical categories include but are not limited to:

- Age limits;
- Visual Acuity;
- Respiratory and sleep disorders;
- Drug and alcohol misuse and dependency;
- Cardiovascular disorders;
- Impairment of cognitive function;
- Diabetes mellitus;
- Psychiatric disorder(s); and

- Neurological disorders including epilepsy.

Applicants will be required to attend a medical assessment with a General Practitioner that has been approved by the licensing authority. A full list of approved GP surgeries can be found at Appendix C. GP Surgeries set their own fees and all costs incurred will be met by the applicant.

In line with DVLA guidelines applicants are required to undergo a medical assessment at the initial application stage. A further medical assessment will then be conducted at 45 years of age and every five years thereon, until 65 years of age when they will be undertaken annually, unless otherwise instructed by the medical practitioner

Licence holders are, at all times, required to inform the licensing authority of any deterioration in health that may have an effect on their driving ability. Furthermore, licence holders are required to complete a Health Declaration form upon each renewal detailing any medical problems that have been diagnosed by a health professional within the term of their last licence, any admission to hospital and medical conditions or allergies that may have an impact upon their driving.

Any medical condition that that may have an adverse impact on driving ability will be recorded and the licence holder will be required to undergo a medical assessment under DVLA Group 2 standards.

Assistance Animal Exemption Certificate

The Equalities Act 2010 has made it illegal for assistance dog owners to be refused access to a hackney carriage and/or private hire vehicle with their assistance dog.

The licensing authority fully supports this stance and has therefore put in place robust measures to ensure that all licensees fulfil this requirement.

Policy – Objective 11

Assistance Animal Exemption Certificate

Licensees have a legal duty to carry guide, hearing and other prescribed assistance dogs. The licensing authority will investigate complaints of drivers refusing to pick up passengers with assistance dogs and, if no exemption certificate is held, the authority will immediately refer the case to Legal Services for prosecution.

Licensees who have a medical condition that is aggravated by exposure to dogs may apply to the licensing authority for an exemption certificate on medical grounds. A medical exemption certificate will only be granted if a licensee produces evidence from a General Practitioner registered with the licensing authority (see Appendix C) stating they have an allergy or a condition brought on by exposure to dogs.

Right to Work in the United Kingdom

Applicants will require documentary evidence 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 12

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.

Driving and Vehicle Licensing Agency (DVLA) Checks

As with a criminal record check, a driving record check is essential in assessing a person's fit and properness and is therefore seen as a vital measure that all applicants and licensees must undertake.

All driving records checks will be carried out with the Driving and Vehicle Licensing Agency (DVLA) and will reveal information on:

- The licence validity dates;
- The categories of vehicle the driver can drive;
- If there are any current endorsements on the licence; and
- If the driver is disqualified.

It is advisable to view the driver's referral policy in conjunction with Appendix B which details a comprehensive list of all driving offences along with the appropriate penalty points.

Policy – Objective 13

Driving and Vehicle Licensing Agency (DVLA) Checks

The licensing authority requires all applicants and licensees to undertake a DVLA check in order to assess their driving record. A check will therefore be made at the time of the first application and every year thereafter.

Applicants will be required to complete a DVLA mandate that details the following:

- Driving Entitlements;
- Endorsement Details;
- Disqualifications;
- Convictions;
- Photo Images; and
- Certificate of Professional Competence (CPC) details (where appropriate).

The licensing authority will in certain circumstances refer applicants and licensees to the Licensing Sub-Committee for determination where the following driving offences have been identified:

- Drive or attempting to drive with alcohol level above the limit (DR10);
- Driving or attempting to drive while unfit through drink (DR20);
- Driving or attempting to drive then failing to supply a specimen for analysis (DR30);
- In charge of a vehicle while alcohol above limit (DR40);
- In charge of a vehicle while unfit through drink (DR50);
- Failure to provide a specimen for analysis or breath test (DR60 & DR70);
- Driving or attempting to drive when unfit through drugs (DR80);
- In charge of a vehicle when unfit through drugs (DR90);
- Driving or attempting to drive whilst disqualified (BA10 & BA30);
- Causing Death by dangerous Driving (DD80);

- Manslaughter or culpable homicide while driving a vehicle (DD60);
 - Dangerous Driving (DD40);
 - Driving without due care and attention (CD10, CD20 & CD30);
 - Causing death by careless driving (CD40, CD50, CD60 & CD70); and
 - Using a vehicle uninsured (IN10).
- Several motoring offences over a period of time particularly where the penalty points awarded could have resulted in disqualification and/or the applicant has claimed undue hardship to avoid disqualification.
 - Accumulated nine or more penalty points or committed/been convicted of three or more motoring offences in a short period of time.
 - Accumulated nine or more penalty points in 18 months or during the term of the last licence, whichever is the longest.
 - Have accumulated 12 or more penalty points or committed/been convicted of four or more motoring offences in a three year period or the last two terms of licence, whichever is lesser.
 - Any period of disqualification from driving.

In addition the licensing authority will also take into consideration the following:

- Warnings issued for failure to comply with private hire and taxi legislation which the Chief Licensing Officer considers to be of a serious nature.
- Any previous refusal/revocation of a licence by any Licensing Authority.
- Any other case which, at the discretion of the Chief Licensing Officer is regarded as appropriate for referral to the Licensing Sub-Committee.

Part 12 – Hackney Carriage and Private Hire Driver Licences

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, licensed drivers are in a position of great responsibility, entrusted with the safety of young children and vulnerable adults and will very often be the first impression of Sheffield to visitors.

It is for these reasons that all applicants must first undertake the pre-application tests and examinations before making an application. 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.

Dual Licence

Applicants wishing to drive a licensed hackney carriage and/or private hire vehicle must first obtain a licence to do so from the authority.

Policy – Objective 14

Dual Licence

The licensing authority, upon a successful application shall issue a dual licence, allowing licensees to drive both a hackney carriage and private hire vehicle.

The licensing authority, by way of a Licensing Sub-Committee hearing, may in certain circumstances decide not to issue a dual licence, instead opting to issue a licence to drive either a hackney carriage or private hire vehicle only. Contraventions in respect of the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976, such as illegal plying for hire, may be reasons for preventing the issue of a dual licence.

Duration of Licence

Section 53 of the Local Government (Miscellaneous Provisions) Act 1976, as amended by the Deregulation Act 2015, states that:

- (1) (a) *Every licence granted by a district council under the provisions of this Part of this Act to any person to drive a private hire vehicle shall remain in force for three years from the date of such licence or for such lesser period, specified in the licence, as the district council think appropriate in the circumstances of the case.*
- (b) *Notwithstanding the provisions of the Public Health Act 1975 and the Town Police Clauses Act 1889, every licence granted by a district council under the provisions of the Act of 1847 to any person to drive a hackney carriage shall remain in force for three years from the date of such licence or for such lesser period, specified in the licence, as the district council think appropriate in the circumstances of the case.*

The licensing authority shall take into account tests, examinations and background checks, such as those contained in Part 10 and 11, when dealing with each application made for a licence. All applicants/licensees should meet the fit and proper criteria, as identified in Part 9, at the initial application stage and throughout the term of a licence; rigorous checks will be implemented to check this.

Upon each application made the licensee shall produce documentation as described in part 11.

Policy – Objective 15

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 three years for both new and existing applicants.

Licensees who do not meet 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 for a shorter term than normal.

The licensing authority will endeavour to inform licensees at least a month in advance of when their licence is due to expire. However, it is ultimately the licensee's responsibility to remember when their licence expires and make the appropriate application to renew.

Conditions Attached to a Licence

Section 51 (2) 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 hackney carriage and private hire driver's licenses a set of mandatory conditions that all licensees must observe.

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 the additional conditions be removed.

Policy – Objective 16

Mandatory Conditions

The licensing authority has stipulated the following conditions as mandatory on all hackney carriage and private hire driver's licenses. The licensee should make themselves aware of all conditions and adhere to them at all times.

1. The licensee shall not assign or in any way part with the benefit of the licence, which is personal to the licensee. Driver's licenses are not transferable.
2. The licensee shall not while driving or in charge of a private hire vehicle:
 - Tout or solicit on a road or other Public Place any person to hire or be carried for hire in any private hire vehicle;
 - Cause or procure (get) any other person to tout or solicit on a road or a public place any person to hire or to carried for hire in any private hire vehicle;
 - Offer a private hire vehicle for immediate hire while he/she or the vehicle is on a road or public place provided that merely parking the vehicle on a road or other public place shall not itself be deemed a breach of this condition; and
 - Accept an offer for the immediate hire of a private hire vehicle while the licensee or the vehicle is on a road or other public place, other than is transmitted to them by a licensed private hire operator.
3. The licensee shall not cause or allow to be conveyed in a private hire or hackney carriage vehicle a greater number of persons not including the driver than the number of persons specified in the licence issued in respect of the vehicle.
4. The driver of the vehicle shall display in the vehicle (in clear view of the passengers) their identification as issued by the City Council and in addition to the drivers identification badge which the driver must wear at all times when in a licensed vehicle.
5. The driver must report to the licensing authority any Caution, Warning, ASBO, Acceptable Behaviour Contract (ABC), Civil Injunctions, Criminal Behaviour Order, Conviction and any driving offences within 14 days of the date of issue (fixed penalties) or conviction.
6. The licensee is required to comply with the statutory requirements and attention is drawn in particular to part II of the Local Government (Miscellaneous Provisions) Act 1976.
7. The licensee must comply with the Code of Good Safeguarding Conduct:
 - Reporting concerns about children or vulnerable passengers who may be at risk, or about persons who may pose a risk;
 - Communicating with passengers in a way that is appropriate to their age/needs; and
 - Maintaining appropriate boundaries with customers so as to remain professional at all times.

Safeguarding Children and Vulnerable Passengers

The licensing authority expects all licensees, throughout the time they are licensed, to maintain due diligence, this involves taking reasonable steps in order to avoid committing an offence.

It is therefore vitally important that young children, the elderly and vulnerable people are safely transported and safeguarded when using public transport, especially within private hire and hackney vehicles which provide a more personable service.

A vulnerable person may be classed as a child, an elderly person or somebody with learning difficulties. In addition:

'a vulnerable adult may be considered vulnerable if they are over 18 years of age, in receipt of or in need of community care services by reason of mental or other disability, age or illness and who is or may be unable to take care of themselves, or unable to protect themselves against significant harm or exploitation'.

In addition, a vulnerable person may be considered so if their actions are altered than may otherwise be the case, such as under the influence of drink or drugs.

Policy – Objective 17

Safeguarding Children and Vulnerable Passengers

It is an expectation that all licensees report concerns about children and vulnerable passengers and that they report and record all incidents involving children or vulnerable passengers. This information should be passed onto the licensing authority as soon as is practicable. Information will be fed into a centralised reporting and recording system in order to ensure appropriate steps are taken.

All licensees are expected to comply with the Code of Good Safeguarding Conduct. This includes:

- Reporting concerns about children or vulnerable passengers who may be at risk, or about persons who may pose a risk;
- Communicating with passengers in a way that is appropriate to their age/needs;
- Maintaining appropriate boundaries with customers so as to remain professional at all times. Drivers should not:
 - Communicate with, or touch, a child or vulnerable passenger inappropriately;
 - Make offensive or inappropriate comments (such as the use of swearing or sexualised or discriminatory language);
 - Behave in a way that may make a vulnerable passenger feel intimidated or threatened;

- Attempt to misuse personal details obtained via the business about a child/vulnerable person (for example communicating with a child at their postal address, or by social media/internet or mobile telephone or by using or sharing any other information disclosed as part of placing a booking, or obtained by any other aspect of the business).

The Code of Good Safeguarding Conduct is available to download at www.safeguardingsheffieldchildren.org.uk

In addition, if the licensing authority receives information or intelligence from the safeguarding service or police linking a licensee to child sexual exploitation (CSE) then their licence will be immediately suspended pending completion of the investigation. If the licensee is then found to have been involved in CSE activity and there is evidence of this then, even in the absence of a conviction or caution, the licensee can expect to have their licence immediately revoked.

Byelaws

The licensing authority has established a set of byelaws in relation to hackney carriage drivers and proprietors; these can be found at Appendix D. The byelaws are subject to review at any time – the licensing authority will inform drivers of proposed changes and any changes that are implemented.

All hackney carriage licensed drivers shall adhere to rules and regulations as set down in the byelaws, failure to so may result in prosecution and/or revocation of the licence.

Part 13 – 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 drivers is essential in order to achieve this. Ultimately these checks are undertaken in order to ensure licensees continue to be fit and proper (as referred to in part 9), are complying with the law and the conditions of their licence and to ensure the safety of passengers, pedestrians and other road users.

In order to achieve this objective the licensing authority ensures that licensed drivers are complying with statutory requirements, licensing conditions and byelaws 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, 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 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 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 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 their 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 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 a driver has been convicted of an offence involving dishonesty, indecency or violence or where there are circumstances in which 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 licence is contained in the Local Government (Miscellaneous Provisions) Act 1976, Section 61 as amended by the Road Traffic Act, Section 52. Further information on these suspensions can be obtained from the Acts themselves.

In certain instances it may be necessary, in the interests of public safety, for a suspension notice to have immediate effect. Under delegated powers from the Licensing Committee the Chief Licensing Officer is permitted to suspend a hackney carriage and private hire driver's licence immediately, where there is considered to be an immediate and on-going risk to public safety and it is deemed appropriate to do so.

Where the Licensing Sub-Committee, as part of a review, is satisfied that a person is no longer a fit and proper person or is in breach of their licence 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 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.

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 to refuse an application to renew a licence may be due to information received at renewal stage, such as background checks as referred to in part 11, or where the applicant has failed to comply with the requirements of a renewal application.

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 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.

Illegal Plying for Hire

Illegally plying for hire (when a person driving a vehicle other than a licensed hackney carriage takes a fare that is not pre-booked) is a serious offence. Not only is it illegal but it puts the general public at great risk and has wider implications on those drivers and services that are operating legitimately, specifically in terms of lost revenue.

Due to the nature of the offence, the licensing authority has put in place robust measures to tackle the issue of illegally plying for hire, in turn doing its utmost to protect members of the public and provide a public service that the City can be proud of.

Objective 18

Illegal Plying for Hire

The licensing authority will, where it sees fit and where there are known hotspots and/or areas of concern (as identified by information gathering by enforcement officers and complaints received by the general public and other licensed drivers), use licensing officers as covert passengers, therefore enabling the gathering of evidence and a greater prospect of taking legal action.

In taking such action, the licensing authority will:

- endeavour to recover the costs of prosecutions from those convicted in order to reduce the financial burden on licensed drivers who work within the law;
- refer any current licensed drivers to the Licensing Sub-Committee at the point that there is sufficient evidence for the licensing authority to submit a file for legal proceedings to be brought against that driver;

- unless there are exceptional circumstances offenders should expect to have any licenses they hold immediately revoked and/or any application for a licence refused;
- the use of officers as passengers as a method of enforcement, and for the Chief Licensing Officer and Head of Licensing to carry on conducting enforcement activity against illegal activity;
- the Chief Licensing Officer and Head of Licensing to organise enforcement operations in response to intelligence and/or information received that brings to attention a problem/issue with plying for hire in any area of the City.

Part 14 – 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.

Conduct and Professionalism

It is expected that licensees, will at all times, act with integrity and professionalism. Complaints in regard to conduct and professionalism will be dealt with on a case by case and appropriate action taken where necessary.

Driver Conduct Complaints

Policy Objective – 19

Those licensees for which evidence based complaints are received in relation to conduct and professionalism will, depending on the seriousness of the matter as determined by the officer, be dealt with in line with the procedures outlined in Part 13.

Those licensees, for which repetitive complaints are received or are deemed as serious in nature by the licensing authority, will be referred to the Licensing Sub-Committee. The Sub-Committee will take any action as it deems appropriate on a case by case basis and in-line with the procedures outlined in Part 13.

Appendix A

Useful Contacts

Licensing Service		
Block C, Staniforth Road Depot Staniforth Road Sheffield S9 3HD	Telephone	0114 2734264
	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	0300 7906802
	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		
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/

Appendix B

Motoring Offences and Associated Penalty Points

The following table indicates the most common driving offences and the associated penalty points for such an offence. The table should be used as a guide; it must be noted that a Court can impose stricter penalties should it see fit to do so.

The information has been taken from the GOV.UK website and is true and accurate at the point of publication. For the most up-to-date information it is advisable to check <https://www.gov.uk/penalty-points-endorsements/endorsement-codes-and-penalty-points>.

Code	Offence	Penalty Points
Accident Offences		
These codes must stay on a driving licence for 4 years from the date of the offence.		
AC10	Failing to stop after an accident	5-10
AC20	Failing to give particulars or to report an accident within 24 hours	5-10
AC30	Undefined accident offences	4-9
Disqualified Driver		
Codes must BA10 and BA30 stay on a driving licence for 4 years from the date of the offence.		
BA10	Driving whilst disqualified by order of court	6
BA30	Attempting to drive while disqualified by order of court	6
Codes BA40 and BA60 must stay on a driving licence for 4 years from the date of the conviction.		
BA40	Causing death by driving while disqualified	3-11
BA60	Causing serious injury while driving while disqualified	3-11
Careless Driving		
Codes CD10 to CD30 must stay on a driving licence for 4 years from the date of the offence.		
CD10	Driving without due care and attention	3-9
CD20	Driving without reasonable consideration for other road users	3-9
CD30	Driving without due care and attention or without reasonable consideration for other road users	3-9
Codes CD40 to CD70 must stay on a driving licence for 11 years from the date of the conviction.		
CD40	Causing death through careless driving when unfit through drink	3-11
CD50	Causing death by careless driving when unfit through drugs	3-11
CD60	Causing death by careless driving with alcohol level above the limit	3-11
CD70	Causing death by careless driving then failing to supply a specimen for analysis	3-11
Codes CD80 and CD90 must stay on a driving licence for 4 years from the date of the conviction.		
CD80	Causing death by careless, or inconsiderate driving	3-11
CD90	Causing death by driving: unlicensed, disqualified or uninsured drivers.	3-11
Construction and Use of Offences		
These codes must stay on a driving licence for 4 years from the date of the offence.		
CU10	Using a vehicle with defective brakes	3
CU20	Causing or likely to cause danger by reason of	3

	use of unsuitable vehicles or using a vehicle with parts or accessories (excluding brakes, steering or tyres) in a dangerous condition	
CU30	Using a vehicle with defective tyre(s)	3
CU40	Using a vehicle with defective steering	3
CU50	Causing or likely to cause by reason of load or passengers	3
CU80	Breach of requirements as to control of the vehicle, mobile telephone etc.	3
Reckless/Dangerous Driving		
These codes must stay on a driving licence for 4 years from the date of the conviction.		
DD10	Causing serious injury by dangerous driving	3-11
DD40	Dangerous Driving	3-11
DD60	Manslaughter or culpable homicide while driving a vehicle	3-11
DD80	Causing death by dangerous driving	3-11
DD90	Furious Driving	3-9
Drink		
Codes DR10 to DR61 must stay on a driving licence for 11 years from the date of the conviction.		
DR10	Driving or attempting to drive with alcohol level above limit	3-11
DR20	Driving or attempting to drive while unfit through drink	3-11
DR30	Driving or attempting to drive then failing to supply a specimen for analysis	3-11
DR31	Driving or attempting to drive then refusing to give permission for analysis of a blood sample that was taken without consent due to incapacity	3-11
DR61	Refusing to give permission for analysis of a blood sample that was taken without consent due to incapacity in circumstances other than driving or attempting to drive	10
Codes DR40 to DR70 must stay on a driving licence for 4 years from the date of the offence.		
DR40	In charge of a vehicle while alcohol level above limit	10
DR50	In charge of a vehicle while unfit through drink	10
DR60	Failure to provide a specimen for analysis in circumstances other than driving or attempting to drive	10
DR70	Failing to provide specimen for breath test	4
Drugs		
These codes must stay on a driving licence for 11 years from the date of the conviction.		
DG10	Driving or attempting to drive with drug level above the specified limit	3-11
DG60	Causing death by careless driving with drug level above the limit	3-11
DR80	Driving or attempting to drive when unfit through drugs	3-11
These codes must stay on a driving licence for 4 years from the date of the offence or 4 years from date of conviction where a disqualification is imposed.		
DG40	In charge of a vehicle while drug level above specified limit	10
DR90	In charge of a vehicle when unfit through drugs	10
Insurance Offences		
Code IN10 must stay on a driving licence for 4 years from the date of the offence.		
IN10	Using a vehicle uninsured against third party	6-8

	risks	
Licence Offences		
These codes must stay on a driving licence for 4 years from the date of the offence.		
LC20	Driving otherwise than in accordance with a licence	3-6
LC30	Driving after making a false declaration about fitness when applying for a licence	3-6
LC40	Driving vehicle having failed to notify a disability	3-6
LC50	Driving after a licence has been revoked or refused on medical grounds	3-6
Miscellaneous Offences		
These codes must stay on a driving licence for 4 years from the date of the offence.		
MS10	Leaving a vehicle in a dangerous position	3
MS20	Unlawful pillion riding	3
MS30	Play street offences	2
MS50	Motor racing on the highway	3-11
MS60	Offences not covered by other codes (including offences relating to breach of requirements as to control of vehicle)	3
MS70	Driving with uncorrected defective eyesight	3
MS80	Refusing to submit to an eyesight test	3
MS90	Failure to give information as to identity of driver etc	6
Motorway Offences		
Code MW10 must stay on a driving licence for 4 years from the date of the offence.		
MW10	Contravention of special roads regulations (excluding speed limits)	3
Pedestrian Crossings		
These codes must stay on a driving licence for 4 years from the date of the offence.		
PC10	Undefined contravention of pedestrian crossing regulations	3
PC20	Contravention of pedestrian crossing regulations with moving vehicle	3
PC30	Contravention of pedestrian crossing regulations with stationary vehicle	3
Speed Limits		
These codes must stay on a driving licence for 4 years from the date of the offence.		
SP10	Exceeding goods vehicle speed limits	3-6
SP20	Exceeding speed limit for type of vehicle (excluding goods or passenger vehicles)	3-6
SP30	Exceeding statutory speed limit on a public road	3-6
SP40	Exceeding passenger vehicle speed limit	3-6
SP50	Exceeding speed limit on a motorway	3-6
Traffic Direction and Signs		
These codes must stay on a driving licence for 4 years from the date of the offence.		
TS10	Failing to comply with traffic light signals	3
TS20	Failing to comply with double white lines	3
TS30	Failing to comply with 'stop' sign	3
TS40	Failing to comply with direction of a constable/warden	3
TS50	Failing to comply with traffic sign (excluding 'stop' signs, traffic lights or double white lines)	3
TS60	Failing to comply with a school crossing patrol sign	3
TS70	Undefined failure to comply with a traffic direction sign	3
Special Code		

Code TT99 must stay on a driving licence for 4 years from the date of conviction.

It shows disqualification under 'totting-up' - if the total of penalty points reaches 12 or more within 3 years, the driver can be disqualified.

Theft or unauthorised Taking

Code UT50 must stay on a driving licence for 4 years from the date of the offence.

UT50	Aggravated taking of a vehicle	3-11
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'Mutual Recognition' Codes

You'll get an 'MR' code on your licence if you're disqualified while driving in Northern Ireland, Isle of Man or the Republic of Ireland. Your disqualification period will also be valid in GB and will stay on your licence for 4 years from the date of conviction.

MR09	Reckless or dangerous driving (whether or not resulting in death, injury or serious risk)	
MR19	Willful failure to carry out the obligation placed on a driver after being involved in a road accident (hit or run)	
MR29	Driving a vehicle while under the influence of alcohol or other substance affecting or diminishing the mental and physical abilities of a driver	
MR39	Driving a vehicle faster than the permitted speed	
MR49	Driving a vehicle whilst disqualified	
MR59	Other conduct constituting an offence for which a driving disqualification has been imposed by the State of Offence	

Aiding, abetting, counselling or procuring offences

For these offences, the codes are similar, but with the number 0 on the code changed to 2.

For example, code LC20 (driving otherwise than in accordance with a licence) becomes code LC22 on your licence if you have helped someone to do this.

Causing or Permitting Offences

For these offences, the codes are similar, but with the number 0 on the code changed to 4.

For example, LC20 (driving otherwise than in accordance with a licence) becomes LC24 on your licence if you've caused or permitted someone to do this.

Inciting Offences

For these offences, the codes are similar, but with the number 0 on the code changed to 6.

For example, DD40 (dangerous driving) becomes DD46 on your licence if you've incited someone to do this.

Appendix C

Approved General Practitioner Surgeries

Name and Address	Booking Details	Costs	Available Times	Further Comments
Stonecroft Medical Centre 871 Gleadless Road Sheffield S12 2LJ	www.hgv-medical.co.uk	£60	Mon-Wed Friday Lunchtime	
Michael Boyle GP Birley Health Centre 120 Birley Lane Sheffield S12 3BP	Diane Levick 0845 1221881	£100	Monday am Monday 6pm – 7:30pm Thursday 6pm – 7:30pm	Results within 1 week
Barnsley Road Surgery 899 Barnsley Road Sheffield S5 0QJ	0844 5769269	£80		
Manor Park Medical Centre 204 Harborough Road Sheffield S2 1QU	Sue Peat – 0114 2390034	£65	Most Days	
Tramways Medical Centre (O'Connell) 54 Holme Lane Sheffield S6 4JQ	0845 1266411	£80		
www.gettingamedical.com C/O R S Jutley Medicals Ltd 29 The Pastures Tuxford Newark Nottinghamshire NG22 0NJ	01777 800256	£40	Evening and Weekends	
Sloan Medical Practice Little London Road Sheffield S8 0TW	0845 127 2001	£80	Flexible times to suit drivers – can offer daytime	
Sheffield City GP Health Centre Rockingham House 75 Broad Lane Sheffield S1 3PD	0114 2412700 www.walkinwhenyouneedus.com	£80	8am – 8pm 7 days a week	If register ed at practice the price is £65. Credit/ Debit cards accepted
Selbourne Road Medical Centre 1 Selbourne Road Crosspool Sheffield S10 5ND	07712 090693 Dr Anil Gill	£40	Monday to Friday all day	

Sharrow Lane Medical Centre 129 Sharrow Lane Sheffield S11 8AN	Dr Madhu 0114 2493458	£30	Quick Appointments Flexible times	
Porter Brook Medical Centre 9 Sunderland Street Sheffield S11 8HN	Mrs Jenny Macpherson 08451 245567	£89.5 0	Monday to Friday (middle of the day)	Extra costs for GP or specialist reports if needed. Do not accept debit or credit cards
Duke Medical Centre 28 Talbot Road Sheffield S2 2TD	Lynsey Hardy 0114 2720689 / 2262803	£55 + VAT	Monday to Friday	
Walkley House Medical Centre 23 Greenhow Street Sheffield S6 3TN	0114 234 3561	£50	Appointments at various times during the week	
Handsworth Medical Practice 432 Handsworth Road Sheffield S13 9BZ	Nicola or Claire 0114 2697505 / 2293171	£50 - £60	Monday to Friday	
Meersbrook Medical Centre 234-235 Chesterfield Road Sheffield S8 0RT	0345 122 2231 Sheccg.pitsmoorsurgery@nhs.net	£75		Only accept bookings from registere d patients
Carfield Medical Centre Carfield Street Sheffield S8 9SG Brinsworth Medical Centre 171 Bawtry Road Rotherham S60 5ND	Dr Singh 07976 810786	£30		

Appendix D

Sheffield City Council Hackney Carriage Byelaws

Byelaws made under Section 68 of the Town Police Clauses Act 1847, and Section 171 of the Public Health Act 1875, by the Sheffield City Council with respect to hackney carriages in the City of Sheffield.

Interpretation

1. Throughout these byelaws the “Council” means the Sheffield City Council; “the district” means the whole of the City of Sheffield; and “authorised officer” means any officer or person authorised by the Council to inspect or supervise hackney carriages and the drivers thereof.

Hackney carriage to display number of licence

- 2.(a) The proprietor of a hackney carriage shall cause the number of the licence granted to him in respect of the carriage to be displayed on the outside and inside of the carriage by means of the plates supplied by the Council.
- (b) A proprietor or driver of a hackney carriage shall not:
 - (i) Wilfully or negligently cause or suffer any such number to be concealed from public view whilst the carriage is standing or plying for hire;
 - (ii) Cause or permit the carriage to stand or ply for hire with any such numbered plate so defaced that any figure or material particular is illegible.

Notices Etc. prohibited on hackney carriage

3. A proprietor or driver of a hackney carriage shall not place or suffer to be placed any printed, written, painted or other matter by way of advertisement or notice on any part of the carriage except with the consent of the Council.

Punctual attendance when previously hired

4. The proprietor or driver of a hackney carriage who has agreed or has been hired to be in attendance with the carriage at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such carriage at such appointed time and place.

Conduct of drivers

5. The driver of a hackney carriage shall at all times when the carriage is standing or plying for hire be clean and respectable in his dress and person, shall behave in a civil and orderly manner and shall conduct himself with civility and propriety towards every person seeking to hire, or hiring, or being conveyed in the carriage, shall comply with every reasonable requirement of any person hiring the carriage, and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.

Driver not to smoke whilst carriage is occupied by passengers

6. A driver of a hackney carriage shall not save with the express consent of the hirer, smoke at any time whilst the carriage is occupied by a passenger or passengers.

Driver not to permit any person or animal to ride outside hackney carriage

7. A driver of a hackney carriage shall not in any circumstances whilst driving or plying for hire permit or suffer any person or animal to ride upon any part of the outside of the carriage or beside or with the driver on the front of the carriage.

Canvassing prohibited

8. A proprietor or driver of a hackney carriage when standing or plying for hire shall not, by calling out, or otherwise, importune any person to hire such carriage and shall not make use of the services of any other person for the purpose.

Provision and wearing of badges

9. A driver shall at all times when acting in accordance with the drivers' licence granted to him wear such badge, provided by the Council, in such position and manner as to be plainly and distinctly visible.

Carriage of personal luggage and animals

- 10.(a) The driver of hackney carriage so constructed or adapted for the conveyance of luggage shall, when requested by any person hiring the carriage, convey personal luggage in it or on it not exceeding in the aggregate 50kgs in weight, and shall not afford all reasonable assistance in loading and unloading any such luggage conveyed in or on the carriage and belonging to or in charge of any person hiring or being conveyed in the carriage;
- (b) Every such driver shall, when requested by the person hiring the carriage, afford all reasonable assistance in moving any such luggage to or from any gate, door or entrance at any house, station or place at which he may take up or set down any such person;
- (c) Nothing in this byelaw shall compel any driver to permit the carrying in or on the carriage of any article or animal which is of such bulk or amount or character that the carrying of it, or its placing in or on its removal from the carriage, would be likely to cause damage to the carriage or its fittings;
- (d) Personal luggage, where reasonably practicable, shall be conveyed within the vehicle rather than on the exterior of the vehicle;
- (e) In this byelaw the expression "personal luggage" includes a perambulator and a child's push-chair.

Number of persons to be carried in hackney carriage

11. The proprietor or driver of a hackney carriage shall not convey or permit to be conveyed therein a greater number of persons exclusive of the driver than the number of persons specified in the licence granted in respect of such hackney carriage.

Occupation of stands

12. Every driver of a hackney carriage shall, when plying for hire in any street and actually hired;
 - (a) Ensure that his hackney carriage does not cause any inconvenience or hazard to any other vehicle or pedestrian;
 - (b) When instructed to do so by a Police Officer or an authorised officer proceed with reasonable speed to one of the stands appointed by the Council;
 - (c) On arriving at a stand not already occupied by the full number of carriages authorised to occupy it, station the carriage immediately behind the carriage or carriages on the stand so as to face in the same direction;
 - (d) From time to time when the carriage in front is driven off or moved forward to cause his carriage to be moved forward so as to fill the place previously occupied by the carriage driven off or moved forward;
 - (e) When the first carriage on the stand remain with the carriage and be ready to be hired at once by any person.

Fares and charges for hackney carriages

13. The proprietor or driver of a hackney carriage shall be entitled to take for the hire of the carriage the rate or fare prescribed by the Council from time to time the rate or fare being calculated by distance unless the hirer expresses at the commencement of the hiring his desire to engage by time.

Provided always that where a hackney carriage shall be hired by distance the proprietor or driver thereof shall not be entitled to take for the hire of the carriage a fare greater than that recorded on the face of the taximeter except where;

- (a) Specifically authorised to do so by the Council; and
- (b) Where the extra fare is notified to passengers by a notice supplied by the Council and affixed to the inside of the vehicle so as to be clearly visible to all passengers.

Drivers of hackney carriage not to demand more than authorised fare

14. The proprietor or driver of a hackney carriage shall not demand nor represent himself as entitled to take for a journey a greater sum than the amount authorised to be taken in accordance with byelaw 13.

Statement of fares to be exhibited in hackney carriage

- 15.(a) The proprietor of a hackney carriage shall:
- (i) Cause the table of fares supplied by the Council to be fixed on the inside of the carriage in such a position as to be easily read by a passenger;
 - (ii) Cause such table to be renewed as necessary;
 - (iii) Display any statement or notice that the Council consider necessary on the inside of the vehicle.
- (b) The proprietor or driver of a hackney carriage shall not wilfully or negligently cause or suffer the letters or figures in the table of fares or any other statement or notice that the Council require to be displayed to be concealed or rendered illegible at any time when the carriage is plying for hire or being used for hire.

Furnishing of hackney carriage

- 16.(a) The proprietor of a hackney carriage shall:
- (i) Provide sufficient means by which any person in the carriage may communicate with the driver;
 - (ii) Cause the roof covering to be kept watertight;
 - (iii) Provide necessary windows with means of opening and closing not less than one window on each side;
 - (iv) Cause the seats to be properly cushioned or covered;
 - (v) Cause the floor to be provided with proper carpet, mat or other suitable covering;
 - (vi) Cause the fittings and furniture generally to be kept in a clean condition, well maintained and in every way fit for public service;
 - (vii) Cause means to be provided for securing luggage;
 - (viii) Cause an efficient fire extinguisher of a make and type approved by the Council to be carried on the carriage in such a position as to be readily available for use and maintained in good working order at all times;
 - (ix) Provide at least two doors for the use of persons conveyed in such carriage and a separate means of ingress and egress for the driver.
- (b) A proprietor of a hackney carriage shall not install, without the consent of the Council in writing, any fitting (including a wireless transmitting or receiving set).

Search for and disposal of property accidentally left in hackney carriage

17. Every proprietor or driver of a hackney carriage shall:
- (a) Immediately after the termination of any hiring or as soon as practicable thereafter, carefully search the carriage for any property which may have been accidentally left therein;
 - (b) If any property accidentally left therein by any person who may have been conveyed in the carriage be found by or handed to him;
 - (i) Carry it as soon as possible and in any event within twenty four hours, if not sooner claimed by or on behalf of its owner, to the South Yorkshire Police Lost Property Office, Sheffield, and leave it in custody of the officer in charge on his giving receipt for it;
 - (ii) Be entitled to receive from any person to whom the property shall be redelivered an amount equal to 10p in the pound of its estimated value (or fare for the distance from the place of finding to the Lost Property Office aforesaid whichever be the greater) such amount not to exceed ten pounds.

Taximeters

18. The Proprietor of a hackney carriage shall cause any taximeter with which the carriage is provided to be so constructed, attached, and maintained in a manner approved by an authorised officer of the Council and so as to comply with the following requirements, that is to say:
- (a) The taximeter should be fitted with a key, flag or other device, the operation of which will bring the machinery of the taximeter into operation and cause the word "HIRED" to appear on the face of the taximeter.
 - (b) Such key, flag or other device shall be capable of being locked in such a position that the machinery of the taximeter is not in action and that no fare is recorded on the face of the taximeter.
 - (c) When the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in clearly legible figures a fare not exceeding the rate or fare which the proprietor or driver is entitled to demand and take for the hire of the carriage by distance or by time in pursuance of the table of fares fixed by the Council.
 - (d) The word "FARE" shall be printed on the face of the taximeter in plain letters so as clearly to apply to the fare recorded thereon.
 - (e) The taximeter shall be so placed that all letters and figures on the face thereof are at all times plainly visible to any person being conveyed in the carriage, and for that purpose the letters and figures shall be capable of being suitably illuminated during any period of hiring.
 - (f) The taximeter and all fittings thereof shall be fixed to the carriage with seals or other appliances that it shall not be practicable for any person to tamper with them

except by breaking, damaging or permanently displacing the seals or other appliances.

Starting or stopping of taximeters

19. The driver of a hackney carriage provided with a taximeter shall:
 - (a) When standing or plying for hire, keep the key, flag or other device fitted in pursuance of the byelaw in that behalf locked in the position in which no fare is recorded on the face of the taximeter.
 - (b) As soon as the carriage is hired by distance or time and before the beginning of the journey, bring the machinery of the taximeter into action by operating the said key, flag or other device, so that the word "HIRED" is legible on the face of the taximeter and keep the machinery of the taximeter in action until the termination of the hiring
 - (c) Cause the display of the taximeter to be kept properly illuminated throughout any part of the hiring which is during the hours of darkness, these being the time between half-an-hour after sunset and half-an-hour before sunrise and also at any other time at the request of the hirer.
 - (d) Immediately on completion of the hiring cause the taximeter to cease recording but so that the amount of the fare recorded shall remain displayed on the face of the taximeter to permit the hirer to have a reasonable opportunity of examining the same.

Hackney carriage to bear sign "For Hire" or "Taxi"

20. The proprietor of a hackney carriage shall cause the carriage to be fitted with a sign which bears the words "FOR HIRE" or "TAXI" in letters at least two inches in height and is fitted with the means whereby these words may be electrically illuminated; such sign shall be fitted in the centre at the front of the canopy of the carriage in such manner that the aforesaid words are clearly and distinctly visible and legible at all times when the sign, is illuminated.

Illumination of sign "FOR HIRE" or "TAXI"

21. The driver of a hackney carriage shall cause any sign bearing the words "FOR HIRE" or "TAXI" which is affixed on the carriage in accordance with the requirements of Byelaw No.20 to be electrically illuminated so as to be clearly visible both day and night at all times when the carriage is standing or plying for hire within the City, but not hired.
22. A proprietor of a hackney carriage shall not tamper with or permit any person to tamper with any taximeter with which the carriage is provided, with the fittings thereof of the seals affixed thereto.

Provided that if a taximeter affixed to a hackney carriage is found to be defective or inaccurate, the proprietor of the carriage, or a person authorised by him, may break the seals of the taximeter for the purpose of effecting the necessary repairs. In such case the proprietor shall, within twenty-four hours give or cause to be given notice of the action to which he has taken in writing to an authorised officer

of the Council, specifying the number of the licence of the carriage and the maker's name and number of the taximeter.

Provided also that nothing in this byelaw shall be deemed to authorise a hackney carriage to be used or continued in use as such after the seals on any taximeter with which the hackney carriage is provided have been broken as aforesaid and before the taximeter has again been certified to register correctly by an authorised officer of the Council.

Interior lighting of hackney carriage

23. The proprietor of a hackney carriage shall furnish the carriage with an efficient lamp so constructed and so affixed as to afford sufficient lighting for the interior of the carriage, and the driver of the carriage shall at all times, while standing plying or driving for hire, cause the lamp to be kept properly adjusted and ready for lighting, and shall, at the request of the hirer, cause it to be properly lighted during the hiring.

Driver to produce copy of byelaws

24. The driver of a hackney carriage who is standing, plying or driving for hire shall at any time when required by an authorised officer, or any police constable or any hirer produce a copy of these byelaws, clean and in good order for perusal and inspection by that authorised officer, constable or hirer.

Penalty

25. Every person who offends against any of the foregoing byelaws shall be liable on summary conviction for every such offence to a fine not exceeding £100, and, in the case of a continuing offence, to a further fine not exceeding £5.00 for each day during which the offence continues after conviction therefore.

Repeal

26. The byelaw with respect to hackney carriages made by the Council on the 16th day of February, 1978 and confirmed by one of Her Majesty's Principal Secretaries of State on the 1st day of April, 1978.

Provided that the repeal of the said byelaws shall not interfere with the prosecution of any offence committed before the said repeal against, or the recovery of a fine incurred under, the said byelaws.

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