

Waste & Street Scene Policy Committee

**Wednesday 28 September 2022 at 2.00
pm**

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

The Press and Public are Welcome to Attend

Membership

Councillor Joe Otten
Councillor Mike Chaplin
Councillor Alexi Dimond
Councillor Tim Huggan
Councillor Mark Jones
Councillor Nabeela Mowlana
Councillor Janet Ridler
Councillor Paul Turpin
Councillor Cliff Woodcraft

PUBLIC ACCESS TO THE MEETING

The Waste and Street Scene Policy Committee discusses and takes decisions on:

- Street Scene and Regulations
- Parking
- Emergency Planning
- Highway maintenance and management
- City Centre management
- Waste management
- Markets
- Regulatory licensing policy
- Environmental Protection

Meetings are chaired by Councillor Joe Otten.

A copy of the agenda and reports is available on the Council's website at www.sheffield.gov.uk . You may not be allowed to see some reports because they contain confidential information. These items are usually marked * on the agenda. Members of the public have the right to ask questions or submit petitions to Policy Committee meetings and recording is allowed under the direction of the Chair. Please see the [Council's webpage](#) or contact Democratic Services for further information regarding public questions and petitions and details of the Council's protocol on audio/visual recording and photography at council meetings.

Policy Committee meetings are normally open to the public but sometimes the Committee may have to discuss an item in private. If this happens, you will be asked to leave. Any private items are normally left until last on the agenda.

Meetings of the Policy Committee have to be held as physical meetings. If you would like to attend the meeting, please report to an Attendant in the Foyer at the Town Hall where you will be directed to the meeting room. However, it would be appreciated if you could register to attend, in advance of the meeting, by emailing committee@sheffield.gov.uk, as this will assist with the management of attendance at the meeting. The meeting rooms in the Town Hall have a limited capacity. We are unable to guarantee entrance to the meeting room for observers, as priority will be given to registered speakers and those that have registered to attend.

Alternatively, you can observe the meeting remotely by clicking on the 'view the webcast' link provided on the meeting page of the [website](#).

If you wish to attend a meeting and ask a question or present a petition, you must submit the question/petition in writing by 9.00 a.m. at least 2 clear working days in advance of the date of the meeting, by email to the following address: committee@sheffield.gov.uk.

In order to ensure safe access and to protect all attendees, you will be recommended to wear a face covering (unless you have an exemption) at all times

within the venue. Please do not attend the meeting if you have COVID-19 symptoms. It is also recommended that you undertake a Covid-19 Rapid Lateral Flow Test within two days of the meeting.

If you require any further information please email committee@sheffield.gov.uk.

FACILITIES

There are public toilets available, with wheelchair access, on the ground floor of the Town Hall. Induction loop facilities are available in meeting rooms. Access for people with mobility difficulties can be obtained through the ramp on the side to the main Town Hall entrance.

**WASTE & STREET SCENE POLICY COMMITTEE AGENDA
28 SEPTEMBER 2022**

Order of Business

- 1. Welcome and Housekeeping**
The Chair to welcome attendees to the meeting and outline basic housekeeping and fire safety arrangements.
- 2. Apologies for Absence**
- 3. Exclusion of Press and Public**
To identify items where resolutions may be moved to exclude the press and public
- 4. Declarations of Interest** (Pages 5 - 7)
Members to declare any interests they have in the business to be considered at the meeting
- 5. Minutes of Previous Meeting** (Pages 9 - 20)
To approve the minutes of the last meeting of the Committee held on
- 6. Public Questions and Petitions**
To receive any questions or petitions from members of the public
- 7. Work Programme** (Pages 21 - 32)
Report of Director of Legal and Governance

Formal Decisions

- 8. Review of Private Hire and Hackney Carriage Driver Policy** (Pages 33 - 354)
Report of Executive Director, Operational Services
- 9. Revenue Budget Monitoring Report - Month 4** (Pages 355 - 362)
Report of Director of Finance and Commercial Services
- 10. Budget Proposals 23/24** (To Follow)

NOTE: The next meeting of Waste & Street Scene Policy Committee will be held on Wednesday 23 November 2022 at 2.00 pm

ADVICE TO MEMBERS ON DECLARING INTERESTS AT MEETINGS

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

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

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

You **must**:

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

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

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

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

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

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

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

You have a personal interest where –

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

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

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

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

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

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

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Waste & Street Scene Policy Committee

Meeting held 22 June 2022

PRESENT: Councillors Mike Chaplin (Deputy Chair), Alexi Dimond (Group Spokesperson), Tim Huggan, Mark Jones, Nabeela Mowlana, Janet Ridler, Paul Turpin, Cliff Woodcraft and Barbara Masters (Substitute Member)

1. APPOINTMENT OF DEPUTY CHAIR OF THE COMMITTEE

1.1 **RESOLVED UNANIMOUSLY:** That in the absence of the Chair and an appointed Deputy Chair the Committee nominated and agreed to the appointment of Cllr Mike Chaplin as Chair for today's meeting.

2. WELCOME AND HOUSEKEEPING

1.1 The Chair welcomed everyone to the meeting and explained the housekeeping.

3. APOLOGIES FOR ABSENCE

3.1 An apology for absence was received from Councillor Joe Otten.

4. EXCLUSION OF PRESS AND PUBLIC

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

5. DECLARATIONS OF INTEREST

5.1 There were no formal declarations of interest made at the meeting.

6. PUBLIC QUESTIONS AND PETITIONS

6.1 The following petitions and questions were received, and responses were provided where possible or a written response will be supplied.

6.2 Petition regarding Sheldon Road Pavements

"The pavements are in a shocking state resulting in accidents and discomfort, especially for elderly or disabled people. ...We want our Councillors and Streets Ahead to sort out the issues and schedule full repair of the pavements before

winter.”

6.3 Question from Sheff Food Partnership

In response to the recent national food strategy, does the council have a plan to implement the national government policy to [implement free weekly separate food waste collections for all households from 2025](#) (point 1.6)?

If so, is there any intention for this compost to be used between community growing groups in the city as seen amongst other cities in the country?

6.4 Question from Bridget Ingle

Can Sheffield City Council review its city centre waste management strategy for apartment buildings and landlords responsible for multiple occupation properties? Bin stores are not used properly. Contaminated and overfull bins are not emptied. Household rubbish is then piled up in the bin stores and on the street. The household rubbish on the street then becomes Amey's responsibility to clear up.

Veolia has limited powers which means the burden of responsibility falls on Environmental Protection Services to take enforcement action. EPS do not have the resources to deal with all the problems which are being created through management companies and landlords not managing their properties correctly

6.5 Question from Sean Clarke on behalf of The Moor Market traders

The Moor Market traders would like to wish the Waste & Street Scene Policy Committee well in this new way of operating and hope that The Moor Market appears high on every agenda for regular discussion, improvement and comment. Despite the fact that some council committees can sometimes be accused of being slow, indecisive and unresponsive, we have initial confidence (having met with Joe Otten recently) that you will be a modern, dynamic committee who will respond quickly and positively to the challenges ahead.

The market is an important multi-million-pound facility with a multicultural trader base originating from at least a dozen countries across the world. In addition we have a very diverse group of customers using the market every day and we have no doubts about how important the market is to many thousands of people each week. From day one back in 2013 the market has suffered from poor planning, substandard build quality, and for some years, non-existent day-to-day leadership. We welcome the fact that Gary Clifton (& Richard Eyre) have made recent changes to the management structure and most traders now have much more trust and hope that things are on the right track, despite most positions still being on an interim basis. In just a matter of weeks we can see much more enthusiasm from key leaders in the market and much more focus on the bigger picture going forward. The building is less than 9 years old and has received little proactive investment during this time, with most of the funding apparently being used to either rectify faults or put in place things that should have been included from the initial planning stage. Cities and towns across the UK, Europe and beyond can be seen to highlight and celebrate their markets, and we would like The Moor Market to become one of those markets, to become a market that the whole of Sheffield is proud to have and use. We want the market to be a more welcoming place, somewhere that offers customers a pleasant place to relax, as well as shop, and it

needs to tap into the night-time economy and provide a well-publicised & organised range of outstanding events throughout the year. We really do hope that this committee can be a catalyst for change, allowing Sheffield City Council to obtain value, success and acclaim for its running of The Moor Market.

Will the policy committee please commit to helping create and operate a clear and realistic improvement plan & investment budget that is urgently needed to help us make the market a celebrated world class facility?

Will the policy committee please highlight and recognise the importance of The Moor Market to Sheffield City Council and make plans and investments that will generate a better future for all traders, guaranteeing a better return for the council and most importantly for the people of Sheffield?

6.6 Question from Paul Stead

In April 2021 Mark Jones the Cabinet member responsible for streetscene announced that Sheffield City Council would be integrating their online reporting system with Fix My Street. This is a far superior system and will save the council money. Given the financial pressures the council are under, why has Fix My Street system not been implemented?

6.7 Questions from Ibrar Hussain (2 in total)

Q1: private hire and hackney carriage driver policy

What Impact or Risk Assessment carried out for Existing Driver's licensed due to change of policy or implementation please explain; No indication given what the cost of refresher courses will be for existing driver's licensed; No timeline or framework for implementation of new policy change for existing drivers; What consideration is given for inhouse training, sourcing out or from other organisations outside the council to provide such accredited courses; Will the licensing service publish in writing/email to existing driver's explaining in plain simple English changes agreed by the policy committee avoiding jargon; Delay period should be allowed due to cost of living crisis for existing driver's only, until everything is in place and existing drivers are kept updated fully; what consideration is given that this policy committee receives a detailed report prior to any implementation, and mindful of cost of living crisis that is affecting everyone and special effects on self-employed; What consideration was given to comments and feedback on knowledge test changes, and revising the knowledge Test inconsideration of deleting routes section only, and to help support keeping Sheffield residents applying for taxi badges and benefit locally to avoid and stop cross border working in Sheffield; bring a report to this policy committee on knowledge Test.

Q2: Taxi licensing in general

What consideration will the council give to surcharge due to high increase in fuel prices increases for hackney carriage trade? Why is the licensing service not open and when is licensing service considering this option with timeline and framework; When will the licensing service publish its audited accounts, for licensees to

examine in depth for licensing service as a whole and including taxi/ph section; When will licensing service publish its comprehensive forward plan to bring in IT service and bring licensing service up to date with technology and portal so drivers can access long overdue service online; When will licensing service bring to this policy committee re vehicle specification for hackney carriage and private hire vehicle specification policy review; Working with other authorities to stop cross border working can the licensing service publish its actions to date and future plans including enforcement; To promote taxi trade in Sheffield can the licensing service publish its actions to date and future plans; What steps is the licensing service taking to assist, support and give incentives to local residents of Sheffield to take knowledge taxi tests in Sheffield instead, that will stop cross border working in Sheffield; Can the licensing service publish its taxi trade recognition / engagement policy to date; Can the licensing service publish what support it has given the taxi trade within last 3years, financial years 19/20,20/21,21/22; Can the licensing service publish its responses and actions to govt consultations e.g. DFT etc affecting taxi trade policy changes; Within Sheffield city council what representation has the licensing service made to support the taxi trade and publish its actions as evidence in the last 3yrs; When will the licensing service carry out unmet demand for hackney carriage trade if it is to retain any number's; Can the licensing service publish responses received from taxi trade organisations re consultation on hackney carriage driver's policy review and make public; What financial support did the licensing service receive from the govt in last 3yrs re covid-19 financial package and how it was spent proper breakdown would be appreciated; When is the licensing service proposing to bring forward review of the fee's, and as previously reported 2 separate reports one for general licensing service and other for Taxi & Private Hire Section.

6.8 Question from a Sheffield Licensed driver

What steps is the council taking in card machines as a licensing condition for all hackney carriage vehicles as a station driver I see customers being refused for this sole reason. This should be a vehicle license condition immediately in my opinion. The knowledge test needs to be separate for hackney carriage drivers and a separate one for private hire new applicants. The hackney carriage should be a-lot more in-depth as in Birmingham than currently in Sheffield. The bar should be higher for hackney carriage only in Sheffield

6.9 Question from Mazer Hussain

Firstly, I would like to ask the board why are drivers being subjected to a policy where they are being discriminated against where SCC are trying to implement the double standard policy of being convicted of an offence of using a mobile phone device and having their Taxi license suspended and not being able to apply again for a number of years! In any other profession if you're a ambulance driver a police man or even a fire man a lorry driver or even a councillor if one is convicted of this offence the sentencing guide lines are 6 penalty points on their driver's license and a monetary fine! Nowhere does it give the powers to the courts to ban or revoke one's driver license or them losing their livelihood!

So why do the council believe it's a fair policy for taxi drivers to be sentenced by the courts for this particular offence and then receive a second punishment for the

same offence having their livelihood taken away and not being able to apply for a number of years! It is quite clear this policy is one which is biased double standards an unacceptable and unjustified.

6.10 Question from James Martin - Transport 4 All Taxi sub-group

The taxi and private hire driver policy update is really important for the disabled people of the city. We have regularly heard from people over many years about issues many of which relate to driver understanding and or lack of response to needs. It is for this reason that we very much welcome the inclusion of training specific to the needs and experience of disabled people. However, we are surprised and concerned at the proposal to extend training deadlines for existing drivers from 12 months to 3 years! [See page 245 of the meeting pack Part 8.3 for the change of concern]

For the group of disabled people who have input into consultation responses this is too slow! Safeguarding, and Disability and Equality training are closely coupled topics. The erroneous differentiates between these two aspects in the form of different requirements for training for existing drivers should be reverted to 12-months.

To illustrate, disabled people sharing their experience in consultations identified drivers not taking short distance trips. Often short trips are vital either due to mobility difficulties making it risky or impossible to travel the distance, or more importantly for safety when more vulnerable at whether due to a visual or other impairment particularly at night is just as important. Difficulty or even failing to get access to Taxi or Private Hire service puts disabled people at greater risk than others where the principle of safeguarding is to reduce risk of harm. Training to ensure equal serving of passengers with and without additional needs is a vital feature of successful safeguarding with the goal of avoiding or minimizing risk or harm. Further details to benchmark training against other transport sectors follow in Appendix A for elected members to consider.

We are also concerned that our input on ensuring that inappropriate grant of exemptions for assisting wheelchair users has not been embodied in the policy update. A 100% wheelchair accessible hackney fleet is currently (and should continue to be) mandated in Sheffield. Drivers who cannot deploy the ramp at a minimum render the vehicle no longer available to wheelchair users. Though temporary exemptions might be proportionate for short term infrequent issues or injuries, permanent exemptions in this case are wholly unacceptable. Bus drivers are not fit for duty if they are unable to operate the ramp and this should not be different in the taxi sector. A driver transferring to private hire enables drivers to retain their livelihood where an exemption is more appropriate and effective Private Hire Operator systems can ensure that appropriate work is booked such that their exemption does not prevent travel for wheelchair users or other passenger needs for elderly or disabled people. Again further details for comparison with other sectors follows in Appendix B for members who wish to see more evidence.

We hope that the period to adopt disability and equality training is reduced back to

the original period identified in the consultation and that a response will be given to concerns around hackney drivers and exemption certificates.

Quicker training requirement to be reinstated in alignment with the wider transport sector - Disabled Sheffielders' are experiencing discrimination already, from being refused as a wheelchair user at a taxi rank, to having much longer waits or no availability for a Wheelchair Accessible vehicle, to being charged extra (illegally) for carrying a wheelchair, assistance aid, or assistance dog, and sadly many more issues. The time for starting to redress this issue is now and it starts with proper training with a sense of urgency and return to the 12-month time frame. If a large industry such as rail can achieve this in 2 years, then Sheffield should also be more ambitious especially as the training content will be less than the mandatory modules that the rail industry specify.

Wheelchair Assistance Exemptions - Wheelchair handling exemption certificates should only be accepted temporarily and infrequently for hackney carriage drivers, or this removes the 100% wheelchair accessible nature of the fleet.

We call on the committee to ensure that exemptions do not create a workaround for existing good accessibility policy and emphasise that such requirements are backed up equivalent scenarios in the wider transport industry. If this is not possible then we request that a formal written response is given by licensing officers or the committee as appropriate indicating the precise reason(s) that other transport industry rules are not replicated.

6.11 Question from Nasa Raof – GMB Yorkshire and Humberside S75 Branch

Following on from our GMB Branch officials meeting, we would like to confirm our GMB unions/members position on these proposals. This is with regards to the approval, officers are looking for the new DFT guidance, for which the Licensing Board will sit to decide these decisions on Wednesday 22nd June 2022. We agree with some of the amendments that have been made, However we still require further in depth discussions with some of the other amendments.

This report (as you are aware), was only recently released to the public on the Wednesday 15th 2020. The deadline of 9am Monday 20th June 2022 is set for anyone to raise objections/questions or to make representation (with chairs permission). This is a 400 page report, which takes both time and effort to read an analyse the appendixes and amendments. IE: PAGE-158, 'Fit and Proper Threshold'....

Albeit, we as GMB are asking the 'Policy' Committee to DEFER this meeting for the following reasons:-

1. We do not believe in the way this consultation took place, (it lacked real communication with the Trades).
2. It's a 400page Report/Document, that one is expected to read and digest in a short period of time, makes it almost impossible for the average member of the public to take on aboard and then to make a submission on back of that.
3. The council can show the proposals are both proportionate and diligent.
4. Some of our members have shown us concern that they did not receive any

form of communication RE: (this report), (hence the figure of 171 responses May reflect this).

5. They aim not to discriminate against a trade that is majority BAME.

To conclude we as GMB UNION are asking for the following:-

1. More time to read and digest the 400 page document.
2. More in depth discussions with the GMB, people who will be first hand affected by these guidance changes.

However we feel that if the Council refuses to listen to us as the GMB UNION the consequences maybe seen as that/will be:-

1. A divided trade.
2. A council that doesn't listen to its drivers.
3. A council that discriminates against its licensed drivers.
4. A trade where more drivers will leave and have already left due to cost of buying new vehicles and maintenance
5. Safeguarding and public getting taxes. As licensees will be lower demand will increase and less drivers will mean the public will not get taxis at the end of a night which we have already seen.

Please work with the trade and not against us.

7. MONTH 1 MONITORING, FINANCIAL POSITION AND BUDGET TIMETABLE

7.1 Director of Finance and Commercial Services presented a report to bring the Committee up to date with the Council's financial position as at Month 1 2022/23. The report also sets out the proposed budget timetable for the development of the 2023/24 budget

7.2 **RESOLVED UNANIMOUSLY:** That the Waste and Street Scene Policy Committee: -

(i) notes the Council's challenging financial position and the Month 1 position;

(ii) notes the budget timetable set out in this report including the requirement for the Committee to plan to develop budget proposals over the course of the summer;

(iii) notes that the Strategy and Resources Committee agreed at its 31 May 2022 meeting to "require any Policy Committee that is forecasting an overspend on their budget to develop an action plan to address the overspend in-year and ask the Finance Sub-Committee to monitor both the development of any required action plans and delivery against them"; and

(iv) commissions work from officers to develop opportunities to address the underlying inflationary pressures that will continue into next year to bring spend back in line with budget.

7.3 **Reasons for Decision**

7.3.1 Under section 25 of the Local Government Act 2003, the Chief Finance Officer of an authority is required to report on the following matters:

- the robustness of the estimates made for the purposes of determining its budget requirement for the forthcoming year; and
- the adequacy of the proposed financial reserves.

7.3.2 There is also a requirement for the authority to have regard to the report of the Chief Finance Officer when making decisions on its budget requirement and level of financial reserves.

7.3.4 By the law the Council must set and deliver a balanced budget, which is a financial plan based on sound assumptions which shows how income will equal spend over the short- and medium-term. This can take into account deliverable cost savings and/or local income growth strategies as well as useable reserves. However, a budget will not be balanced where it reduces reserves to unacceptably low levels and regard must be had to any report of the Chief Finance Officer on the required level of reserves under section 25 of the Local Government Act 2003, which sets obligations of adequacy on controlled reserves.

7.4 **Alternatives Considered and Rejected**

7.4.1 The Council is required to both set a balance budget and to ensure that in-year income and expenditure are balanced. No other alternatives were considered.

8. **FOOD WASTE TRIAL**

8.1 The report provided details for the introduction of a 12-week separate food waste collection trial for approximately 8,000 households. The purpose of the trial will be to test the real-life experience of operating food waste collections in Sheffield and inform resource requirements for the future expansion of a permanent food waste collection service across the city. The duration and size of the proposed trial has been determined to provide sufficient data to inform the roll out of food waste collections citywide.

8.2 **RESOLVED UNANIMOUSLY:** That the Waste and Street Scene Policy Committee approves the delivery of a 12-week food waste recycling trial, to approximately 8,000 households as detailed in this report; and

The Waste and Street Scene Policy Committee undertook a ballot on the days and areas that should be included in the food waste trial, based on the parameters provided in Appendix 4 of the report to the Committee.

RESOLVED BY BALLOT:

- (i) That the days of collection should be Tuesday – Friday;
- (ii) That for Tuesday the area should be Option 1 (Woodseats, Norton Lees, Meersbrook);
- (iii) That for Wednesday the area should be Option 1 (Chapelton, Ecclesfield, Burncross);

- (iv) That for Thursday the area should be Option 1 (Arbourthorne, Gleadless Valley); and
- (v) That for Friday the area should be Option 2 (Darnall).

8.3 Reasons for Decision

- 8.3.1 The Environment Act was enacted into UK Law in November 2021. This will lead to some major changes to Sheffield's waste and recycling services, including mandating the introduction of separate, weekly food waste collections. Experience of authorities already operating food waste collections, demonstrates wide ranging performance in terms of public participation in food waste collection services and the amount of food waste collected.
- 8.3.2 Discussions are underway with Veolia to plan for the delivery of a citywide food waste recycling service. However, the wide-ranging factors and influences on scheme performance, and lack of experience of operating food waste collections in Sheffield makes it difficult to model resource requirements, and associated cost

8.4 Alternatives Considered and Rejected

- 8.4.1 *No trial* - This would mean that the introduction of a citywide food waste collection service, as mandated through the Environment Act, would be based on a desktop analysis and modelling, and the resource requirements would not be informed by a real life delivery of food waste collections in Sheffield.
- 8.4.2 *Deliver a modified version of the trial over a shorter period and/or with fewer households*. This option would reduce the financial cost to the Council for undertaking the trial. However, the collection resources Page 31 Page 12 of 14 5.3 (vehicles and crew would not be fully deployed and there would be minimal saving from this) and the quality and robustness of the service performance data would be reduced.
- 8.4.3 *Carrying out a modified version of the trial over a longer period of time and/or with additional households*. This option would incur significant additional costs that would have to be paid by the Council and which could not be accommodated under the current forecasted council

9. REVIEW OF PRIVATE HIRE AND HACKNEY CARRIAGE DRIVER POLICY

- 9.1 The report provided details of a revised Hackney Carriage and Private Hire Driver's Licence Policy. The Licensing Authority is seeking approval of a revised policy, it was first published in 2016, the policy provides information and guidance on: applications, decision-making, and enforcement. In providing a publicly available document, it allows: transparency, accountability, and consistency.

The licensing authority is responsible for the regulation of hackney carriage and private hire drivers licensed in the district of Sheffield. Primary legislation regulates the industry, namely: Town Police Clauses Act 1847, and Local Government (Miscellaneous Provisions) Act 1976.

- 9.2 **RESOLVED UNANIMOUSLY:** That the amendment below is the Substantive Decision of the Waste and Street Scene Policy Committee:

AMENDMENT: That the Waste and Street Scene Policy Committee seek views of Licensing Committee before the policy is approved for implementation; and that the Private Hire and Hackney Carriage Driver Policy returns as a recommendation for decision to this Committee September 2022.

Carried with 7 For, 2 Abstentions and 0 Against.

ORIGINAL RECOMMENDATION FOR DECISION NOT PASSED: That members of the Committee approve the revised Hackney Carriage & Private Hire Drivers Licence Policy to come in to force on 1st September 2022.

9.3 **Reasons for Decision**

- 9.3.1 The Committee want a steer from Licensing Committee before making a decision on implementing the revised Hackney Carriage & Private Hire Drivers Licence Policy. The statutory guidance requires when formulating a taxi and private hire vehicle policy, the primary and overriding objective must be to protect the public.

9.4 **Alternatives Considered and Rejected**

- 9.4.1 The Waste and Street Scene Policy Committee considered the recommendation to approve the policy and rejected it because they wish to seek views of Licensing Committee before making a decision because in setting this policy the Council should intend that the Licensing Committee who will deal with a large number of cases, ensure that cases will be dealt with in a standard way: applying the same criteria and attaching the same weight in each case, and so ensuring consistency and administrative efficiency.

10. PLAN FOR 500K BUDGET AMENDMENT FOR STREET SCENE IMPROVEMENTS

- 10.1 The report provided details for proposals on how to deliver the £500k investment agreed as a budget amendment for 22/23. This is a one-off budget lift so a mix of invest to save, and one-year improvements are proposed to ensure sustainability.

A 500k budget amendment was agreed for 22/23 with the following accompanying text: *'Street clean environmental enforcement one-off funding directed specifically to the areas of most need, to deal with issues around litter, vermin and street cleaning.'*

- 10.2 **RESOLVED UNANIMOUSLY:** That the Waste and Street Scene Policy Committee agrees the spending proposals in the attached report to cover a mix of clean up increased enforcement and 'invest to save' proposals to deliver quick wins in year and sustainable improvements in the city over years to come.

10.3 **Reasons for Decision**

- 10.3.1 Local Authorities have various duties to help maintain the local environment. This includes the activities suggested in this report. Under Part 4 of the Environmental Protection Act 1990 (EPA), local authorities have a statutory duty to keep relevant land free of litter and refuse. Section 33 of the EPA provides for the offence of fly tipping. The Prevention of Damage by Pests Act 1949 requires local authorities to take such steps as may be necessary to secure so far as practicable that their district is kept free from pests.
- 10.3.2 These proposals offer the best balance of quick wins which most residents and businesses will benefit from, alongside taking opportunities to change and improve how services work and how we work with residents and businesses to prevent problems in the future. This will ensure improvements can be sustained and at the lowest possible cost.

10.4 **Alternatives Considered and Rejected**

- 10.4.1 The main alternative option was to put more or all the funding into simply doing one-year increased cleaning and enforcement and including more litter clean ups in between contractual Amey cleans. However, there is the obvious risk from that, in that there is no sustainability once the money has gone. SCC would risk having to spend another £500k in 23/24 and potentially each year to achieve the same gains. Also having done a huge clean, but not changed how we work and more prevention activities, residents would perceive an improvement and then any subsequent slide very acutely thereby increasing pressure to continue the £500k each year.
- 10.4.2 Instead, the proposals assume no additional investment in year 2 or beyond to maintain the improvements, although there may be further policy decisions required as the project officers develop proposals. These could be eg on the future level of waste disposal for community litter picks off the network if volunteering does increase, although these are not expected to be large costs compared to the benefit in kind or the original £500k.

11. **WASTE AND STREET SCENE POLICY COMMITTEE OVERVIEW**

- 11.1 **RESOLVED UNANIMOUSLY:** To defer to next meeting of waste and street scene policy committee.

12. **WORK PROGRAMME**

- 12.1 **RESOLVED UNANIMOUSLY:** That the Waste and Street Scene Policy Committee's work programme as set out in Appendix 3 be agreed.

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Report to Waste and Street Scene Policy Committee July 2022

Report of: Gillian Duckworth, Director of Legal and Governance

Subject: Committee Work Programme

Author of Report: Rachel Marshall, Principal Democratic Services Officer

Summary:

The Committee's Work Programme is attached at Appendix 1 for the Committee's consideration and discussion. This aims to show all known, substantive agenda items for forthcoming meetings of the Committee, to enable this committee, other committees, officers, partners and the public to plan their work with and for the Committee.

Any changes since the Committee's last meeting, including any new items, have been made in consultation with the Chair, and the document is always considered at the regular pre-meetings to which all Group Spokespersons are invited.

The following potential sources of new items are included in this report, where applicable:

- Questions and petitions from the public, including those referred from Council
- References from Council or other committees (statements formally sent for this committee's attention)
- A list of issues, each with a short summary, which have been identified by the Committee or officers as potential items but which have not yet been scheduled (See Appendix 1)

The Work Programme will remain a live document and will be brought to each Committee meeting.

Recommendations:

1. That the Committee's work programme, as set out in Appendix 1 be agreed, including any additions and amendments identified in Part 1;
2. That consideration be given to the further additions or adjustments to the work programme presented at Part 2 of Appendix 1;
3. That Members give consideration to any further issues to be explored by officers for inclusion in Part 2 of Appendix 1 of the next work programme report, for potential addition to the work programme; and
4. *(Add specific recommended actions for issues requiring a steer from the Committee eg in respect of items identified in Section 2 - referrals from other committees and petitions/questions etc)*

Background Papers: None

Category of Report: Open

COMMITTEE WORK PROGRAMME

1.0 Prioritisation

1.1 For practical reasons this committee has a limited amount of time each year in which to conduct its formal business. The Committee will need to prioritise firmly in order that formal meetings are used primarily for business requiring formal decisions, or which for other reasons it is felt must be conducted in a formal setting.

1.2 In order to ensure that prioritisation is effectively done, on the basis of evidence and informed advice, Members should usually avoid adding items to the work programme which do not already appear:

- In the draft work programme in Appendix 3 due to the discretion of the chair; or
- within the body of this report accompanied by a suitable amount of information.

2.0 References from Council or other Committees

2.1 Any references sent to this Committee by Council, including any public questions, petitions and motions, or other committees since the last meeting are listed here, with commentary and a proposed course of action, as appropriate:

Issue	<i>Details to be added by PDSO</i>
Referred from	
<i>Details</i>	
<i>Commentary/ Action Proposed</i>	

3.0 Member engagement, learning and policy development outside of Committee

3.1 Subject to the capacity and availability of councillors and officers, there are a range of ways in which Members can explore subjects, monitor information and develop their ideas about forthcoming decisions outside of formal meetings. Appendix 2 is an example 'menu' of some of the ways this could be done. It is entirely appropriate that member development, exploration and policy development should in many cases take place in a private setting, to allow members to learn and formulate a position in a neutral space before bringing the issue into the public domain at a formal meeting.

2.2 Training & Skills Development - Induction programme for this committee.

Title	Description & Format	Date

Appendix 1 – Work Programme

Part 1: Proposed additions and amendments to the work programme since the last meeting:

Item	Proposed Date	Note
Budget Proposals for 23/24	September 2022	Addition - Already been discussed at PLT. Form 1 needs to be completed BY Richard Eyre and sent to Rachel Marshall.
Review of Private Hire and Hackney Carriage Driver Policy - 22.6.2022: decision to defer for Licensing Committee via	September 2022	Amendment - This was originally intended for an extraordinary meeting on the 7th September, which has now been cancelled and the item has been added onto the September meeting.
Street Tree Community Planting Scheme	December 2022	Amendment - Moved to the December meeting.
Highway Verge Maintenance Policy	December 2022	Amendment - Moved to the December meeting.
Future of the Animal Kennels	November 2022	Amendment - Deferred to the November meeting from September meeting.
Review of Licensing Fees and Charges	November 2022	Amendment - Deferred to the November meeting from September meeting.
Private Hire Vehicle & Operator Policy	November 2022	Amendment - Deferred to the November meeting from September meeting.
Hackney Carriage Vehicle Policy	November 2022	Amendment - Deferred to the November meeting from September meeting.
Budget Proposals 2023/24	November 2022	<p>The Strategy and Resources Committee will meet on 12 October to consider the budget proposals made by each Policy Committee and presented to the September meeting of the Policy Committee.</p> <p>The Strategy and Resources Committee may ask for further work from Policy Committees which may result in changes to the proposals originally made.</p> <p>This report will seek the Policy Committee's final agreement to any changes to the proposals presented to the Policy Committee's September meeting.</p> <p>Notwithstanding to any late changes in government funding, this report will represent the Policy Committee's final budget position for 2023/24.</p> <p>The November report will amend the September report based on asks from the S&R Committee</p>

Part 2: List of other potential items not yet included in the work programme

Issues that have recently been identified by the Committee, its Chair or officers as potential items but have not yet been added to the proposed work programme. If a Councillor raises an idea in a meeting and the committee agrees under recommendation 3 that this should be explored, it will appear either in the work programme or in this section of the report at the committee’s next meeting, at the discretion of the Chair.

Topic	
Description	
Lead Officer/s	
Item suggested by	<i>Officer, Member, Committee, partners, public question, petition etc</i>
Type of item	<i>Referral to decision-maker/Pre-decision (policy development/Post-decision (service performance/ monitoring)</i>
Prior member engagement/ development required <i>(with reference to options in Appendix 2)</i>	
Public Participation/ Engagement approach <i>(with reference to toolkit in Appendix 3)</i>	
Lead Officer Commentary/Proposed Action(s)	

Part 3: Agenda Items for Forthcoming Meetings

Meeting 2	28 September 2022 @ 2pm	Time				
Topic	Description	Lead Officer/s	Type of item <ul style="list-style-type: none"> • Decision • Referral to decision-maker • Pre-decision (policy development) • Post-decision (service performance/monitoring) 	(re: decisions) Prior member engagement/development required <i>(with reference to options in Appendix 1)</i>	(re: decisions) Public Participation/Engagement approach <i>(with reference to toolkit in Appendix 2)</i>	Final decision-maker (& date) <ul style="list-style-type: none"> • This Cttee • Another Cttee (eg S&R) • Full Council • Officer
Item 1	Review of Private Hire and Hackney Carriage Driver Policy - 22.6.2022: decision to defer for Licensing Committee view	Claire Bower / Craig Harper	Decision – deferred on decision to seek view of Licensing Committee	Licensing Committee briefed prior to consultation 22/11/2021	Public consultation	This Cttee
Item 2	Budget Proposals for 23/24	Richard Eyre	Decision	Task & Finish Group with Chair, Vice Chair and Lead spokesperson	Part 1 open and Part 2 closed & confidential	This Cttee
Standing items	<ul style="list-style-type: none"> • <i>Public Questions/ Petitions</i> • <i>Work Programme</i> • <i>[any other committee-specific standing items eg finance or service monitoring]</i> 					
Budget Monitoring Report – Month 4	Finance Report for Housing General Fund and, Housing Revenue Account	Ryan Keyworth / Jane Wilby	Referral to decision-maker	N/A		N/A

Meeting 3	23 November 2022 @2pm	Time				
Topic	Description	Lead Officer/s	Type of item <ul style="list-style-type: none"> Decision Referral to decision-maker Pre-decision (policy development) Post-decision (service performance/ monitoring) 	(re: decisions) Prior member engagement/ development required (with reference to options in Appendix 1)	(re: decisions) Public Participation/ Engagement approach (with reference to toolkit in Appendix 2)	Final decision-maker (& date) <ul style="list-style-type: none"> This Cttee Another Cttee (eg S&R) Full Council Officer
Item 1	Future of the Animal Kennels	Ian Ashmore/Nikki Rees	Decision	Written briefing for the committee or all members	Public consultation	This Cttee
Item 2	Sex Establishment Policy	Claire Bower / Shimla Finch	Decision	Written briefing for the committee or all members	Public consultation	This Cttee
Item 3	Review of Licensing Fees and Charges	Claire Bower	Decision	Written briefing for the committee or all members	Public consultation on vehicle and operator fees	This Cttee
Item 4	Private Hire Vehicle & Operator Policy	Claire Bower / Craig Harper	Decision	Written briefing for the committee or all members	Public consultation	This Cttee
Item 5	Hackney Carriage Vehicle Policy	Claire Bower / Craig Harper	Decision	Written briefing for the committee or all members	Public consultation	This Cttee
Item 6	Budget Position 2023/24 & Final Agreement on options	Ryan Keyworth/ Richard Eyre	Decision			This Cttee
Standing items	<ul style="list-style-type: none"> Public Questions/ Petitions Work Programme 					

	<ul style="list-style-type: none"> [any other committee-specific standing items eg finance or service monitoring] 					
Budget Monitoring	<ul style="list-style-type: none"> 	Ryan Keyworth/Jane Wilby	Decision			This Cttee

Meeting 4	21 December 2022 @2pm	Time				
Topic	Description	Lead Officer/s	Type of item	(re: decisions) Prior member engagement/ development required <i>(with reference to options in Appendix 1)</i>	(re: decisions) Public Participation/ Engagement approach <i>(with reference to toolkit in Appendix 2)</i>	Final decision-maker (& date)
Item 1	Highway Verge Maintenance Policy	Gill Charters	<ul style="list-style-type: none"> Decision Referral to decision-maker Pre-decision (policy development) Post-decision (service performance/ monitoring) 	Written briefing for the committee or all members	Public consultation	This Cttee
Item 2	Street Tree Community Planting Scheme - SEPT	Gill Charters	Decision	Written briefing for the committee or all members	Street Tree Partnership	This Cttee
Standing items	<ul style="list-style-type: none"> Public Questions/ Petitions Work Programme [any other committee-specific standing items eg finance or service monitoring] 					

Meeting 5	15 February 2023 @2pm	Time				
Topic	Description	Lead Officer/s	Type of item	(re: decisions) Prior member engagement/ development required (with reference to options in Appendix 1)	(re: decisions) Public Participation/ Engagement approach (with reference to toolkit in Appendix 2)	Final decision-maker (& date)
Item 1						
Item 2						
Standing items	<ul style="list-style-type: none"> Public Questions/ Petitions Work Programme [any other committee-specific standing items eg finance or service monitoring] 					

Meeting 6	22 March 2023 @10am	Time				
Topic	Description	Lead Officer/s	Type of item	(re: decisions) Prior member engagement/ development required (with reference to options in Appendix 1)	(re: decisions) Public Participation/ Engagement approach (with reference to toolkit in Appendix 2)	Final decision-maker (& date)
Item 1						
Item 2						
Standing items	<ul style="list-style-type: none"> Public Questions/ Petitions 					

	<ul style="list-style-type: none">• <i>Work Programme</i>• <i>[any other committee-specific standing items eg finance or service monitoring]</i>					
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Appendix 2 – Menu of options for member engagement, learning and development prior to formal Committee consideration

Members should give early consideration to the degree of pre-work needed before an item appears on a formal agenda.

All agenda items will anyway be supported by the following:

- Discussion well in advance as part of the work programme item at Pre-agenda meetings. These take place in advance of each formal meeting, before the agenda is published and they consider the full work programme, not just the immediate forthcoming meeting. They include the Chair, Vice Chair and all Group Spokespersons from the committee, with officers
- Discussion and, where required, briefing by officers at pre-committee meetings in advance of each formal meeting, after the agenda is published. These include the Chair, Vice Chair and all Group Spokespersons from the committee, with officers.
- Work Programming items on each formal agenda, as part of an annual and ongoing work programming exercise
- Full officer report on a public agenda, with time for a public discussion in committee
- Officer meetings with Chair & VC as representatives of the committee, to consider addition to the draft work programme, and later to inform the overall development of the issue and report, for the committee's consideration.

The following are examples of some of the optional ways in which the committee may wish to ensure that they are sufficiently engaged and informed prior to taking a public decision on a matter. In all cases the presumption is that these will take place in private, however some meetings could happen in public or eg be reported to the public committee at a later date.

These options are presented in approximately ascending order of the amount of resources needed to deliver them. Members must prioritise carefully, in consultation with officers, which items require what degree of involvement and information in advance of committee meetings, in order that this can be delivered within the officer capacity available.

The majority of items cannot be subject to the more involved options on this list, for reasons of officer capacity.

- Written briefing for the committee or all members (email)
- All-member newsletter (email)
- Requests for information from specific outside bodies etc.
- All-committee briefings (private or, in exceptional cases, in-committee)
- All-member briefing (virtual meeting)
- Facilitated policy development workshop (potential to invite external experts / public, see appendix 2)
- Site visits (including to services of the council)
- Task and Finish group (one at a time, one per cttee)

Furthermore, a range of public participation and engagement options are available to inform Councillors, see appendix 3

Appendix 3 – Public engagement and participation toolkit

Public Engagement Toolkit

On 23 March 2022 Full Council agreed the following:

A toolkit to be developed for each committee to use when considering its ‘menu of options’ for ensuring the voice of the public has been central to their policy development work. Building on the developing advice from communities and Involve, committees should make sure they have a clear purpose for engagement; actively support diverse communities to engage; match methods to the audience and use a range of methods; build on what’s worked and existing intelligence (SCC and elsewhere); and be very clear to participants on the impact that engagement will have.

The list below builds on the experiences of Scrutiny Committees and latterly the Transitional Committees and will continue to develop. The toolkit includes (but is not be limited to):

- a. Public calls for evidence
- b. Issue-focused workshops with attendees from multiple backgrounds (sometimes known as ‘hackathons’) led by committees
- c. Creative use of online engagement channels
- d. Working with VCF networks (eg including the Sheffield Equality Partnership) to seek views of communities
- e. Co-design events on specific challenges or to support policy development
- f. Citizens assembly style activities
- g. Stakeholder reference groups (standing or one-off)
- h. Committee / small group visits to services
- i. Formal and informal discussion groups
- j. Facilitated communities of interest around each committee (eg a mailing list of self-identified stakeholders and interested parties with regular information about forthcoming decisions and requests for contributions or volunteers for temporary co-option)
- k. Facility for medium-term or issue-by-issue co-option from outside the Council onto Committees or Task and Finish Groups. Co-optees of this sort at Policy Committees would be non-voting.

This public engagement toolkit is intended to be a quick ‘how-to’ guide for Members and officers to use when undertaking participatory activity through committees.

It will provide an overview of the options available, including the above list, and cover:

- How to focus on purpose and who we are trying to reach
- When to use and when not to use different methods
- How to plan well and be clear to citizens what impact their voice will have
- How to manage costs, timescales, scale.

There is an expectation that Members and Officers will be giving strong consideration to the public participation and engagement options for each item on a committee’s work programme, with reference to the above list a-k.



Report to Policy Committee

Author/Lead Officer of Report: Craig Harper,
Licensing Strategy and Policy Officer

Report of: Executive Director Operational Services

Report to: Waste and Street Scene Regulation Committee

Date of Decision: 28th September 2022

Subject: Review of the Hackney Carriage and Private Hire Driver's Licence Policy

Has an Equality Impact Assessment (EIA) been undertaken?	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
If YES, what EIA reference number has it been given?	Ref: 1192			
Has appropriate consultation taken place?	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Has a Climate Impact Assessment (CIA) been undertaken?	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
Does the report contain confidential or exempt information?	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
If YES, give details as to whether the exemption applies to the full report / part of the report and/or appendices and complete below.				
"The (report/appendix) is not for publication because it contains exempt information under Paragraph (insert relevant paragraph number) of Schedule 12A of the Local Government Act 1972 (as amended)."				

Purpose of Report:

The Licensing Authority is seeking approval of the revised Hackney Carriage and Private Hire Driver's Licence Policy.

First published in 2016, the policy provides information and guidance on:

- applications
- decision-making
- enforcement

In providing a publicly available document, it allows:

- transparency
- accountability
- consistency

Recommendations

That Members of the Committee approve the revised Hackney Carriage & Private Hire Drivers Licence Policy to come in to force on 1st November 2022.

Background Papers:

There are no background papers associated with this report.

Lead Officer to complete:-		
1	I have consulted the relevant departments in respect of any relevant implications indicated on the Statutory and Council Policy Checklist, and comments have been incorporated / additional forms completed / EIA completed, where required.	Finance: James Lyon
		Legal: Samantha Bond and David Hollis
		Equalities & Consultation: Annemarie Johnston
		Climate: N/A
	<i>Legal, financial/commercial and equalities implications must be included within the report and the name of the officer consulted must be included above.</i>	
2	SLB member who approved submission:	Ajman Ali
3	Committee Chair consulted:	Councillor Joe Otten
4	I confirm that all necessary approval has been obtained in respect of the implications indicated on the Statutory and Council Policy Checklist and that the report has been approved for submission to the Committee by the SLB member indicated at 2. In addition, any additional forms have been completed and signed off as required at 1.	
	Lead Officer Name: Craig Harper	Job Title: Licensing Strategy and Policy Officer
	Date: 28th September 2022	

1. PROPOSAL

- 1.1 The licensing authority is responsible for the regulation of hackney carriage and private hire drivers licensed in the district of Sheffield.
- 1.2 Primary legislation regulates the industry, namely:
 - Town Police Clauses Act 1847
 - Local Government (Miscellaneous Provisions) Act 1976
- 1.3 More recently, the Policing and Crime Act 2017 enabled the Secretary of State for Transport to issue statutory guidance in exercising taxi and private hire vehicle licensing functions to protect children and vulnerable individuals who are over 18 from harm when using such services.
- 1.4 In July 2020, the Department for Transport therefore issued Statutory Taxi and Private Hire Vehicle Standards and it is a requirement for authorities to implement the recommendations contained within unless there is a compelling reason not to. A copy of the Standards can be found at Appendix A.
- 1.5 The licensing authority already has in place a publicly available Hackney Carriage and Private Hire Driver's Licence Policy, first published in 2016.
- 1.6 The authority has now reviewed the policy and in doing so considered the recommendations in the Statutory Standards as well as other strategies, guidance, and legislation relevant to the licensing regime.
- 1.7 The policy is designed to:
 - Provide individuals with a clear, consistent basis for submitting applications
 - Provide a clear, consistent basis for determining licence applications
 - Provide licensees with information on licensing requirements throughout the time they are licensed
- 1.8 The licensing authority has always sought to set some of highest standards in the country and be recognised for delivering best practice. The review continues to assert this position and further enhances the requirements first developed in 2016. The primary focus is the protection of the public, but in particular, safeguarding children and protecting the vulnerable.
- 1.9 Users of such transport should be assured that licensees are

appropriately trained and vetted and are held to account for their performance – this policy aims to achieve that assurance.

1.10 This report seeks the approval of the revised policy.

2. HOW DOES THIS DECISION CONTRIBUTE?

2.1 The policy is designed to:

Provide individuals with clear, consistent, and concise guidance to all those who need to use it:

- Licensing Authority Officers in processing applications
- Applicants when making an application

Provide a clear, consistent basis for determining licence applications:

- Allowing structured and evidenced-based decision making for Officers and Councillors

Achieve compliance with legislative, statutory, and local standards:

- Supporting wider strategies and initiatives specific to driver licensing, including safeguarding of children and vulnerable adults

2.2 The policy will positively assist the Council to deliver and achieve its aims and visions for the City: To be successful and safe to all who choose to enjoy, live, work, and study in Sheffield.

3. HAS THERE BEEN ANY CONSULTATION?

3.1 A formal 10-week consultation was undertaken, beginning 6th December 2021, with the following organisations invited to make comment:

- Licensees
- Elected Members
- Local Members of Parliament
- Sheffield City Council Transport Services
- Sheffield Disability Groups
- Sheffield Safeguarding Children's Board
- South Yorkshire Police
- Neighbouring Local Authorities
- Institute of Licensing
- Chambers of Commerce

- Sheffield Public Health Service
- Local Licensees
- Campaign for Better Transport
- National Association of Licensing and Enforcement Officers
- Pubwatch

- 3.2 A total of 171 responses were received, 136 of which were Sheffield licensees. A copy of the responses can be found at Appendix D.
- 3.3 Responses were received by email, directly to the Licensing Service and through the council's consultation hub, Citizen Space.
- 3.4 Citizen Space asked a number of specific questions to help inform the policy. A report, detailing the results can be found at Appendix C.
- 3.5 Waste and Street Scene Committee deferred the approval of the policy at its meeting 22nd June 2022, to first seek views of the Licensing Committee.
- 3.6 A briefing was undertaken with the Licensing Committee, 9th August 2022, to gain input and views. Two issues were raised:
- Overcharging and refusal of fares – what more can be done
 - The timeframe for undertaking Disability Awareness training
- 3.7 The draft policy which was consulted upon can be found at Appendix F.
- 3.8 Amendments made post consultation can be found at Appendix E.
- 3.9 A copy of the policy with tracked changed amendments post consultation can be found at Appendix G; a copy without tracked changes (for ease of reading) can be found at Appendix H.

4. RISK ANALYSIS AND IMPLICATIONS OF THE DECISION

4.1 Equality Implications

- 4.1.1 An Equality Impact Assessment was undertaken at the outset of the process and has been under review throughout. A copy is attached at Appendix B.

4.2 Financial and Commercial Implications

- 4.2.1 Although there are no direct financial implications arising as a result of the Hackney Carriage and Private Hire Driver's Licence Policy, there is a risk that staff and processing costs may increase. However, there will be opportunity to mitigate any additional cost in the forthcoming fees and charges review.

4.3 Legal Implications

4.3.1 S177 Policing and Crime Act 2017 states any public authority which has licensing functions under taxi and private hire vehicle legislation must have regard to any guidance issued under this section. The guidance issued is the Statutory Taxi & Private Hire Vehicle Standards issued in 2020. Therefore, as setting this policy will impact how the Council exercises those functions in setting this policy regard must be had to the statutory guidance.

4.3.2 Although the Council does not have to have a policy it is a clear recommendation of the statutory guidance that 'all licensing authorities make publicly available a cohesive policy document that brings together all their procedures on taxi and private hire vehicle licensing. This should include but not be limited to policies on convictions, a 'fit and proper' person test, licence conditions and vehicle standards. The statutory guidance requires when formulating a taxi and private hire vehicle policy, the primary and overriding objective must be to protect the public.

4.3.3 It should be reviewed every five years. Interim reviews should be considered where significant issues have arisen.

4.3.4 This report and appendices set out how that is achieved.

4.3.5 In setting this policy the Council should intend that the Licensing Committee who will deal with a large number of cases, ensure that cases will be dealt with in a standard way: applying the same criteria and attaching the same weight in each case, and so ensuring consistency and administrative efficiency. Whilst it is lawful and essential for fairness and consistency in decision making for decision makers to have a policy each case will have to be decided on its particular facts and is particularly important in taxi licensing cases involving human rights. The Council can be challenged for both failing to depart from policy in a case where its aims are not undermined by the departure; or for departing from policy in cases where it should be applied to maintain its aims of protecting the public.

4.4 Climate Implications

4.4.1 There are no climate implications as a result of implementing this policy.

4.4 Other Implications

4.4.1 There are no other implications as a result of implementing the policy.

5. **ALTERNATIVE OPTIONS CONSIDERED**

5.1 There are no alternative options under consideration.

6. REASONS FOR RECOMMENDATIONS

- 6.1 The Department for Transport recommends that licensing authorities make publicly available a cohesive policy document and to review this document every five years.
- 6.2 The licensing authority already has in place a *Hackney Carriage and Private Hire Driver's Licence Policy* document which has now been reviewed to take into account the recommendations in the Department for Transport *Statutory Taxi and Private Hire Vehicle Standards*.
- 6.3 The document is designed to:
- Provide individuals with a clear, consistent basis for submitting applications
 - Provide a clear, consistent basis for determining licence applications
 - Provide licensees with information on licensing requirements throughout the time they are licensed
- 6.4 It is recommended that Members approve the policy in order for the updated recommendations be implemented.

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Appendix A



Department
for Transport

Statutory Taxi & Private Hire Vehicle Standards

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1. Introduction

- 1.1 There is evidence to support the view that taxis and private hire vehicles are a high-risk environment. In terms of risks to passengers, this can be seen in abuse and exploitation of children and vulnerable adults facilitated and in some cases perpetrated by the trade and the number of sexual crimes reported which involve taxi and private hire vehicle drivers. Links between the trade and child sexual abuse and exploitation have been established in many areas and other investigations continue. Data on reported sexual assaults by taxi and private hire vehicle drivers evidence the risk to passengers; data from [Greater Manchester](#) and [Merseyside](#) suggest that, if similar offence patterns are applied across England, 623 sexual assaults per year are reported. These figures do not however account for the under reporting of crime which is estimated to be as high as 83 percent in the [Crime Survey for England and Wales](#).
- 1.2 The Policing and Crime Act 2017 enables the Secretary of State for Transport to issue statutory guidance on exercising taxi and private hire vehicle licensing functions to protect children and vulnerable individuals who are over 18 from harm when using these services. For the purposes of this document, a child is defined as anyone who has not yet reached their 18th birthday; and the term “vulnerable individual” has the same meaning as the definition of a ‘vulnerable adult’ for the purpose of section 42 of the [Care Act 2014](#), which applies where a local authority has reasonable cause to suspect that an adult in its area (whether or not ordinarily resident there):
- (a) has needs for care and support (whether or not the authority is meeting any of those needs),
 - (b) is experiencing, or is at risk of, abuse or neglect, and
 - (c) as a result of those needs is unable to protect himself or herself against the abuse or neglect or the risk of it.
- 1.3 Whilst the focus of the Statutory Taxi and Private Hire Vehicle Standards is on protecting children and vulnerable adults, all passengers will benefit from the recommendations contained in it. There is consensus that common core minimum standards are required to regulate better the taxi and private hire vehicle sector, and the recommendations in this document are the result of detailed discussion with the trade, regulators and safety campaign groups. **The Department therefore expects these recommendations to be implemented unless there is a compelling local reason not to.**
- 1.4 It should be noted that as policing and criminal justice is not a devolved matter, the Statutory Taxi and Private Hire Vehicle Standards issued under the Policing and Crime Act 2017 will continue to have effect in Wales although responsibility for taxi and private hire vehicle policy was devolved to the Welsh Assembly in April 2018. Should the Welsh Government introduce legislation to regulate on these issues, the standards in this document would, cease to apply.

- 1.5 All local authorities and district councils that provide children's and other types of services, including licensing authorities, have a statutory duty to make arrangements to ensure that their functions and any services that they contract out to others are discharged having regard to the need to safeguard and promote the welfare of children. This means that licensing authorities should have in place arrangements that reflect the importance of safeguarding and promoting the welfare of children. This includes clear whistleblowing procedures, safe recruitment practices and clear policies for dealing with allegations against people who work with children, as set out in the [Working Together to Safeguard Children](#) statutory guidance.
- 1.6 The Statutory Taxi and Private Hire Vehicle Standards reflect the significant changes in the industry and lessons learned from experiences in local areas since the 2010 version of the Department's Best Practice Guidance. This includes extensive advice on checking the suitability of individuals and operators to be licensed; safeguarding children and vulnerable adults; the Immigration Act 2016 and Common Law Police Disclosure (which replaced the Notifiable Occupations Scheme).
- 1.7 The standards in this document replace relevant sections of the Best Practice Guidance issued by the Department in 2010, where there is a conflict between the Statutory Taxi and Private Hire Vehicle Standards and the Best Practice Guidance the Department issue on taxi and private hire vehicle licensing, the standards in this document take precedence.

Terminology

Taxis are referred to in legislation, regulation and common language as 'hackney carriages', 'black cabs' and 'cabs'. The term '**taxi**' is used throughout this document and refers to all such vehicles. Taxis can be hired immediately by hailing on the street or at a rank.

Private hire vehicles include a range of vehicles including minicabs, executive cars, chauffeur services, limousines and some school and day centre transport services. All private hire vehicle journeys must be pre-booked via a licensed private hire vehicle operator and are subject to a 'triple licensing lock' i.e. the operator fulfilling the booking must use vehicles and drivers licensed by the same authority as that which granted its licence. The term 'private hire vehicle' is used throughout this document to refer to all such vehicles.

2. Consideration of the Statutory Taxi and Private Hire Vehicle Standards

- 2.1 The past failings of licensing regimes must never be repeated. The Department has carefully considered the measures contained in the Statutory Taxi and Private Hire Vehicle Standards and recommend that these should be put in to practice and administered appropriately to mitigate the risk posed to the public. The purpose of setting standards is to protect children and vulnerable adults, and by extension the wider public, when using taxis and private hire vehicles.
- 2.2 The Government set out in the [Modern Crime Prevention Strategy](#) the evidence that where Government, law enforcement, businesses and the public work together on prevention, this can deliver significant and sustained cuts in certain crimes. That is good news for victims and communities and it makes clear economic sense too. Educating the public on the risks of using unlicensed drivers and vehicles, how to identify the licensed trade and appropriate measure to take when using these services will protect help all passengers, more information is annexed to this document (Annex - Staying safe: guidance for passengers).
- 2.3 The Strategy committed to protect children and young people from the risk of child sexual abuse and exploitation (CSAE), by working with local authorities to introduce rigorous taxi and private hire vehicle licensing regimes. Both the [Jay](#) and [Casey](#) reports on CSAE highlighted examples of taxi/private hire vehicle drivers being directly linked to children that were abused, including instances when children were picked up from schools, children's homes or from family homes and abused, or sexually exploited.
- 2.4 The Casey Report made clear that weak and ineffective arrangements for taxi and private hire vehicle licensing had left the children and public at risk. The Department for Transport has worked with the Home Office, Local Government Association (LGA), personal safety charities, trade unions and trade bodies,

holding workshops, forums, and sharing evidence and good practice with local authorities to assist in the setting of the standards.

- 2.5 This document is published by the Secretary of State for Transport under section 177(1) of the Policing and Crime Act 2017 following consultation in accordance with section 177(5).
- 2.6 The document sets out a framework of policies that, under section 177(4), licensing authorities “**must have regard**” to when exercising their functions. These functions include developing, implementing and reviewing their taxi and private hire vehicle licensing regimes. “Having regard” is more than having a cursory glance at a document before arriving at a preconceived conclusion.
- 2.7 “Having regard” to these standards requires public authorities, in formulating a policy, to give considerations the weight which is proportionate in the circumstances. **Given that the standards have been set directly to address the safeguarding of the public and the potential impact of failings in this area, the importance of thoroughly considering these standards cannot be overstated.** It is not a question of box ticking; the standards must be considered rigorously and with an open mind.
- 2.8 Although it remains the case that licensing authorities must reach their own decisions, both on overall policies and on individual licensing matters in light of the relevant law, it may be that the Statutory Taxi and Private Hire Vehicle Standards might be drawn upon in any legal challenge to an authority’s practice, and that any failure to adhere to the standards without sufficient justification could be detrimental to the authority’s defence. **In the interest of transparency, all licensing authorities should publish their consideration of the measures contained in Statutory Taxi and Private Hire Vehicle Standards, and the policies and delivery plans that stem from these.** The Department has undertaken to monitor the effectiveness of the standards in achieving the protection of children and vulnerable adults (and by extension all passengers).
- 2.9 The Statutory Taxi and Private Hire Vehicle Standards does not purport to give a definitive statement of the law and any decisions made by a licensing authority remain a matter for that authority.

3. Administering the Licensing Regime

Licensing policies

- 3.1 The Department recommends all licensing authorities make publicly available a cohesive policy document that brings together all their procedures on taxi and private hire vehicle licensing. This should include but not be limited to policies on convictions, a 'fit and proper' person test, licence conditions and vehicle standards.
- 3.2 When formulating a taxi and private hire vehicle policy, the primary and overriding objective must be to protect the public. The importance of ensuring that the licensing regime protects the vulnerable cannot be overestimated. This was highlighted in the [report by Dame Louise Casey CB](#) of February 2015 on safeguarding failings.

“It will be evident from this report that in many cases the activities of perpetrators take place in spheres which are regulated by the Council – taxis have been the focus of particular concern. Persistent and rigorous enforcement of the regulatory functions available to the council, including the placing of conditions on private hire taxi operator licences where appropriate, would send a strong signal that the trade is being monitored and would curtail the activities of opportunistic perpetrators whereby taxi drivers have solicited children to provide sex in return for cigarettes, alcohol or a fare free ride.”

- 3.3 The long-term devastation caused by CSAE was summarised in the same report:

“Victims suffer from suicidal feelings and often self-harm. Many become pregnant. Some have to manage the emotional consequences of miscarriages and abortions while others have children that they are unable to parent appropriately. The abuse and violence continues to affect victims into adulthood. Many enter violent and abusive relationships. Many suffer poor mental health and addiction.”

- 3.4 Rotherham Metropolitan Borough Council ('Rotherham Council') provides an example of how the systematic review of policies and procedures and the implementation of a plan to drive improvements in practice can result in a well-functioning taxi and private hire vehicle sector that is rebuilding local confidence in the industry. The history of past failings here and elsewhere is well known, but it is the transparency and resolution that Rotherham Council has demonstrated and the high standards they now require that are rebuilding public confidence.
- 3.5 One of the key lessons learned is that it is vital to review policies and reflect changes in the industry both locally and nationally. **Licensing authorities should review their licensing policies every five years, but should also consider interim reviews should there be significant issues arising in their area, and their performance annually.**

Duration of licences

- 3.6 A previous argument against issuing licences for more than a year was that a criminal offence might be committed, and not notified, during this period; this can of course also be the case during the duration of a shorter licence. This risk can be mitigated for drivers by authorities to undertaking regular interim checks. To help authorities monitor licensees' suitability, licensing authorities should engage with their police force to ensure that when the police believe a licensee presents a risk to the travelling public they use their Common Law Police Disclosure powers (see paragraphs 4.9 - 4.11) to advise them.
- 3.7 The Local Government (Miscellaneous Provisions) Act 1976 (as amended) sets a standard length at three years for taxi and private hire vehicle drivers and five years for private hire vehicle operators. Any shorter duration licence should only be issued when the licensing authority thinks it is appropriate in the specific circumstances of the case, if a licensee has requested one or where required (e.g. when the licence holder's leave to remain in the UK is time-limited) or when the licence is only required to meet a short-term demand; they should not be issued on a 'probationary' basis.

Whistleblowing

- 3.8 It is in the application of licensing authority's policies (and the training and raising of awareness among those applying them) that protection will be provided. Where there are concerns that policies are not being applied correctly, it is vital that these can be raised, investigated and remedial action taken if required. **Licensing authorities should have effective internal procedures in place for staff to raise concerns and for any concerns to be dealt with openly and fairly.**

A report into the licensing of drivers by South Ribble Borough Council highlights the implications of not applying the agreed policies. In early August 2015, concerns were raised regarding decisions to renew the licences of drivers where there were potential incidents of child sexual exploitation. An internal review concluded that there had been failings in local investigatory procedures which might have affected the ability of the General Licensing Committee to make proper decisions, and information sharing with the police and data recording was not satisfactory.

- 3.9 The external investigation in South Ribble concluded “that there had been a lack of awareness and priority given to safeguarding and the safety of taxi [and private hire vehicle] passengers in the manner in which licensing issues were addressed”. We are pleased to note that the [report](#) concludes, “The Council have been active at every stage in responding to issues and concerns identified. It has taken steps to address operational issues in the licensing function and has engaged fully with other agencies in so doing. In the light of the above, it is not necessary to make any further recommendations.”
- 3.10 It is hoped that all licensing authorities will have learnt from these mistakes but to prevent a repeat, **local authorities should ensure they have an effective ‘whistleblowing’ policy and that all staff are aware of it.** If a worker is aware of, and has access to, effective internal procedures for raising concerns then ‘whistleblowing’ is unlikely to be needed.
- 3.11 The Public Interest Disclosure Act 1998 (PIDA), commonly referred to as whistleblowing legislation, provides protection for those that have a reasonable belief of serious wrongdoing, including failure to comply with professional standards, council policies or codes of practice/conduct. The PIDA is part of employment law. In the normal course of events, if a worker reveals information that his employer does not want revealed it may be a disciplinary offence. If someone leaked their employer’s confidential information to the press, they might expect to be dismissed for that. The PIDA enables workers who ‘blow the whistle’ about wrongdoing to complain to an employment tribunal if they are dismissed or suffer any other form of detriment for doing so. It is a qualified protection and certain conditions would have to be met for the worker to be protected. More information is available online for [employees](#) and [employers](#):

Consultation at the local level

- 3.12 Licensing authorities should consult on proposed changes in licensing rules that may have significant impacts on passengers and/or the trade. Such consultation should include not only the taxi and private hire vehicle trades but also groups likely to be the trades’ customers. Examples are groups representing disabled people, Chambers of Commerce, organisations with a wider transport interest (e.g. the Campaign for Better Transport and other transport providers), women’s groups, local traders, and the local multi-agency safeguarding arrangements. It may also be helpful to consult with night-time economy groups (such as Pubwatch) if the trade is an important element of dispersal from the local night-time economy’s activities.
- 3.13 Any decision taken to alter the licensing regime is likely to have an impact on the operation of the taxi and private hire vehicle sector in neighbouring areas; and **licensing authorities should engage with these areas to identify any concerns and issues that might arise from a proposed change.** Many areas convene regional officer consultation groups or, more formally, councillor liaison meetings; this should be adopted by all authorities.

Changing licensing policy and requirements

- 3.14 **Any changes in licensing requirements should be followed by a review of the licences already issued.** If the need to change licensing requirements has been identified, this same need is applicable to those already in possession of a licence. That is not however to suggest that licences should be automatically revoked overnight, for example if a vehicle specification is changed it is proportionate to allow those that would not meet the criteria to have the opportunity to adapt or change their vehicle. The same pragmatic approach should be taken to driver licence changes - if requirements are changed to include a training course or qualification, a reasonable time should be allowed for this to be undertaken or gained. The implementation schedule of any changes that affect current licence holders must be transparent and communicated promptly and clearly.
- 3.15 Where a more subjective change has been introduced, for example an amended policy on previous convictions, a licensing authority must consider each case on its own merits. Where there are exceptional, clear and compelling reasons to deviate from a policy, licensing authorities should consider doing so. Licensing authorities should record the reasons for any deviation from the policies in place.

4. Gathering and Sharing Information

- 4.1 Licensing authorities must consider as full a range of information available to them when making a decision whether to grant a licence and to meet their ongoing obligation to ensure a licensee remains suitable to hold a licence.

The Disclosure and Barring Service

- 4.2 The Disclosure and Barring Service (DBS) provides access to criminal record information through its disclosure service for England and Wales. The DBS also maintains the lists of individuals barred from working in regulated activity with children or adults. The DBS makes independent barring decisions about people who have harmed, or where they are considered to pose a risk of harm to a child or vulnerable person within the workplace. The DBS enables organisations in the public, private and voluntary sectors to make safer employment decisions by identifying candidates who may be unsuitable for certain work, especially that which involves vulnerable groups including children.
- 4.3 Enhanced certificates with a check of the barred lists include details of spent and unspent convictions recorded on the Police National Computer (PNC), any additional information which a chief officer of police believes to be relevant and ought to be disclosed, as well as indicating whether the individual is barred from working in regulated activity with children or adults. Spent convictions and cautions are disclosed on standard and enhanced certificates according to rules set out in legislation. Convictions which resulted in a custodial sentence, and convictions or cautions for a specified serious offence such as those involving child sexual abuse will always be disclosed on a standard or enhanced certificate. Full details of the disclosure rules, and those offences which will always be disclosed, are available from the [DBS](#). As well as convictions and cautions, an enhanced certificate may include additional information which a chief police officer reasonably believes is relevant and ought to be disclosed. Chief police officers must have regard to the [statutory guidance](#) issued by the Home Office when considering disclosure. A summary of the information provided at each level of DBS checks is annexed to this document (Annex – Disclosure and Barring Service information).
- 4.4 It should be noted that licensing authorities must not circumvent the DBS process and seek to obtain details of previous criminal convictions and other information that may not otherwise be disclosed on a DBS certificate. Whilst data protection legislation (not just the Data Protection Act 2018 or General Data Protection Regulation (GDPR)) gives individuals (or data subjects) a 'right of access' to the personal data that an organisation holds about them, it is a criminal offence to require an individual to exercise their subject access rights so as to gain information about any convictions and cautions. This could potentially lead to the authority receiving information to which it is not entitled. The appropriate way of accessing an individual's criminal records is through an enhanced DBS and barred lists check.

The Disclosure and Barring Service Update Service

- 4.5 Subscription to the DBS Update Service allows those with standard and enhanced certificates to keep these up to date online and, with the individual's consent, allows nominees to check the status of a certificate online at any time. Subscription to the service removes the need for new certificates to be requested, reduces the administrative burden and mitigates potential delays in relicensing.
- 4.6 The DBS will search regularly to see if any relevant new information has been received since the certificate was issued. The frequency varies depending on the type of information; for criminal conviction and barring information, the DBS will search for updates on a weekly basis. For non-conviction information, the DBS will search for updates every nine months.
- 4.7 Licensing authorities are able to request large numbers of status checks on a daily basis. The DBS has developed a Multiple Status Check Facility (MSCF) that can be accessed via a web service. The MSCF enables organisations to make an almost unlimited number of Status Checks simultaneously. Further information on the MSCF is available from the [DBS](#).
- 4.8 Should the MSCF advise that new information is available the DBS certificate should no longer be relied upon and a new DBS certificate requested.

Common Law Police Disclosure

- 4.9 The DBS is not the only source of information that should be considered as part of a fit and proper assessment for the licensing of taxi and private hire vehicle drivers. Common Law Police Disclosure ensures that where there is a public protection risk, the police will pass information to the employer or regulatory body to allow them to act swiftly to mitigate any danger.
- 4.10 Common Law Police Disclosure replaced the Notifiable Occupations Scheme (NOS) in March 2015 and focuses on providing timely and relevant information which might indicate a public protection risk. Information is passed on at arrest or charge, rather than on conviction which may be some time after, allowing any measures to mitigate risk to be put in place immediately.
- 4.11 This procedure provides robust safeguarding arrangements while ensuring only relevant information is passed on to employers or regulatory bodies. **Licensing authorities should maintain close links with the police to ensure effective and efficient information sharing procedures and protocols are in place and are being used.**

Licensee self-reporting

- 4.12 Licence holders should be required to notify the issuing authority within 48 hours of an arrest and release, charge or conviction of any sexual offence, any offence involving dishonesty or violence and any motoring offence. An arrest for any of the offences within this scope should result in a review by the issuing authority as to whether the licence holder is fit to continue to do so. This must not

however be seen as a direction that a licence should be withdrawn; it is for the licensing authority to consider what, if any, action in terms of the licence should be taken based on the balance of probabilities. Should an authority place an obligation on licensees to notify under these circumstances, authorities should also ensure appropriate procedures are in place to enable them to act in a suitable timeframe if and when needed.

- 4.13 Importantly, a failure by a licence holder to disclose an arrest that the issuing authority is subsequently advised of might be seen as behaviour that questions honesty and therefore the suitability of the licence holder regardless of the outcome of the initial allegation.

Referrals to the Disclosure and Barring Service and the Police

- 4.14 In some circumstances it may be appropriate under the Safeguarding Vulnerable Groups Act 2006 for licensing authorities to make referrals to the DBS. **A decision to refuse or revoke a licence as the individual is thought to present a risk of harm to a child or vulnerable adult, should be referred to the DBS.** The power for the licensing authority to make a referral in this context arises from the undertaking of a safeguarding role. Further guidance has been provided by the [DBS](#).

- 4.15 The Department recommends that licensing authorities should make a referral to the DBS when it is thought that:

- an individual has harmed or poses a risk of harm to a child or vulnerable adult;
- an individual has satisfied the '[harm test](#)'; or
- received a caution or conviction for a relevant offence and;
- the person they are referring is, has or might in future be working in regulated activity;

if the above conditions are satisfied, the DBS may consider it appropriate for the person to be added to a barred list.

- 4.16 These referrals may result in the person being added to a barred list and enable other licensing authorities to consider this should further applications to other authorities be made. Further information on referrals to DBS is [available](#).

Working with the Police

- 4.17 The police are an invaluable source of intelligence when assessing whether a licensing applicant is a 'fit and proper' person. It is vital that licensing authorities have a partnership with the police service to ensure that appropriate information is shared as quickly as possible. As part of building an effective working relationship between the licensing authority and the police, **action taken by the licensing authority as a result of information received should be fed-back to the police.** Increasing the awareness among police forces of the value licensing authorities place on the information received, particularly on non-conviction intelligence, will assist furthering these relationships and reinforce the benefits of greater sharing of information.
- 4.18 This relationship can be mutually beneficial, assisting the police to prevent crime. The police can gain valuable intelligence from drivers and operators, for example, the identification of establishments that are selling alcohol to minors or drunks, or the frequent transportation of substance abusers to premises.
- 4.19 To aid further the quality of the information available to all parties that have a safeguarding duty, a revocation or refusal on public safety grounds should also be advised to the police.

Sharing licensing information with other licensing authorities

- 4.20 As has been stated elsewhere in this document, obtaining the fullest information minimises the doubt as to whether an applicant or licensee is 'fit and proper'. An obvious source of relevant information is any previous licensing history. **Applicants and licensees should be required to disclose if they hold or have previously held a licence with another authority. An applicant should also be required to disclose if they have had an application for a licence refused, or a licence revoked or suspended by any other licensing authority.** Licensing authorities should explicitly advise on their application forms that making a false statement or omitting to provide the information requested may be a criminal offence.
- 4.21 The LGA's Councillors' [Handbook on taxi and private hire vehicle licensing](#) advises that those responsible for licensing should "*communicate regularly with licensing committees and officers in neighbouring councils to ensure critical information is shared and that there is a consistency and robustness in decision-making. By working together, local government can make sure that this vital service is safe, respected, and delivering for local communities.*". While this approach may aid consistency and robustness in decision-making within regions, it has obvious inherent limitations as it is unlikely such protocols could be established between all licensing authorities. The LGA commissioned the National Anti-Fraud Network to develop a national register of taxi and private hire vehicle driver licence refusals and revocations (the register is known as 'NR3'). **Tools such as NR3 should be used by licensing authorities to share information on a more consistent basis to mitigate the risk of non-disclosure of relevant information by applicants.**

- 4.22 For these processes to be beneficial, all licensing authorities must keep a complete and accurate record as to the reasons for refusal, suspension or revocation of a licence in order that this might be shared if requested and appropriate to do so.
- 4.23 Data protection legislation provides exemption from the rights of data subjects for the processing of personal data in connection with regulatory activities. This includes taxi and private hire vehicle licensing. The exemption applies only to information processed for the core regulatory activities of appropriate organisations; it may not be used in a blanket manner. The exemption applies only to the extent that the application of the rights of data subjects to the information in question would be likely to prejudice the proper discharge of the regulatory functions. The Information Commissioner's Office has published [guidance](#) to assist organisations to fully understand their obligations and suggest good practice.
- 4.24 If notification under paragraph 4.20 or 4.21 of a refused or revoked licence is disclosed, the relevant licensing authority should be contacted to establish when the licence was refused, suspended or revoked and the reasons why. In those circumstances, the relevant licensing authority must consider whether it should disclose any information in relation to the previous decision, consistent with its obligations under data protection legislation. If information is disclosed, it can then be taken into account in determining the applicant's fitness to be licensed. The relevance of the reason for refusing/revoking a licence must be considered. For example, if any individual was refused a licence for failing a local knowledge test, it does not have any safeguarding implications. Conversely, a revocation or refusal connected to indecency would. Licensing authorities should not simply replicate a previous decision, authorities must consider each application on its own merits and with regard to its own policies.
- 4.25 Should a licensing authority receive information that a licence holder did not disclose the information referred to in paragraph 4.20, for example by checking the NR3 register, the authority should consider whether the non-disclosure represents dishonesty and should review whether the licence holder remains 'fit and proper'.

Multi-agency Safeguarding Hub (MASH)

- 4.26 Multi-Agency Safeguarding Hubs are a way to improve the safeguarding response for children and vulnerable adults through better information sharing and high quality and timely safeguarding responses. MASHs (or similar models) should operate on three common principles: information sharing, joint decision making and coordinated intervention.
- 4.27 The Home Office report on [Multi Agency Working and Information Sharing](#) recommended that effective multi-agency working still needs to become more widespread. The Children's Commissioner's 2013 [Inquiry into Child Sexual Exploitation in Gangs and Groups](#) found that both police and local authorities still identified the inability to share information as a key barrier to safeguarding children from sexual abuse and exploitation.

4.28 All licensing authorities should operate or establish a means to facilitate the objectives of a MASH (i.e. the sharing of necessary and relevant information between stakeholders). As has been emphasised throughout this document, one of the most effective ways to minimise the risk to children and vulnerable adults when using taxis and private hire vehicles is to ensure that decisions on licensing individuals are made with the fullest knowledge possible.

Complaints against licensees

4.29 Complaints about drivers and operators provide a source of intelligence when considering the renewal of a licence or to identify problems during the period of the licence. Patterns of behaviour such as complaints against drivers, even when they do not result in further action in response to an individual complaint, may be indicative of characteristics that raise doubts over the suitability to hold a licence. **All licensing authorities should have a robust system for recording complaints, including analysing trends across all licensees as well as complaints against individual licensees.** Such a system will help authorities to build a fuller picture of the potential risks an individual may pose and may tip the 'balance of probabilities' assessment that licensing authorities must take.

4.30 Licensees with a high number of complaints made against them should be contacted by the licensing authority and concerns raised with the driver and operator (if appropriate). Further action in terms of the licence holder must be determined by the licensing authority, which could include no further action, the offer of training, a formal review of the licence, or formal enforcement action.

4.31 To ensure that passengers know who to complain to, licensing authorities should produce guidance for passengers on making complaints directly to the licensing authority that should be available on their website. Ways to make complaint to the authority should be displayed in all licensed vehicles. This is likely to result in additional work for the licensing authority but has the advantage of ensuring consistency in the handling of complaints. Currently, it is more likely that a complaint against a taxi driver would be made directly to the licensing authority whereas a complaint against a private hire vehicle driver is more likely to be made to the operator. An effective partnership in which operators can share concerns regarding drivers is also encouraged.

4.32 Importantly, this approach will assist in the directing of complaints and information regarding the behaviour of drivers who may be carrying a passenger outside of the area in which the driver is licensed to the authority that issued the licence. In order for this to be effective licensing authorities must ensure that drivers are aware of a requirement to display information on how to complain and take appropriate sanctions against those that do not comply with this requirement.

4.33 In terms of investigating complaints CCTV footage of an incident can provide an invaluable insight, providing an 'independent witness' to an event. This can assist in the decision whether to suspend or revoke a licence. The potential benefits of mandating CCTV in vehicles is discussed in paragraphs 7.7 - 7.12.

Overseas convictions

- 4.34 The DBS cannot access criminal records held overseas, only foreign convictions that are held on the Police National Computer may, subject to the disclosure rules, be disclosed. Therefore, a DBS check may not provide a complete picture of an individual's criminal record where there have been periods living or working overseas; the same applies when an applicant has previously spent an extended period (three or more continuous months) outside the UK. It should however be noted that some countries will not provide an 'Certificate of Good Character' unless the individual has been resident for six months or more
- 4.35 Licensing authorities should seek or require applicants to provide where possible criminal records information or a 'Certificate of Good Character' from overseas in this circumstance to properly assess risk and support the decision-making process (. It is the character of the applicant as an adult that is of particular interest, therefore an extended period outside the UK before the age of 18 may be less relevant. As with all licensing decisions, each case must be considered on its own merits. For information on applying for overseas criminal record information or 'Certificates of Good Character' please see the Home Office [guidance](#).
- 4.36 Where an individual is aware that they have committed an offence overseas which may be equivalent to those listed in the annex to this document (Annex – Assessment of previous convictions), licensing authorities should advise the applicant to seek independent expert or legal advice to ensure that they provide information that is truthful and accurate.

5. Decision Making

Administration of the licensing framework

- 5.1 A policy is only effective if it is administered properly. The taxi and private hire vehicle licensing functions of local councils are non-executive functions i.e. they are functions of the council rather than the executive (such as the Cabinet). The functions include the determination of licence applications, reviews and renewals, along with the attachment of conditions when considered appropriate. The function may be delegated to a committee, a sub-committee or an officer – which should be set out within a clear scheme of delegation. In London the taxi and private hire vehicle licensing function is undertaken by Transport for London.
- 5.2 Licensing authorities should ensure that all individuals that determine whether a licence is issued or refused are adequately resourced to allow them to discharge the function effectively and correctly.

Training decision makers

- 5.3 **All individuals that determine whether a licence is issued should be required to undertake sufficient training.** As a minimum, training for a member of a licensing committee should include: licensing procedures, natural justice, understanding the risks of CSAE, disability and equality awareness and the making of difficult and potentially controversial decisions. Training should not simply relate to procedures, but should include the use of case study material to provide context and real scenarios. All training should be formally recorded by the licensing authority and require a signature from the person that has received the training. Training is available from a number of organisations including the Institute of Licensing and Lawyers in Local Government; the LGA may also be able to assist in the development of training packages.
- 5.4 Public safety is the paramount consideration but the discharge of licensing functions must be undertaken in accordance with the following general principles:
- policies should be used as internal guidance, and should be supported by a member/officer code of conduct.
 - any implications of the Human Rights Act should be considered.
 - the rules of natural justice should be observed.
 - decisions must be reasonable and proportionate.
 - where a hearing is required it should be fairly conducted and allow for appropriate consideration of all relevant factors.
 - decision makers must avoid bias (or even the appearance of bias) and predetermination.
 - data protection legislation.

5.5 When a decision maker has a prejudicial interest in a case, whether it be financial or a personal relationship with those involved they should declare their interest at the earliest opportunity; this must be prior to any discussions or votes and, once declared, they must leave the room for the duration of the discussion or vote.

The regulatory structure

5.6 It is recommended that councils operate with a Regulatory Committee or Board that is convened at periodic intervals to determine licensing matters, with individual cases being considered by a panel of elected and suitably trained councillors drawn from a larger Regulatory Committee or Board. This model is similar to that frequently adopted in relation to other licensing matters. To facilitate the effective discharge of the functions, less contentious matters can be delegated to appropriately authorised council officers via a transparent scheme of delegation.

5.7 It is considered that this approach also ensures the appropriate level of separation between decision makers and those that investigate complaints against licensees, and is the most effective method in allowing the discharge of the functions in accordance with the general principles referred to in 5.4. In particular, the Committee/Board model allows for:

- Each case to be considered on its own merits. It is rare for the same councillors to be involved in frequent hearings – therefore the councillors involved in the decision making process will have less knowledge of previous decisions and therefore are less likely to be influenced by them. Oversight and scrutiny can be provided in relation to the licensing service generally, which can provide independent and impartial oversight of the way that the functions are being discharged within the authority.
- Clear separation between investigator and the decision maker – this demonstrates independence, and ensures that senior officers can attempt to resolve disputes in relation to service actions without the perception that this involvement will affect their judgement in relation to decisions made at a later date.

5.8 Avoidance of bias or even the appearance of bias is vital to ensuring good decisions are made and instilling and/or maintaining confidence in the licensing regime by passengers and licensees.

5.9 Unlike officers, elected members are not usually involved in the day to day operation of the service and as such do not have relationships with licence holders that may give the impression that the discharge of a function is affected by the relationship between the decision maker and the licence holder.

5.10 Some licensing authorities may decide to operate a system whereby all matters are delegated to a panel of officers; however, this approach is not recommended and caution should be exercised. Decisions must be, and be seen to be, made objectively, avoiding any bias. In addition, it may be more difficult to demonstrate compliance with the principles referred to above due to the close

connection between the officers on the panel, and those involved in the operational discharge of the licensing functions.

- 5.11 Whether the structure proposed is introduced or an alternative model is more appropriate in local circumstances, the objective should remain the same - to separate the investigation of licensing concerns and the management of the licence process. Regardless of which approach is adopted, **all licensing authorities should consider arrangements for dealing with serious matters that may require the immediate revocation of a licence.** It is recommended that this role is delegated to a senior officer/manager with responsibility for the licensing service.

Fit and proper test

- 5.12 Licensing authorities have a duty to ensure that any person to whom they grant a taxi or private hire vehicle driver's licence is a 'fit and proper' person to be a licensee. It may be helpful when considering whether an applicant or licensee is fit and proper to pose oneself the following question:

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

- 5.13 If, on the balance of probabilities, the answer to the question is 'no', the individual should not hold a licence.
- 5.14 Licensing authorities have to make difficult decisions but (subject to the points made in paragraph 5.4) the safeguarding of the public is paramount. All decisions on the suitability of an applicant or licensee should be made on the balance of probability. This means that an applicant or licensee should not be 'given the benefit of doubt'. If the committee or delegated officer is only "50/50" as to whether the applicant or licensee is 'fit and proper', they should not hold a licence. The threshold used here is lower than for a criminal conviction (that being beyond reasonable doubt) and can take into consideration conduct that has not resulted in a criminal conviction.

Criminal convictions and rehabilitation

- 5.15 In considering an individual's criminal record, licensing authorities must consider each case on its merits, but they should take a particularly cautious view of any offences against individuals with special needs, children and other vulnerable groups, particularly those involving violence, those of a sexual nature and those linked to organised crime. In order to achieve consistency, and to mitigate the risk of successful legal challenge, licensing authorities should have a clear policy for the consideration of criminal records. This should include, for example, which offences would prevent an applicant from being licenced regardless of the period elapsed in all but truly exceptional circumstances. In the case of lesser offences, a policy should consider the number of years the authority will require to have elapsed since the commission of particular kinds of offences before they will grant a licence.

- 5.16 Annexed to this document are the Department's recommendations on the assessment of previous convictions (Annex – Assessment of previous convictions). This draws on the work of the Institute of Licensing, in partnership with the LGA, the National Association of Licensing Enforcement Officers (NALEO) and Lawyers in Local Government, in publishing its guidance on determining the suitability of taxi and private hire vehicle licensees.
- 5.17 These periods should be taken as a starting point in considering whether a licence should be granted or renewed in all cases. The Department's view is that this places passenger safety as the priority while enabling past offenders to sufficiently evidence that they have been successfully rehabilitated so that they might obtain a licence. Authorities are however reminded that applicants are entitled to a fair and impartial consideration of their application.

6. Driver Licensing

Criminality checks for drivers

- 6.1 Licensing authorities are entitled to request an enhanced criminal record certificate with check of the barred lists from the DBS for all driver licence holders or applicants. The DfT's 2019 [survey of taxi and private hire vehicle licensing authorities](#) shows that all licensing authorities in England and Wales have a requirement that an enhanced DBS check is undertaken at first application or renewal.
- 6.2 All individuals applying for or renewing a taxi or private hire vehicle drivers licence licensing authorities should carry out a check of the children and adult Barred Lists in addition to being subject to an enhanced DBS check (in section x61 of the DBS application 'Other Workforce' should be entered in line 1 and 'Taxi Licensing' should be entered at line 2). All licensed drivers should also be required to evidence continuous registration with the DBS update service to enable the licensing authority to routinely check for new information every six months. Drivers that do not subscribe up to the Update Service should still be subject to a check every six months.
- 6.3 Driving a taxi or private hire vehicle is not, in itself, a regulated activity for the purposes of the barred list. This means that an individual subject to barring would not be legally prevented from being a taxi or private hire vehicle driver but the licensing authority should take an individual's barred status into account alongside other information available. **In the interests of public safety, licensing authorities should not, as part of their policies, issue a licence to any individual that appears on either barred list.** Should a licensing authority consider there to be exceptional circumstances which means that, based on the balance of probabilities they consider an individual named on a barred list to be 'fit and proper', the reasons for reaching this conclusion should be recorded.
- 6.4 Drivers working under an arrangement to transport children may be working in 'regulated activity' as defined by the [Safeguarding Vulnerable Groups Act 2006](#). It is an offence to knowingly allow a barred individual to work in regulated activity. The [guidance on home-to-school travel and transport](#) issued by the Department for Education should be considered alongside this document. Please see [guidance](#) on driver DBS eligibility and how to apply.

Safeguarding awareness

- 6.5 Licensing authorities should consider the role that those in the taxi and private hire vehicle industry can play in spotting and reporting the abuse, exploitation or neglect of children and vulnerable adults. As with any group of people, it is overwhelmingly the case that those within the industry can be an asset in the detection and prevention of abuse or neglect of children and vulnerable adults. However, this is only the case if they are aware of and alert to the signs of potential abuse and know where to turn to if they suspect that a child or vulnerable adult is at risk of harm or is in immediate danger.

6.6 All licensing authorities should provide safeguarding advice and guidance to the trade and should require taxi and private hire vehicle drivers to undertake safeguarding training. This is often produced in conjunction with the police and other agencies. These programmes have been developed to help drivers and operators:

- provide a safe and suitable service to vulnerable passengers of all ages;
- recognise what makes a person vulnerable; and
- understand how to respond, including how to report safeguarding concerns and where to get advice.

6.7 Since 2015, the Department for Education (DfE) has run a nationwide campaign – *‘Together, we can tackle child abuse’* which aims to increase public understanding of how to recognise the signs to spot and encourage them to report child abuse and neglect. The DfE continues to promote and raise awareness of the campaign materials through its [online toolkit](#), for local authorities, charities and organisations for use on their social media channels.

‘County lines’ exploitation

6.8 County lines is a term used to describe gangs and organised criminal networks involved in exporting illegal drugs (primarily crack cocaine and heroin) into one or more importing areas [within the UK], using dedicated mobile phone lines or other form of “deal line”.

6.9 Exploitation is an integral part of the county lines offending model with children and vulnerable adults exploited to transport (and store) drugs and money between locations. Children aged between 15-17 make up the majority of the vulnerable people involved in county lines, but they may also be much younger. We know that both girls and boys are groomed and exploited and offenders will often use coercion, intimidation, violence (including sexual violence) and weapons to ensure compliance of victims. Children exploited by county lines gangs may have vulnerabilities besides their age, such as broader mental health issues, disrupted or chaotic homes, substance misuse issues, being excluded from school or frequently going missing.

6.10 The National Crime Agency’s 2018 county lines threat assessment set out that the national road network is key to the transportation of county lines victims, drugs and cash; with hire vehicles being one of the methods used for transportation between locations.

6.11 Safeguarding awareness training should include the ways in which drivers can help to identify county lines exploitation. Firstly, they should be aware of the following warning signs:

- Children and young people travelling in taxis or private hire vehicles alone;

- travelling at unusual hours (during school time, early in the morning or late at night);
- travelling long distances;
- unfamiliar with the local area or do not have a local accent;
- paying for journeys in cash or prepaid.

6.12 The Home Office is working with partners to raise awareness of county lines and has provided [material](#) to help taxi and private vehicle hire staff to identify victims and report concerns to protect those exploited through this criminal activity.

6.13 Drivers (or any person) should be aware of what to do if they believe a child or vulnerable person is at risk of harm. If the risk is immediate they should contact the police otherwise they should:

- use the local safeguarding process, the first step of which is usually to contact the safeguarding lead within the local authority;
- call Crime Stoppers on 0800 555 111.

Language proficiency

6.14 A lack of language proficiency could impact on a driver's ability to understand written documents, such as policies and guidance, relating to the protection of children and vulnerable adults and applying this to identify and act on signs of exploitation. Oral proficiency will be of relevance in the identification of potential exploitation through communicating with passengers and their interaction with others.

6.15 A licensing authority's test of a driver's proficiency should cover both oral and written English language skills to achieve the objectives stated above.

7. Vehicle Licensing

7.1 As with driver licensing, the objective of vehicle licensing is to protect the public, who trust that the vehicles dispatched are above all else safe. It is important therefore that licensing authorities are assured that those granted a vehicle licence also pose no threat to the public and have no links to serious criminal activity. Although vehicle proprietors may not have direct contact with passengers, they are still entrusted to ensure that the vehicles and drivers used to carry passengers are appropriately licensed and so maintain the safety benefits of the licensing regime.

Criminality checks for vehicle proprietors

7.2 Enhanced DBS and barred list checks are not available for vehicle licensing. **Licensing authorities should require a basic disclosure from the DBS and that a check is undertaken annually.** Any individual may apply for a basic check and the certificate will disclose any unspent convictions recorded on the Police National Computer (PNC). Licensing authorities should consider whether an applicant or licence holder with a conviction for offences provided in the annex to this document (Annex – Assessment of previous convictions), other than those relating to driving, meet the ‘fit and proper’ threshold.

7.3 However, it is important that authorities acknowledge that in many cases individuals that license a vehicle may already be licensed as a driver. An authority which undertakes the biannual DBS checks recommended for its drivers should not require those seeking to licence a vehicle to provide a basic DBS check as part of the application process; a basic DBS would not provide any information in addition to that disclosed under the enhanced DBS and barred lists check used for the driver assessment. In these circumstances, the authority should instead rely on the fact that the applicant is considered as fit and proper to hold a driver licence when considering their suitability to hold a vehicle licence. Should the individual cease to hold a driver licence a basic certificate should be required immediately.

7.4 A refusal to license an individual as a driver or to suspend or revoke a driver licence does not automatically mean that that individual cannot be issued or continue to hold a vehicle or private hire vehicle operator licence; these decisions must be independent of a driver licence refusal and based on the appropriate information i.e. it should not consider information that would only be available via an enhanced DBS check but instead that which would be disclosed on a basic check. DBS certificate information can only be used for the specific purpose for which it was requested and for which the applicant’s full consent has been given.

7.5 Private hire vehicle operator and vehicle licences may be applied for by a company or partnership; licensing authorities should apply the ‘fit and proper’ test to each of the directors or partners in that company or partnership. For this to be effective private hire vehicle operators and those to whom a vehicle licence should be required to advise the licensing authority of any change in directors or partners.

7.6 As explained earlier in the context of driver licensing, the DBS cannot access criminal records held overseas so other checks must be considered where and applicant has lived or worked overseas (see paragraph 4.34 - 4.36).

In-vehicle visual and audio recording – CCTV

7.7 Government has acknowledged the potential risk to public safety when passengers travel in taxis and private hire vehicles. It is unfortunately the case that no matter how complete the information available to licensing authorities is when assessing whether to issue any taxi or private hire vehicle licence, nor how robust the policies in place are and the rigor with which they are applied, it will never completely remove the possibility of harm to passengers by drivers.

7.8 The Department's view is that CCTV can provide additional deterrence to prevent this and investigative value when it does. The use of CCTV can provide a safer environment for the benefit of taxi/private hire vehicle passengers and drivers by:

- deterring and preventing the occurrence of crime;
- reducing the fear of crime;
- assisting the police in investigating incidents of crime;
- assisting insurance companies in investigating motor vehicle accidents.

7.9 All licensing authorities should consult to identify if there are local circumstances which indicate that the installation of CCTV in vehicles would have either a positive or an adverse net effect on the safety of taxi and private hire vehicle users, including children or vulnerable adults, and taking into account potential privacy issues.

7.10 While only a small minority of licensing authorities have so far mandated all vehicles to be fitted with CCTV systems, the experience of those authorities that have has been positive for both passengers and drivers. In addition, the evidential benefits of CCTV may increase the level of reporting of sexual offences. According to the [Crime Survey for England and Wales](#) only 17 percent of victims report their experiences to the police, 28 percent of rape or sexual assault victims indicated that a fear they would not be believed as a factor in them not reporting the crime. The evidential benefits CCTV could provide are therefore an important factor when considering CCTV in vehicles.

7.11 The mandating of CCTV in vehicles may deter people from seeking a taxi or private hire vehicle licence with the intent of causing harm. Those that gain a licence and consider perpetrating an opportunistic attack against a vulnerable unaccompanied passenger may be deterred from doing so. It is however unfortunately the case that offences may still occur even with CCTV operating.

7.12 CCTV systems that are able to record audio as well as visual data may also help the early identification of drivers that exhibit inappropriate behaviour toward passengers. Audio recording should be both overt (i.e. all parties should be aware when recordings are being made) and targeted (i.e. only when passengers (or

drivers) consider it necessary). The recording of audio should be used to provide an objective record of events such as disputes or inappropriate behaviour and must not be continuously active by default and should recognise the need for privacy of passengers' private conversations between themselves. Activation of the audio recording capability of a system might be instigated when either the passenger or driver operates a switch or button.

- 7.13 Imposition of a blanket requirement to attach CCTV as a condition to a licence is likely to give rise to concerns about the proportionality of such an approach and will therefore require an appropriately strong justification and must be kept under regular review. More information and guidance on assessing the impacts of CCTV and on an authority mandating CCTV is annexed to this document (Annex – CCTV guidance).

Stretched Limousines

- 7.14 Licensing authorities are sometimes asked to license small (those constructed or adapted to carry fewer than nine passengers) limousines as private hire vehicles, these vehicles may be used for transport to 'school proms' as well as for adult bookings. It is suggested that licensing authorities should approach such requests on the basis that these vehicles – where they have fewer than nine passenger seats - have a legitimate role to play in the private hire trade, meeting a public demand. It is the Department's view that it is not a legitimate course of action for licensing authorities to adopt policies that exclude limousines as a matter of principle thereby excluding these services from the scope of the private hire vehicle regime and the safety benefits this provides. A blanket policy of excluding limousines may create an unacceptable risk to the travelling public, as it may lead to higher levels of unsupervised operation. Public safety considerations are best supported by policies that allow respectable, safe operators to obtain licences on the same basis as other private hire vehicle operators.
- 7.15 Stretched large limousines which clearly seat more than eight passengers should not be licensed as private hire vehicles because they are outside the licensing regime for private hire vehicles. However, in some circumstances a vehicle with space for more than eight passengers can be licensed as a private hire vehicle where the precise number of passenger seats is hard to determine. In these circumstances, the authority should consider the case on its merits in deciding whether to license the vehicle under the strict condition that the vehicle will not be used to carry more than eight passengers, bearing in mind that refusal may encourage illegal private hire operation.

8. Private Hire Vehicle Operator Licensing

8.1 As with driver licensing, the objective in licensing private hire vehicle operators is to protect the public, who may be using operators' premises and trusting that the drivers and vehicles dispatched are above all else safe. It is important therefore that licensing authorities are assured that those that are granted a private hire vehicle operator also pose no threat to the public and have no links to serious criminal activity. Although private hire vehicle operators may not have direct contact with passengers, they are still entrusted to ensure that the vehicles and drivers used to carry passengers are appropriately licensed and so maintain the safety benefits of the driver licensing regime.

Criminality checks for private hire vehicle operators

8.2 Enhanced DBS and barred list checks are not available for private hire vehicle operator licensing. **Licensing authorities should request a basic disclosure from the DBS and that a check is undertaken annually.** Any individual may apply for a basic check and the certificate will disclose any unspent convictions recorded on the Police National Computer (PNC). Licensing authorities should consider whether an applicant or licence holder with a conviction for offences provided in the annex to this document (Annex – Assessment of previous convictions), other than those relating to driving, meet the 'fit and proper' threshold.

8.3 However, it is important that authorities acknowledge that in many cases individuals that license as a private hire vehicle operator may already be licensed as a driver. An authority which undertakes the biannual DBS checks recommended for its drivers should not require those seeking a private hire vehicle operator licence to provide a basic DBS check as part of the application process; a basic DBS would not provide any information in addition to that disclosed under the enhanced DBS and barred lists check used for the driver assessment. In these circumstances, the authority should instead rely on the fact that the applicant is considered as fit and proper to hold a driver licence when considering their suitability to hold a vehicle licence. Should the individual cease to hold a driver licence a basic certificate should be required immediately

8.4 Refusal to license an individual as a driver or to suspend or revoke a driver licence does not automatically mean that that individual cannot be issued or continue to hold a private hire vehicle operator licence; this decision must be independent of a driver licence refusal and based on the appropriate information i.e. it should not consider information that would only be available via an enhanced DBS check but instead that which would be disclosed on a basic check. DBS certificate information can only be used for the specific purpose for which it was requested and for which the applicant's full consent has been given.

8.5 A private hire vehicle operator licence may be applied for by a company or partnership; licensing authorities should apply the 'fit and proper' test to each of the directors or partners in that company or partnership. For this to be effective

private hire vehicle operators should be required to advise the licensing authority of any change in directors or partners.

- 8.6 As explained earlier in the context of driver licensing, the DBS cannot access criminal records held overseas. Further information on assessing the suitability of those that have spent extended periods in overseas is provided in paragraphs 4.34 - 4.36.

Booking and dispatch staff

- 8.7 Private hire vehicle drivers are not the only direct contact that private hire vehicle users have with private hire vehicle operators' staff, for example a person taking bookings (be it by phone or in person). A vehicle dispatcher decides which driver to send to a user, a position that could be exploited by those seeking to exploit children and vulnerable adults. It is therefore appropriate that all staff that have contact with private hire vehicle users and the dispatching of vehicles should not present an undue risk to the public or the safeguarding of children and vulnerable adults.
- 8.8 Licensing authorities should be satisfied that private hire vehicle operators can demonstrate that all staff that have contact with the public and/or oversee the dispatching of vehicles do not pose a risk to the public. **Licensing authorities should, as a condition of granting an operator licence, require a register of all staff that will take bookings or dispatch vehicles is kept.**
- 8.9 Operators should be required to evidence that they have had sight of a Basic DBS check on all individuals listed on their register of booking and dispatch staff and to ensure that Basic DBS checks are conducted on any individuals added to the register and that this is compatible with their policy on employing ex-offenders. DBS certificates provided by the individual should be recently issued when viewed, alternatively the operator could use a ['responsible organisation'](#) to request the check on their behalf. When individuals start taking bookings and dispatching vehicles for an operator they should be required, as part of their employment contract, to advise the operator of any convictions while they are employed in this role.
- 8.10 The register should be a 'living document' that maintains records of all those in these roles for the same duration as booking records are required to be kept, this will enable cross-referencing between the two records. A record that the operator has had sight of a basic DBS check certificate (although the certificate itself should not be retained) should be retained for the duration that the individual remains on the register. Should an employee cease to be on the register and later re-entered, a new basic DBS certificate should be requested and sight of this recorded.
- 8.11 Operators may outsource booking and dispatch functions but they cannot pass on the obligation to protect children and vulnerable adults. Operators should be required to evidence that comparable protections are applied by the company to which they outsource these functions.

8.12 Licensing authorities should also require operators or applicants for a licence to provide their policy on employing ex-offenders in roles that would be on the register as above. As with the threshold to obtaining a private hire vehicle operators' licence, those with a conviction for offences provided in the annex to this document (Annex – Assessment of previous convictions), other than those relating to driving, may not be suitable to decide who is sent to carry a child or vulnerable adult unaccompanied in a car.

Record keeping

8.13 Section 56 of the [Local Government \(Miscellaneous Provisions\) Act 1976](#) requires private hire vehicle operators to keep records of the particulars of every booking invited or accepted, whether it is from the passenger or at the request of another operator. **Licensing authorities should as a minimum require private hire vehicle operators to record the following information for each booking:**

- the name of the passenger;
- the time of the request;
- the pick-up point;
- the destination;
- the name of the driver;
- the driver's licence number;
- the vehicle registration number of the vehicle;
- the name of any individual that responded to the booking request;
- the name of any individual that dispatched the vehicle.

8.14 This information will enable the passenger to be traced if this becomes necessary and should improve driver security and facilitate enforcement. It is suggested that booking records should be retained for a minimum of six months.

8.15 Private hire vehicle operators have a duty under data protection legislation to protect the information they record. The Information Commissioner's Office provides comprehensive on-line guidance on registering as a data controller and how to meet their obligations.

Use of passenger carrying vehicles (PCV) licensed drivers

8.16 PCV licensed drivers are subject to different checks from taxi and private hire vehicle licensed drivers as the work normally undertaken, i.e. driving a bus, does not present the same risk to passengers. Members of the public are entitled to expect when making a booking with a private hire vehicle operator that they will receive a private hire vehicle licensed vehicle and driver. **The use of a driver who holds a PCV licence and the use of a public service vehicle (PSV) such**

as a minibus to undertake a private hire vehicle booking should not be permitted as a condition of the private hire vehicle operator's licence without the informed consent of the booker.

- 8.17 Where a private hire vehicle is unsuitable, for example where a larger vehicle is needed because more than eight passenger seats required or to accommodate luggage, the booker should be informed that a PSV is necessary, and that a PCV licenced driver will be used who is subject to different checks and not required to have an enhanced DBS check.

9. Enforcing the Licensing Regime

9.1 Implementing an effective framework for licensing authorities to ensure that as full a range of information made available to suitably trained decision makers that are supported by well-resourced officials is essential to a well-functioning taxi and private hire vehicle sector. These steps will help prevent the licensing of those that are not deemed 'fit and proper' but does not ensure that those already licensed continue to display the behaviours and standards expected.

Joint authorisation of enforcement officers

9.2 Licensing authorities should, where the need arises, jointly authorises officers from other authorities so that compliance and enforcement action can be taken against licensees from outside their area. An agreement between licensing authorities to jointly authorise officers enables the use of enforcement powers regardless of which authority within the agreement the officer is employed by and which issued the licence. This will mitigate the opportunities for drivers to evade regulation. Such an agreement will enable those authorities to take action against vehicles and drivers that are licensed by the other authority when they cross over boundaries. A model for agreeing joint authorisation is contained in the [LGA Councillors' handbook](#).

Setting expectations and monitoring

9.3 Licensing authorities should ensure that drivers are aware of the policies that they must adhere and are properly informed of what is expected of them and the repercussions for failing to do so. Some licensing authorities operate a points-based system, which allows minor breaches to be recorded and considered in context while referring those with persistent or serious breaches to the licensing committee. This has the benefit of consistency in enforcement and makes better use of the licensing committee's time.

9.4 The provision of a clear, simple and well-publicised process for the public to make complaints about drivers and operators will enable authorities to target compliance and enforcement activity (see paragraphs 4.29 - 4.33). This will provide a further source of intelligence when considering the renewal of licences and of any additional training that may be required. It is then for the licensing authority to consider if any intelligence indicates a need to suspend or revoke a licence in the interests of public safety.

Suspension and revocation of driver licences

9.5 Section 61 of the Local Government (Miscellaneous Provisions) Act 1976 provides a licensing authority with the ability to suspend or revoke a driver's licence on the following grounds: -

(a) that he has since the grant of the licence—

- (i) been convicted of an offence involving dishonesty, indecency or violence; or
- (ii) been convicted of an offence under or has failed to comply with the provisions of the Act of 1847 or of this Part of this Act;
- (aa) that he has since the grant of the licence been convicted of an immigration offence or required to pay an immigration penalty; or
- (b) any other reasonable cause

9.6 Licensing authorities have the option to suspend or revoke a licence should information be received that causes concern over whether a driver is a fit and proper person. Where the licence holder has been served an immigration penalty or convicted of an immigration offence the licence should be revoked immediately. [Guidance for licensing authorities](#) to prevent illegal working in the taxi and private hire vehicle sector has been issued by the Home Office. As with the initial decision to license a driver, this determination must be reached based on the balance of probabilities, not on the burden of beyond reasonable doubt.

9.7 Before any decision is made, the licensing authority must give full consideration to the available evidence and the driver should be given the opportunity to state his or her case. If a period of suspension is imposed, it cannot be extended or changed to revocation at a later date.

9.8 A decision to revoke a licence does not however prevent the reissuing of a licence should further information be received that alters the balance of probability of a decision previously made. The decision to suspend or revoke was based on the evidence available at the time the determination was made. New evidence may, of course, become available later.

9.9 New evidence may be produced at an appeal hearing that may result in the court reaching a different decision to that reached by the council or an appeal may be settled by agreement between the licensing authority and the driver on terms which, in the light of new evidence, becomes the appropriate course. If, for example, the allegations against a driver were now, on the balance of probability, considered to be unfounded, a suspension could be lifted or, if the licence was revoked, an expedited re-licensing process used.

9.10 A suspension may still be appropriate if it is believed that a minor issue can be addressed through additional training. In this instance the licence would be returned to the driver once the training has been completed without further consideration. This approach is clearly not appropriate where the licensing authority believes that, based on the information available at that time, on the balance of probability it is considered that the driver presents a risk to public safety.

Annex – Assessment of Previous Convictions

Legislation specifically identifies offences involving dishonesty, indecency or violence as a concern when assessing whether an individual is 'fit and proper' to hold a taxi or private hire vehicle licence. The following recommendations to licensing authorities on previous convictions reflect this.

Authorities must consider each case on its own merits, and applicants/licensees are entitled to a fair and impartial consideration of their application. Where a period is given below, it should be taken to be a minimum in considering whether a licence should be granted or renewed in most cases. The Department's view is that this places passenger safety as the priority while enabling past offenders to sufficiently evidence that they have been successfully rehabilitated so that they might obtain or retain a licence.

Crimes resulting in death

Where an applicant or licensee has been convicted of a crime which resulted in the death of another person or was intended to cause the death or serious injury of another person they will not be licensed.

Exploitation

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

Offences involving violence against the person

Where an applicant has a conviction for an offence of violence against the person, or connected with any offence of violence, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

Possession of a weapon

Where an applicant has a conviction for possession of a weapon or any other weapon related offence, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.

Sexual offences

Where an applicant has a conviction for any offence involving or connected with illegal sexual activity, a licence will not be granted.

In addition to the above, the licensing authority will not grant a licence to any applicant who is currently on the Sex Offenders Register or on any barred list.

Dishonesty

Where an applicant has a conviction for any offence where dishonesty is an element of the offence, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.

Drugs

Where an applicant has any conviction for, or related to, the supply of drugs, or possession with intent to supply or connected with possession with intent to supply, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

Where an applicant has a conviction for possession of drugs, or related to the possession of drugs, a licence will not be granted until at least five years have elapsed since the completion of any sentence imposed. In these circumstances, any applicant may also have to undergo drugs testing for a period at their own expense to demonstrate that they are not using controlled drugs.

Discrimination

Where an applicant has a conviction involving or connected with discrimination in any form, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.

Motoring convictions

Hackney carriage and private hire drivers are professional drivers charged with the responsibility of carrying the public. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the granting of a licence. However, applicants with multiple motoring convictions may indicate that an applicant does not exhibit the behaviours of a safe road user and one that is suitable to drive professionally.

Any motoring conviction while a licensed driver demonstrates that the licensee may not take their professional responsibilities seriously. However, it is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence may not necessitate the revocation of a taxi or private hire vehicle driver licence providing the authority considers that the licensee remains a fit and proper person to retain a licence.

Drink driving/driving under the influence of drugs

Where an applicant has a conviction for drink driving or driving under the influence of drugs, a licence will not be granted until at least seven years have elapsed since the completion of any sentence or driving ban imposed. In the case of driving under the influence of drugs, any applicant may also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

Using a hand-held device whilst driving

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

Annex – Disclosure and Barring Service information

Table 1: Information included in criminal record checks

Information included	Type of check			
	Basic check	Standard DBS check	Enhanced DBS check	Enhanced DBS (including barred list) check
Unspent convictions	Yes	Yes	Yes	Yes
Unspent cautions ¹	Yes	Yes	Yes	Yes
Spent convictions ²	No	Yes	Yes	Yes
Spent cautions ^{1 & 2}	No	Yes	Yes	Yes
Additional police Information ³	No	No	Yes	Yes
Barred list(s) Information ⁴	No	No	No	Yes

1. Does not include fixed penalty notices, penalty notices for disorder or any other police or other out-of-court disposals.
2. Spent convictions and cautions that have become protected under the Rehabilitation of Offenders Act 1974 (Exceptions Order) 1975, as amended, are not automatically disclosed on any level of certificate. Further guidance is available [the DBS filtering guide](#).
3. This is any additional information held by the police which a chief police officer reasonably believes to be relevant and considers ought to be disclosed.
4. This is information as to whether the individual concerned is included in the children's or adults' barred lists maintained by the Disclosure and Barring Service (DBS).

Annex – CCTV Guidance

It is important to note that, in most circumstances, a licensing authority which mandates the installation of CCTV systems in taxis and private hire vehicles will be responsible for the data – the data controller. It is important that data controllers fully consider concerns regarding privacy and licensing authorities should consider how systems are configured, should they mandate CCTV (with or without audio recording). For example, vehicles may not be exclusively used for business, also serving as a car for personal use - it should therefore be possible to manually switch the system off (both audio and visual recording) when not being used for hire. Authorities should consider the Information Commissioner's view on this matter that, in most cases, a requirement for continuous operation is unlikely to be fair and lawful processing of personal data.

The Home Office '[Surveillance Camera Code of Practice](#)' advises that government is fully supportive of the use of overt surveillance cameras in a public place whenever that use is:

- in pursuit of a legitimate aim;
- necessary to meet a pressing need;
- proportionate;
- effective, and;
- compliant with any relevant legal obligations

The Code also sets out 12 guiding principles which, as a 'relevant authority' under section 33(5) of the [Protection of Freedoms Act 2012](#), licensing authorities must have regard to. It must be noted that, where a licence is granted subject to CCTV system conditions, the licensing authority assumes the role and responsibility of 'System Operator'. The role requires consideration of all guiding principles in this code. The failure to comply with these principles may be detrimental to the use of CCTV evidence in court as this may be raised within disclosure to the Crown Prosecution Service and may be taken into account.

The Surveillance Camera Commissioner (SCC) has provided guidance on the Surveillance Camera Code of Practice in its '[Passport to Compliance](#)' which provides guidance on the necessary stages when planning, implementing and operating a surveillance camera system to ensure it complies with the code. The Information Commissioner's Office (ICO) has also published a [code of practice](#) which, in this context, focuses on the data governance requirement associated with the use of CCTV such as data retention and disposal, which it is important to follow in order to comply with the data protection principles. The SCC provides a [self-assessment tool](#) to assist operators to ensure compliance with the principles set out in the Surveillance Camera Code of Practice. The SCC also operate a [certification scheme](#); authorities that obtain this accreditation are able to clearly demonstrate that their systems conform to the SCC's best practice and are fully compliant with the Code and increase public confidence that any risks to their privacy have been fully considered and mitigated.

The [Data Protection Act 2018](#) regulates the use of personal data. Part 2 of the Data Protection Act applies to the general processing of personal data, and references and supplements the General Data Protection Regulation. Licensing authorities, as data controllers, must comply with all relevant aspects of data protection law. Particular attention should be paid to the rights of individuals which include the right to be informed, of access

and to erasure. The ICO has provided detailed [guidance](#) on how data controllers can ensure compliance with these.

It is a further requirement of data protection law that before implementing a proposal that is likely to result in a high risk to the rights and freedoms of people, an impact assessment on the protection of personal data shall be carried out. The ICO recommends in [guidance](#) that if there is any doubt as to whether a Data Protection Impact Assessment (DPIA) is required one should be conducted to ensure compliance and encourage best practice. A DPIA will also help to assess properly the anticipated benefits of installing CCTV (to passengers and drivers) and the associated privacy risks; these risks might be mitigated by having appropriate privacy information and signage, secure storage and access controls, retention policies, training for staff how to use the system, etc.

It is essential to ensure that all recordings made are secure and can only be accessed by those with legitimate grounds to do so. This would normally be the police if investigating an alleged crime or the licensing authority if investigating a complaint or data access request. Encryption of the recording to which the licensing authority, acting as the data controller, holds the key, mitigates this issue and protects against theft of the vehicle or device. It is one of the guiding principles of data protection legislation, that personal data (including in this context, CCTV recordings and other potentially sensitive passenger information) is handled securely in a way that 'ensures appropriate security', including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.

All passengers must be made fully aware if CCTV is operating in a vehicle. Given that audio recording is considered to be more privacy intrusive, it is even more important that individuals are fully aware and limited only to occasions when passengers (or drivers) consider it necessary. The recording of audio should be used to provide an objective record of events such as disputes or inappropriate behaviour and must not be continuously active by default and should recognise the need for privacy of passengers' private conversations between themselves. Activation of the audio recording capability of a system might be instigated when either the passenger or driver operates a switch or button. As well as clear signage in vehicles, information on booking systems should be introduced. This might be text on a website, scripts or automated messages on telephone systems; the Information Commissioner's Office (ICO) has issued guidance on privacy information and the right to be informed on its website.

Annex - Staying Safe: Guidance for Passengers

Licensing authorities should provide guidance to assist passengers in identifying licensed vehicles and the increased risks of using unlicensed vehicles. The guidance might include advice on:

- how to tell if a taxi or private hire vehicle is licensed.

Educate the public in the differences between taxis and private hire vehicles e.g.:

- a taxi can be flagged down or pre-booked.
- a private hire vehicle that has not been pre-booked should not be used as it will not be insured and may not be licensed.
- what a private hire vehicle should look like e.g. colour, signage, licence plates etc.
- the benefit of pre-booking a return vehicle before going out.
- arrange to be picked up from a safe meeting point.
- requesting at the time of booking what the fare is likely to be.

When using a private hire vehicle, passengers should always:

- book with a licensed operator.
- confirm their booking with the driver when s/he arrives.
- note the licence number.
- sit in the back, behind the driver.
- let a third party know details of their journey.

When using a taxi, passengers should where possible:

- use a taxi rank and choose one staffed by taxi marshals if available.

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Appendix B

Equality Impact Assessment – Ref 1192

Introductory Information

Budget/Project name

Hackney Carriage and Private Hire Driver's Licence Policy

Proposal type

- Budget
 Project

Decision Type

- Cabinet
 Cabinet Committee (e.g. Cabinet Highways Committee)
 Leader
 Individual Cabinet Member
 Executive Director/Director
 Officer Decisions (Non-Key)
 Council (e.g. Budget and Housing Revenue Account)
 Regulatory Committees (e.g. Licensing Committee)

Lead Cabinet Member

Entered on Q Tier

- Yes No

Year(s)

<input type="radio"/> 14/15	<input type="radio"/> 15/16	<input type="radio"/> 16/17	<input type="radio"/> 17/18	<input type="radio"/> 18/19	<input type="radio"/> 19/20	<input type="radio"/> 20/21	<input checked="" type="radio"/> 21/22
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EIA date

22/02/2022

EIA Lead

- | | |
|---|---------------------------------------|
| <input type="radio"/> Adele Robinson | <input type="radio"/> Ed Sexton |
| <input checked="" type="radio"/> Annemarie Johnston | <input type="radio"/> Louise Nunn |
| <input type="radio"/> Bashir Khan | <input type="radio"/> Michelle Hawley |
| <input type="radio"/> Beth Storm | <input type="radio"/> James Henderson |
| <input type="radio"/> Diane Owens | |

Person filling in this EIA form

Craig Harper

Lead officer

Richard Eyre

Lead Corporate Plan priority

<input checked="" type="radio"/> An In-Touch Organisation	<input type="radio"/> Strong Economy	<input type="radio"/> Thriving Neighbourhoods and Communities	<input type="radio"/> Better Health and Wellbeing	<input type="radio"/> Tackling Inequalities
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Portfolio, Service and Team

Cross-Portfolio

- Yes No

Portfolio

Operational Services

Is the EIA joint with another organisation (eg NHS)?

- Yes No

Brief aim(s) of the proposal and the outcome(s) you want to achieve

The Licensing Authority is responsible for the regulation (administration and enforcement) of hackney carriage and private hire drivers in the district of Sheffield.

Primary legislation regulates the industry, namely:

- Town Police Clauses Act 1847
- Local Government (Miscellaneous Provisions) Act 1976

Furthermore, the Policing and Crime Act 2017 enables the Secretary of State for Transport to issue statutory guidance in exercising taxi and private hire vehicle licensing functions to protect children and vulnerable individuals who are over 18 from harm when using such services.

The Department for Transport (DFT) therefore issued Statutory Taxi and Private Hire Vehicle Standards in July 2020, a copy of which can be found as an addendum to this document. The DFT requires all the recommendations to be implemented unless there is a compelling local reason not to.

The Authority must pay due regard to the guidance and in doing so, must:

- Take into account all the recommendations contained within the document
- Must not depart from it, just because it does not agree with it
- And if and where it does depart, must give clear reasons for doing so

Whilst the primary Acts themselves do not make provision for producing a policy within the regime, modern legislation recognises this as best practice, Additionally, the Statutory Guidance for Taxi and Private Hire Vehicle Standards places an obligation on the Licensing Authority to make publicly available a cohesive policy document, bringing together all procedures on taxi and private hire licensing.

The Licensing Authority is therefore reviewing the Hackney Carriage and Private Hire Driver's Policy, and in doing so, including all the recommendations contained within the guidance.

Licensees are expected to have read the Policy, Statutory Guidance, and other such strategies in the time they are licensed.

The policy, legislation and other such relevant materials will be considered and referred to when making a decision on applications, renewals and other such matters that are relevant.

The overarching aim of the policy is to ensure:

- Transparency
- Accountability
- Consistency

It is important to note that within this EIA the term 'customer' is not limited to those directly using hackney carriage and private hire services, but anybody and everybody who may be impacted – the public.

Impact

Under the Public Sector Equality Duty we have to pay due regard to the need to:

- eliminate discrimination, harassment and victimisation
- advance equality of opportunity
- foster good relations

More information is available on the Council website including the Community Knowledge Profiles.

Note the EIA should describe impact before any action/mitigation. If there are both negatives and positives, please outline these – positives will be part of any mitigation. The action plan should detail any mitigation.

Overview

Briefly describe how the proposal helps to meet the Public Sector Equality Duty outlined above

The Public Sector Equality Duty applies to the consideration and determination of applications for licenses under the Acts. This EIA seeks to address issues that are explicit to the licensing of hackney carriage and private hire drivers.

In terms of the process of considering and deciding these issues, the policy refers to national and local strategies.

The Statutory Taxi and Private Hire Vehicle Standards, released July 2020, introduces a range of measures that Authorities are required to implement in the discharge of its licensing functions, covering:

- Administering the Licensing Regime
- Gathering and Sharing Information
- Decision Making
- Driver Licensing
- Vehicle Licensing
- Private Hire Vehicle Operator Licensing
- Enforcing the Licensing Regime

The overarching aim of the standards is the protection of children and vulnerable adults from harm, and in this regard, all the recommendations have been included within the policy. The policy also details how the Authority will implement the necessary checks and what is required of applicants and those who already hold a licence.

In establishing the Statutory Guidance, the DFT undertook its own Impact Assessment. A copy of this is available at Impact assessment: statutory taxi and private hire vehicle standards (publishing.service.gov.uk). This EIA will not therefore reference any of the requirements of the Guidance as these have already been considered at a national level.

Comments received as part of the consultation have helped to inform this EIA.

To help facilitate decision makers, Licensing Committee members undertake equality and diversity training and review their learning on a regular basis to ensure their knowledge and understanding of all matters concerning equality and diversity are at the highest standard to allow them to make decisions.

The Licensing Authority will always have regard to the Equality Act 2010, Sheffield City Council's Equality, Diversity and Inclusion Policy Statement 2018 and the Council's Equality Objectives 2019-2023.

This EIA will be kept up-to-date and reviewed on a regular basis.

Impacts

Proposal has an impact on

<input type="radio"/> Health	<input type="radio"/> Transgender
<input checked="" type="radio"/> Age	<input type="radio"/> Carers
<input checked="" type="radio"/> Disability	<input checked="" type="radio"/> Voluntary/Community & Faith Sectors
<input type="radio"/> Pregnancy/Maternity	<input type="radio"/> Cohesion
<input checked="" type="radio"/> Race	<input type="radio"/> Partners
<input type="radio"/> Religion/Belief	<input checked="" type="radio"/> Poverty & Financial Inclusion
<input checked="" type="radio"/> Sex	<input type="radio"/> Armed Forces
<input type="radio"/> Sexual Orientation	<input type="radio"/> Other

Age

Staff (Taxi and Private Hire Vehicle Drivers)

Yes No

Impact

Positive Neutral Negative

Level

None Low Medium High

Details of impact

Taxi and Private Hire Vehicle Statistics, England: 2021 indicates that the majority of drivers are men (93%) and that average age is 48, with 22% of drivers under the age of 40. This trend is broadly reflected in Sheffield, with the largest cohort of drivers in the 41-50 age bracket, and 30% of drivers under the age of 40. A breakdown of the driver age profile is shown below:

- 0-30 – 137 (5%)
- 31-40 – 716 (25%)
- 41-50 – 993 (36%)
- 51-60 – 676 (24%)
- 61-70 – 239 (9%)
- 70+ - 18 (1%)

The policy does not have disproportionate impact due to age.

An increased number of checks is necessitated by the introduction of the Statutory Standards and through local policy objectives; however, other than increased medical checks for those over the age of 65 for which there are associated costs, the policy is equal across all age groups – there is no detriment due to age.

Customers

Yes No

Impact

Positive Neutral Negative

Level

None Low Medium High

Details of impact

The National Office of Statistics - 2011 Census data on 11 December 2012 (Demographics) shows Sheffield's overall age structure in a pyramid chart, this bulges out to around age 40-44 and then reduces to a curved point at the top (higher age range). There are more females than males in the older age groups from 65 upwards. The 20-24 age group stands out proud from this overall shape in Sheffield, as it represents the city's large student population. This pattern is typical of large university English cities and similar pyramids are seen in places such as Leeds or Birmingham.

Not all of Sheffield's wards follow this pattern, but many of the wards with large Council estates do, although with a less pronounced step at the 20-24 age group. These include Arbourthorne, Gleadless Valley, Richmond, Shiregreen and Brightside and Southey.

Taxi and Private Hire Vehicle Statistics, England: 2021 states that, on average, women made more taxi trips than men and that women aged 70+ made 61% more than men of this age (13 trips person per year compared with 8 trips per person per year respectively). Women take more taxi and/or private hire trips, but both men and women travelled 59 miles per person in 2019.

The overarching aim of the Statutory Standards is the protection of children and vulnerable individuals who are over the age of 18 from harm when using taxis and private hire services. Whilst the focus of the Statutory Standards is on protecting children and vulnerable adults, it is felt that all passengers will benefit from the recommendations and wider policy objectives, ensuring that those who are granted a licence are of an appropriate and approved standard.

The Statutory Guidance and local policy objectives put in place measures to protect children and the vulnerable. As an example, these include, but are not limited to:

- Frequent Disclosure and Barring Service (DBS) Checks for licensees (every 6-months)
- The requirement for licensees to undertake Safeguarding Training
- The requirement of Licensing Authorities to operate a means to facilitate the objectives of a Multi-Agency Safeguarding HUB (MASH)
- The Training of Decision Makers – Officers and Licensing Committee

The requirement to undertake mandatory safeguarding training, in addition to language proficiency assessments (where required) will help the Authority in ensuring that individuals are equipped with the skills and aptitude to spot and report abuse, exploitation and/or neglect of children and vulnerable adults.

As referenced in the Statutory Documents, it is understood that those working in the industry are best equipped and can be an asset in the detection and prevention of abuse or neglect of children and vulnerable adults, helping to:

- Provide a safe and suitable service to vulnerable passengers of all ages
- Recognise what makes a person vulnerable
- Understand how to respond, including how to report safeguarding concerns and where to get advice

With those measures noted above, as well as all others contained in the policy, it is expected that it will have a positive impact for all customers of all ages. It is expected that both drivers and passengers will benefit from a safer environment in which to travel. It may also increase user confidence and may facilitate higher passenger demand from more vulnerable groups such as older or disabled people.

The Licensing Authority has consulted with Sheffield Safeguarding Children's Board throughout the review of this policy document.

The policy has a positive impact for all age groups, especially younger and vulnerable people.

Disability

Staff (**Taxi and Private Hire Vehicle Drivers**)

Yes No

Impact

Positive Neutral Negative

Level

None Low Medium High

Details of impact

Taxi and Private Hire Vehicle Statistics, England: 2021 informs that there several authorities that require disability awareness training for taxi and private hire drivers. The number of authorities requiring disability training for taxi drivers has increased from 44% in 2019 to 49% in 2021, while the number of authorities requiring disability training awareness training for private hire drivers has increased from 41% to 46%.

The policy places an obligation on all new applicants to undertake the Certificate in Introduction to the role of the Professional Taxi and Private Hire Driver as the first stage in applying for a licence. The qualification includes several key modules, including - Providing Assistance, including loading and unloading wheelchair passengers.

In addition, new applicants are required to undertake specific Disability Awareness Training before making a full application.

The policy stipulated existing licensees must complete training with 12 months, but as a result of comments received through the consultation, the timeframe has been increased to 3 years, coinciding with the maximum length of a licence. Where licensees have already undertaken training to the required standard and can evidence this, will not be no required to undertake this again.

Comments received as part of the consultation reference the need for refresher training every 2 years. At present this will not be a requirement, but the Licensing Service will keep under review, especially in circumstances where there are major national changes.

Those drivers who are unable to provide assistance due to medical conditions etc. can apply for an exemption certificate through their GP, by way of the Equality Act 2010. Each application for an exemption will be judged on case-by-case basis.

The policy does not have a disproportionate impact on drivers due to disability.

Customers

Yes No

Impact

Positive Neutral Negative

Level

None Low Medium High

Details of impact

A Census report carried out by the Office of National Statistics (23rd March 2011 - Sheffield Wards - Health and Wellbeing) showed that 19% of Sheffield residents reported that they have a long-term health problem or disability that limited their daily activity to some extent. The results show there are seventeen wards in the city that have at least 1 in 5 residents with a health problem or disability that limits their daily activities. In Woodhouse, this applies to nearly a quarter of all residents. It also shows that there are six wards that have significantly lower numbers of people with a limiting disability or health problem, in particular Broomhill and Central, where this applies to less than 1 in 10 residents. This is linked to the relatively high numbers of students and younger average age of residents in these wards.

The policy places an obligation on all new applicants to undertake the Certificate in Introduction to the role of the Professional Taxi and Private Hire Driver as the first stage in applying for a licence. The qualification includes several key modules, including - Providing Assistance, including loading and unloading wheelchair passengers.

In addition, new applicants are required to undertake specific Disability Awareness Training before making a full application.

The policy stipulated existing licensees must complete training with 12 months, but as a result of comments received through the consultation, the timeframe has been increased to 3 years, coinciding with the maximum length of a licence. Where licensees have already undertaken training to the required standard and can evidence, there will be no requirement to undertake again.

Comments received as part of the consultation reference the need for refresher training every 2 years. At present this will not be a requirement, but the Licensing Service will keep under review, especially in circumstances where there are major national changes.

Those drivers who are unable to provide assistance due to medical conditions etc. can apply for an exemption certificate through their GP. Each application for an exemption will be judged on case-by-case basis, in line with the Equality Act 2010.

Furthermore, national legislation and policy requirements place a legal duty, mandated under the Equality Act 2010, to carry guide, hearing, and other prescribed dogs in their vehicles without additional charge. Where there are breaches, the Licensing Service will take appropriate action, including prosecution.

Likewise, the Equality Act 2010 mandates licensees of designated vehicles to carry passengers in a wheelchair, provide them with appropriate assistance and not charge them extra for doing so.

The policy should have a positive impact for disabled customers.

Race

Staff (Taxi and Private Hire Vehicle Drivers)

Yes No

Impact

Positive Neutral Negative

Level

None Low Medium High

Details of impact

Taxi and Private Hire Vehicle Statistics, England: 2021 states that the two main ethnic groups of drivers are White and Asian or Asian British in 2020/21, making up 43% and 44% of drivers respectively. There is also an increase of non-UK nationals working as drivers in England, rising from 13% in 2009/10 to 25% in 2020/21.

Available figures for Sheffield indicate that the top four ethnic groups are Black African (5%), White British (12.7%), Asian British (23%) and Pakistani (48%). These figures may not be entirely representative due to incomplete data - 699 individuals have not disclosed their ethnicity or the information has not been recorded.

There may be some aspects of the policy, such as English language proficiency (as stipulated in the statutory standards) that disproportionately impact this group. 48% of drivers identify as Pakistani and it can be assumed that English is therefore not their first language. The policy sets out various ways in which individuals can demonstrate that they meet the required standard, but some may require additional tuition.

The policy refers to local standards, but also those imposed at a national level through the introduction of the Statutory Taxi and Private Hire Vehicle Standards, released July 2020.

The Statutory Taxi and Private Hire Vehicle Standards introduces a range of measures that Authorities are required to implement in the discharge of its licensing functions alongside its local measures.

Any additional costs incurred through policy requirements – many of which are as a result of the Statutory Standards - will be borne by the licensee through a potential increase in licensing fees.

The Department for Transport (DFT) have estimated that the increase in fees may be as much as £62.24 per year per driver.

Many drivers are self-employed.

The policy therefore has a disproportionate impact on race, in particular Asian British and Pakistani drivers due to the proportion of drivers represented in these groups. The new and existing standards are a requirement of all individuals and are not limited to one particular group.

Also see Sex and Poverty & Financial Inclusion sections for further information.

Customers

Yes No

Impact

Positive Neutral Negative

Level

None Low Medium High

Details of impact

Sex

Staff (Taxi and Private Hire Vehicle Drivers)

Yes No

Impact

Positive Neutral Negative

Level

None Low Medium High

Details of impact

According to the 2016 Mid-Year Population Estimate (Office of National Statistics) Sheffield's population indicate 286,199 males and 289,225 females. According to the projections, there will be more males than females in Sheffield from 2023 onwards.

Taxi and Private Hire Vehicle Statistics, England: 2021 show that the majority drivers are male – 93%.

Local figures indicate that males make up 99.6% of licensed drivers.

The policy refers to local standards, but also those imposed at a national level through the introduction of the Statutory Taxi and Private Hire Vehicle Standards released in July 2020.

The Statutory Taxi and Private Hire Vehicle Standards introduces a range of measures that Authorities are required to implement in the discharge of its licensing functions alongside its local measures.

Any additional costs incurred through policy requirements – many of which are as a result of the Statutory Standards - will be borne by the licensee through a potential increase in licensing fees.

The Department for Transport (DFT) have estimated that the increase in fees may be as much as £62.24 per year per driver.

Most drivers are self-employed.

The policy therefore has a disproportionate impact on sex, as most licensees are male. All drivers are subject to the same checks, tests, and assessments throughout the time they are licensed.

Also see Race and Poverty & financial inclusion sections for further information.

Customers

Yes No

Impact

Positive Neutral Negative

Level

None Low Medium High

Details of impact

Poverty & Financial Inclusion

Staff (Taxi and Private Hire Vehicle Drivers)

Yes No

Impact

Positive Neutral Negative

Level

None Low Medium High

Details of impact

The policy refers to local standards, but also those imposed at a national level through the introduction of the Statutory Taxi and Private Hire Vehicle Standards released in July 2020.

The Statutory Taxi and Private Hire Vehicle Standards introduces a range of measures that Authorities are required to implement in the discharge of its licensing functions alongside its local measures.

Any additional costs incurred through policy requirements – many of which are because of the Statutory Standards - will be borne by the licensee through a potential increase in licensing fees.

The Department for Transport (DFT) have estimated that the increase in fees may be as much as £62.24 per year per driver. The Licensing Service will review its fees in accordance with any new tests and checks, with the aim of keeping costs to a minimum. Certain requirements, such as safeguarding and disability training will be undertaken by a third-party provider, therefore costs will be paid directly to the provider and not form part of the licence fee.

Fixed costs, such as the DBS update service are out of the control of the Licensing Service. However, signing up to the service is the cheaper option compared with the traditional paper applications.

Most drivers are self-employed.

The policy therefore has a financial impact on those groups (see Race and Sex) that are disproportionately represented. All licensees are subject to the same checks, tests, and assessments throughout the time they are licensed.

Customers

Yes No

Impact

Positive Neutral Negative

Level

None Low Medium High

Details of impact

Cumulative Impact

Proposal has a cumulative impact

Yes No

<input type="radio"/> Year on Year	<input type="radio"/> Across a Community of Identity/Interest
<input type="radio"/> Geographical Area	<input type="radio"/> Other

Local Partnership Area(s) impacted

All Specific

If Specific, name of Local Partnership Area(s) impacted

Action Plan and Supporting Evidence

Action Plan

The following amendments have been made to policy as a result of comments received through the consultation:

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

Wording amended, to make it clear that only new applicants or those who have not held a licence for more than 12 months are required to undertake.

Disability Awareness Training

Timeframe for undertaking training increased from 12 months to 3 years.

Action - Working with the Transport4All sub group on the standards of the disability awareness training.

Language Proficiency

Requirement changed from all applicants needed to undertake, to only new applicants, with the Certificate in the Introduction to the Role of the Professional Taxi and Private Hire Driver the required standard.

Knowledge Test

Wording amended, to make it clear that only new applicants or those who have not held a licence for more than 12 months are required to undertake.

Removed 6 month delay for reapplication, if failed 3 times.

Motoring Convictions

Deletion of rehabilitation periods; replaced with automatic referral to Licensing Sub-Committee.

Medical Assessments

Amendment to allow the use of own GP, as well as those registered with the Licensing Service.

Plying for Hire

Rehabilitation period reduced from 7 years to 12 months.

Deletion of subsequent offence consideration.

Supporting Evidence (Please detail all your evidence used to support the EIA)

[Statutory taxi and private hire vehicle standards - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

[Impact assessment: statutory taxi and private hire vehicle standards \(publishing.service.gov.uk\)](http://publishing.service.gov.uk)

<https://www.gov.uk/government/statistics/taxi-and-private-hire-vehicle-statistics-england-2021>

The National Office of Statistics - 2011 Census data on 11 December 2012

2016 Mid-Year Population Estimate (Office of National Statistics)

Sheffield City Council - Sheffield Population:

<http://www.sheffield.gov.uk/content/sheffield/home/your-city-council/population-in-sheffield.html>

Consultation responses via Citizenspace survey or email directly to the service. In addition, briefings to Transport4All group and working with sub group on details of policy and disability awareness training.

Consultation

Consultation required

Yes No

If consultation is not required please state why

The Statutory Taxi and Private Hire Vehicle Standards document states that Licensing Authorities should “consult on proposed changes that may have a significant impact on passengers and/or the trade”.

In addition, the standards inform that it is not only the taxi and private hire trades that should be consulted, but groups who are likely to be the trades’ customers, such as:

- Groups representing disabled people
- Chambers of Commerce
- Organisations with a wider transport interest
- Women’s Groups
- Local Traders
- Local Multi-agency Safeguarding Arrangements
- Night-time economy groups

Furthermore, the Licensing Authority is obliged to engage with neighbouring authorities where proposed changes may cause concerns and/or issues.

The Licensing Authority has undertaken a full 10 week consultation in regard to the proposals.

Amendments have been made to the policy as a result of comments received through the consultation, these can be found in the Actions section, above. A copy of all results will be made available to the Licensing Committee when determining the policy.

A full list of the consultees is attached to the policy document.

Are Staff who may be affected by these proposals aware of them

- Yes No

Are Customers who may be affected by these proposals aware of them

- Yes No

If you have said no to either please say why

Summary of overall impact

Summary of overall impact

Fundamentally this policy is of universal positive benefit to all local people and should protect children and vulnerable adults from potential harm through the use of licensing authorities' powers. There should be a positive impact for disabled customers due to the qualification requirements for drivers to complete disability training.

There may be certain aspects of the policy, specifically those imposed by the statutory standards, that have a slight disproportionate impact on male and Asian British and Pakistani drivers, due to the proportion of drivers represented in these groups. There is also a potential impact on poverty and financial inclusion due to the additional costs.

Escalation plan

Is there a high impact in any area?

- Yes No

Overall risk rating after any mitigations have been put in place

- High Medium Low None

Sign Off

EIAs must be agreed and signed off by the equality lead in your Portfolio or corporately. Has this been signed off?

- Yes No

Date agreed

31/05/2022

EIA Lead: Annemarie Johnston

Review Date

30/11/2022

Appendix C



Hackney Carriage and Private Hire Driver's Licence Policy review: Summary report

This report was created on Wednesday 16 February 2022 at 13:57 and includes 69 responses.

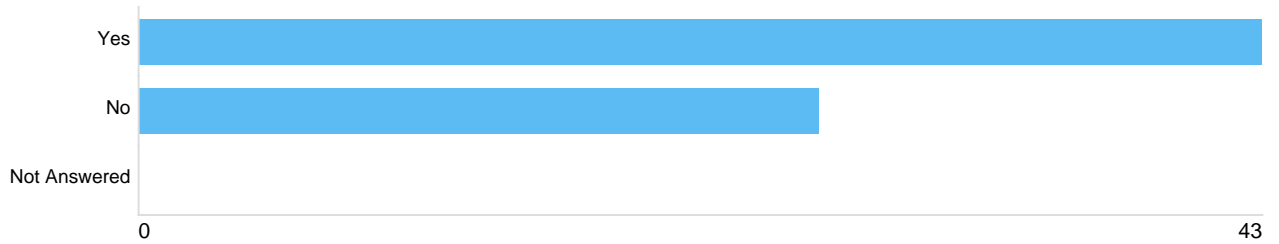
The activity ran from 06/12/2021 to 11/02/2022.

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Are you a licensed Sheffield Driver of a Hackney Carriage or Private Hire vehicle?	2
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Question 3: Does the policy document provide you with the information required to understand the purpose? a) Provide individuals with a clear, consistent basis for submitting applications b) Provide a clear, consistent basis for determining licence applications	2
Does the policy document provide you with the information required to understand the purpose of the policy: • Provide individuals with a clear, consistent basis for submitting applications • Provide a clear, consistent basis for determining licence applications • Support the wider strategic aims of the City Council, especially those related to the environment and clean air	2
If no, please tell us why	2
Question 4: Does the policy document include any information that you disagree with or you think needs amending?	3
Does the policy document include any information that you disagree with or you think needs amending?	3
If yes, please provide comments, making it clear which section you are referring to.	3
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Are there any changes that you think would improve the policy?	3
If yes, please provide comments, making it clear which section you are referring to.	3
Question 6: If you have any further comments on the policy, please tell us below.	3
If you have any further comments on the policy, please tell us below.	3
Question 7: Age	4
Age	4
Question 8: Ethnicity	4
White	4
Other White background	5
Asian or Asian British	5
Other Asian background	5
Black or Black British	5
Black or Black British other	6
Other ethnic group	6
Other ethnic group	6
Mixed /multiple heritage	6
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Question 1: Are you a licensed Sheffield Driver of a Hackney Carriage or Private Hire vehicle?

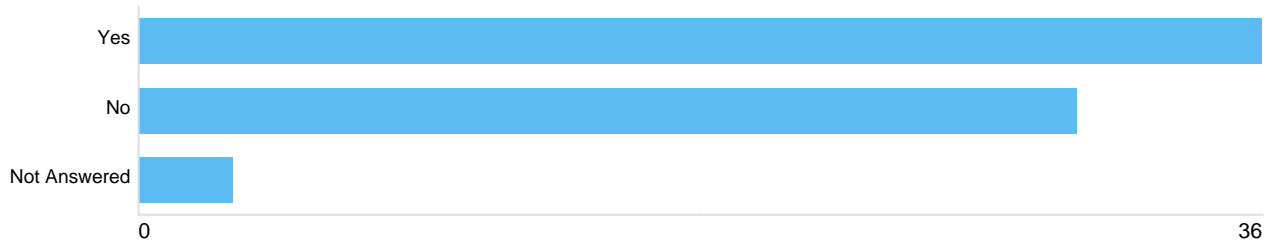
Are you a licensed Sheffield Driver of a Hackney Carriage or Private Hire vehicle?



Option	Total	Percent
Yes	43	62.32%
No	26	37.68%
Not Answered	0	0.00%

Question 2: Is the policy easy to understand?

Is the policy easy to understand?



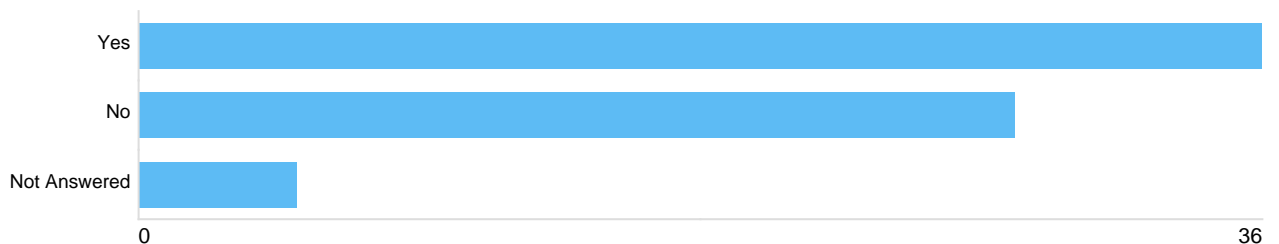
Option	Total	Percent
Yes	36	52.17%
No	30	43.48%
Not Answered	3	4.35%

If no, please tell us why

There were **25** responses to this part of the question.

Question 3: Does the policy document provide you with the information required to understand the purpose? a) Provide individuals with a clear, consistent basis for submitting applications b) Provide a clear, consistent basis for determining licence applications

Does the policy document provide you with the information required to understand the purpose of the policy: • Provide individuals with a clear, consistent basis for submitting applications • Provide a clear, consistent basis for determining licence applications • Support the wider strategic aims of the City Council, especially those related to the environment and clean air



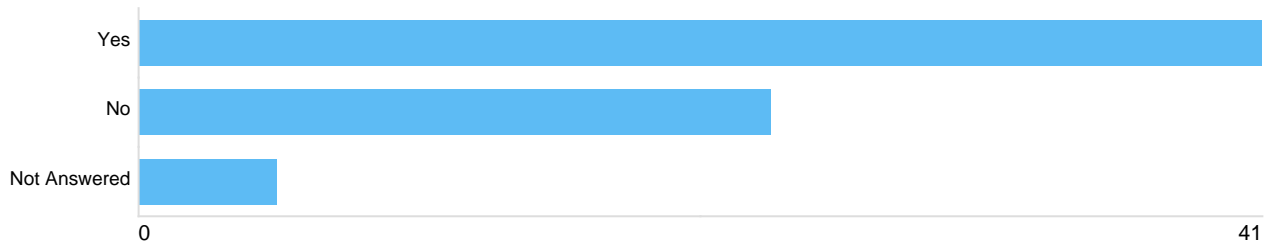
Option	Total	Percent
Yes	36	52.17%
No	28	40.58%
Not Answered	5	7.25%

If no, please tell us why

There were **19** responses to this part of the question.

Question 4: Does the policy document include any information that you disagree with or you think needs amending?

Does the policy document include any information that you disagree with or you think needs amending?



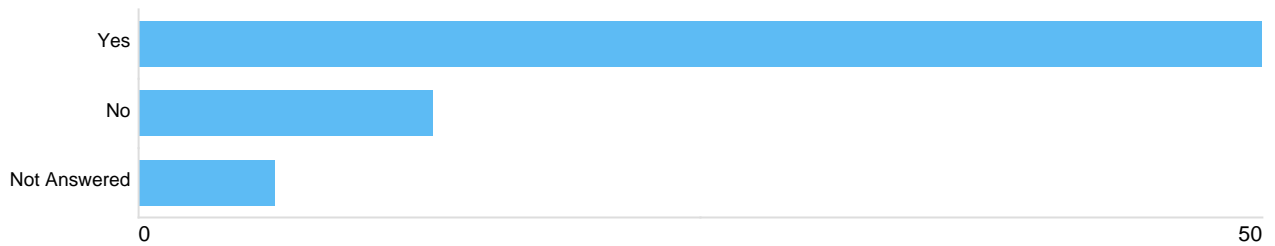
Option	Total	Percent
Yes	41	59.42%
No	23	33.33%
Not Answered	5	7.25%

If yes, please provide comments, making it clear which section you are referring to.

There were 35 responses to this part of the question.

Question 5: Are there any changes that you think would improve the policy?

Are there any changes that you think would improve the policy?



Option	Total	Percent
Yes	50	72.46%
No	13	18.84%
Not Answered	6	8.70%

If yes, please provide comments, making it clear which section you are referring to.

There were 41 responses to this part of the question.

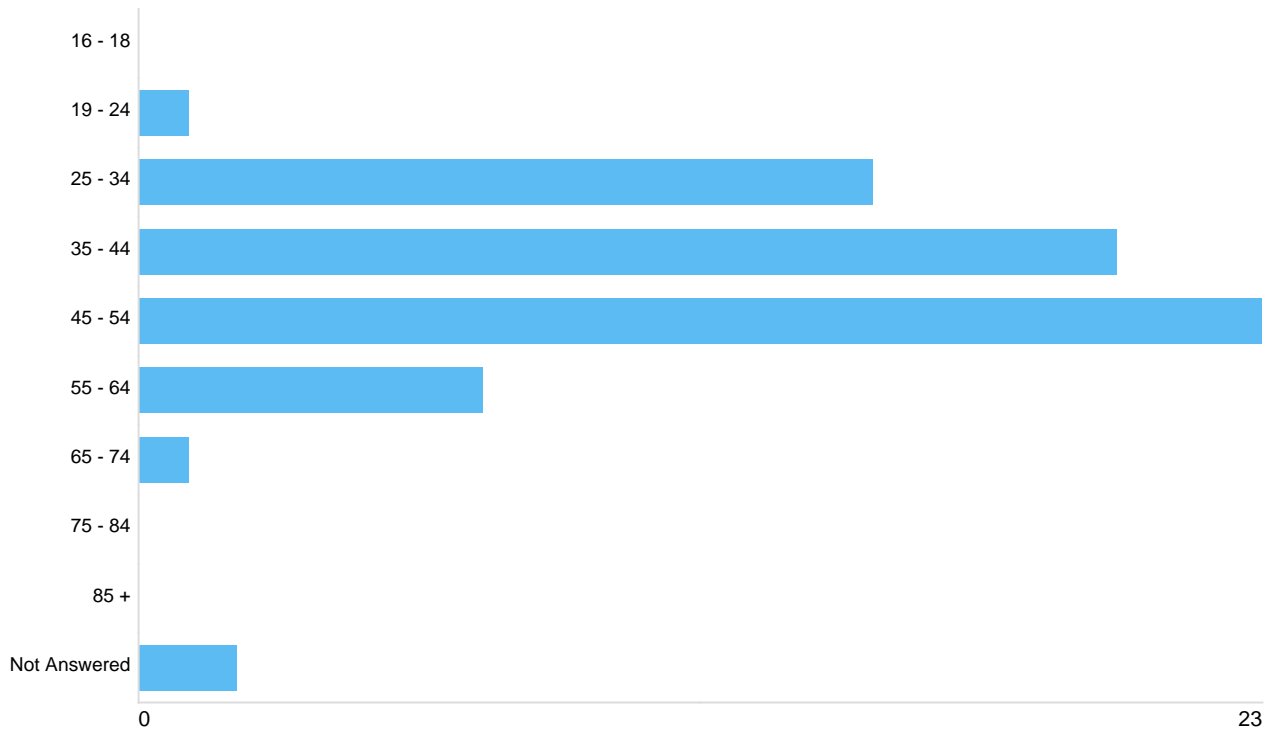
Question 6: If you have any further comments on the policy, please tell us below.

If you have any further comments on the policy, please tell us below.

There were 28 responses to this part of the question.

Question 7: Age

Age



Option	Total	Percent
16 - 18	0	0.00%
19 - 24	1	1.45%
25 - 34	15	21.74%
35 - 44	20	28.99%
45 - 54	23	33.33%
55 - 64	7	10.14%
65 - 74	1	1.45%
75 - 84	0	0.00%
85 +	0	0.00%
Not Answered	2	2.90%

Question 8: Ethnicity

White

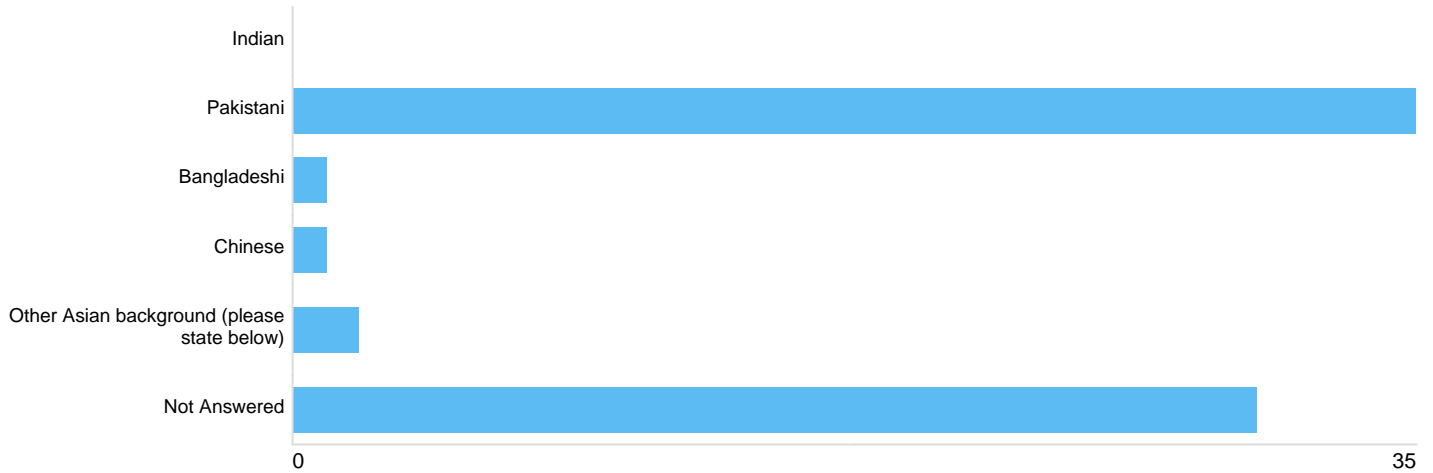


Option	Total	Percent
English/Welsh/Scottish/British/Northern Irish	15	21.74%
Irish	1	1.45%
Gypsy/Irish Traveller	2	2.90%
Roma	1	1.45%
Other White background (please state below)	5	7.25%
Not Answered	45	65.22%

Other White background

There were 3 responses to this part of the question.

Asian or Asian British

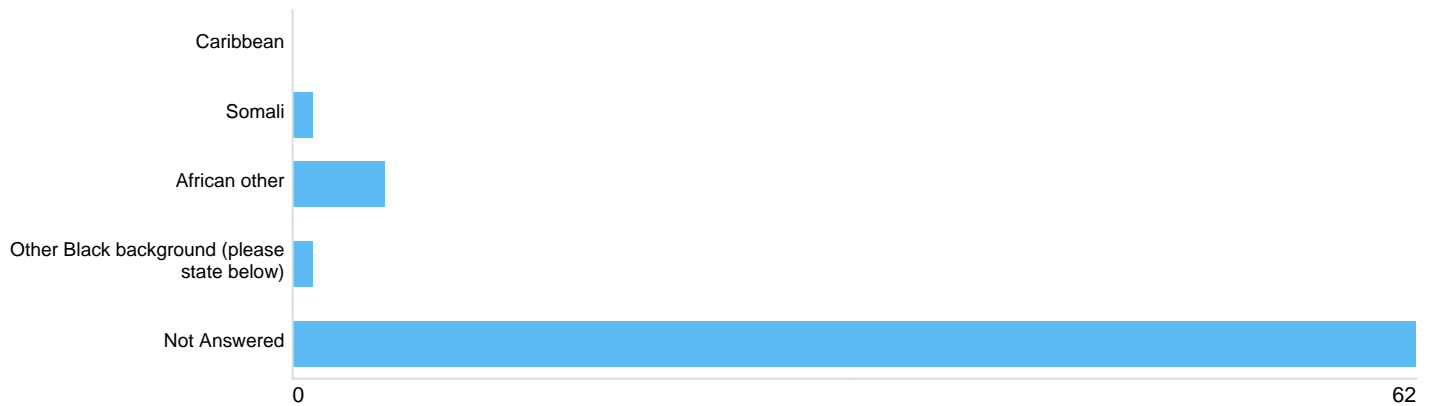


Option	Total	Percent
Indian	0	0.00%
Pakistani	35	50.72%
Bangladeshi	1	1.45%
Chinese	1	1.45%
Other Asian background (please state below)	2	2.90%
Not Answered	30	43.48%

Other Asian background

There were 2 responses to this part of the question.

Black or Black British



Option	Total	Percent
Caribbean	0	0.00%
Somali	1	1.45%
African other	5	7.25%
Other Black background (please state below)	1	1.45%
Not Answered	62	89.86%

Black or Black British other

There was 1 response to this part of the question.

Other ethnic group

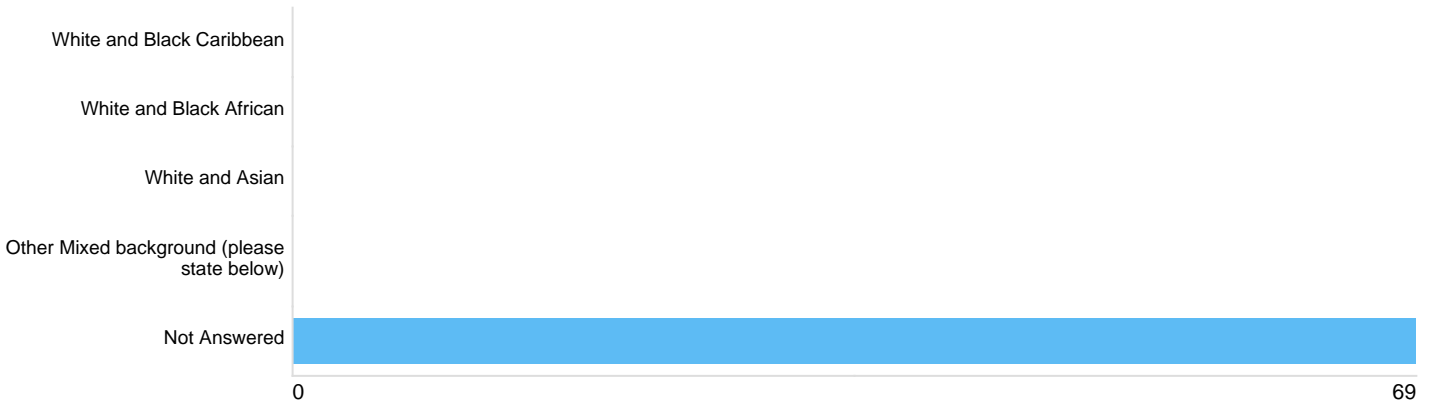


Option	Total	Percent
Yemeni	0	0.00%
Other Arab	0	0.00%
Other ethnic group (please state below)	1	1.45%
Not Answered	68	98.55%

Other ethnic group

There was 1 response to this part of the question.

Mixed /multiple heritage



Option	Total	Percent
White and Black Caribbean	0	0.00%
White and Black African	0	0.00%
White and Asian	0	0.00%
Other Mixed background (please state below)	0	0.00%
Not Answered	69	100.00%

Other mixed background

There were 0 responses to this part of the question.

Question 9: Sex

Sex



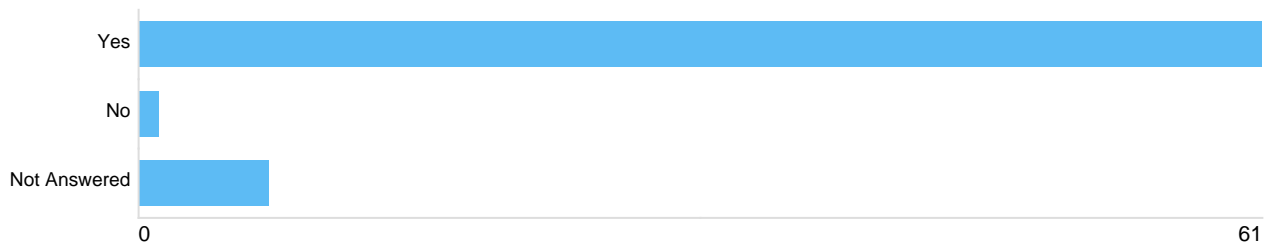
Option	Total	Percent
Female	5	7.25%
Male	58	84.06%
Other (please state below)	1	1.45%
Not Answered	5	7.25%

Sex other

There was 1 response to this part of the question.

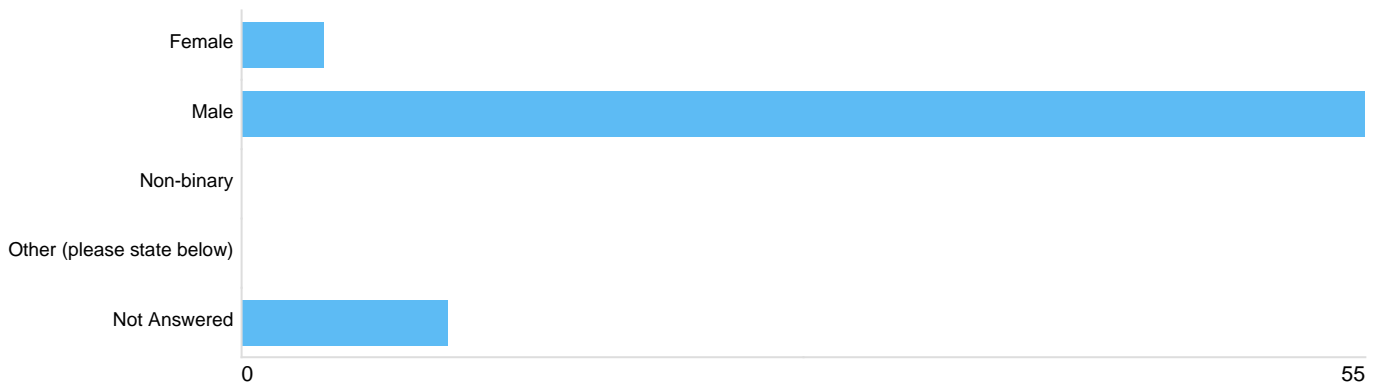
Question 10: Gender Identity

Gender Identity



Option	Total	Percent
Yes	61	88.41%
No	1	1.45%
Not Answered	7	10.14%

How do you identify?



Option	Total	Percent
Female	4	5.80%
Male	55	79.71%
Non-binary	0	0.00%
Other (please state below)	0	0.00%
Not Answered	10	14.49%

If you chose other, please state here

There were 0 responses to this part of the question.

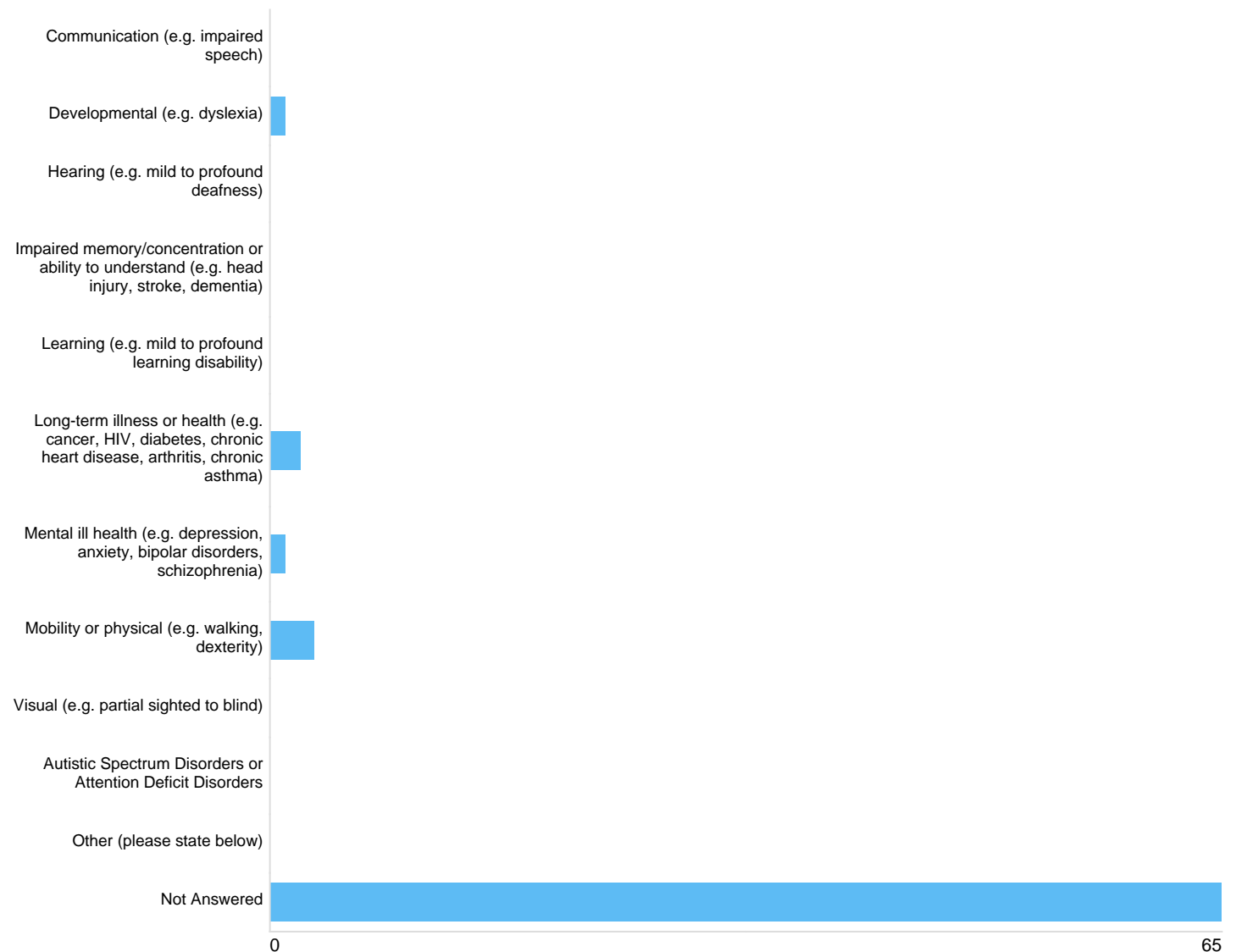
Question 11: Disability

disability



Option	Total	Percent
Yes	6	8.70%
No	57	82.61%
Not Answered	6	8.70%

Disability detail



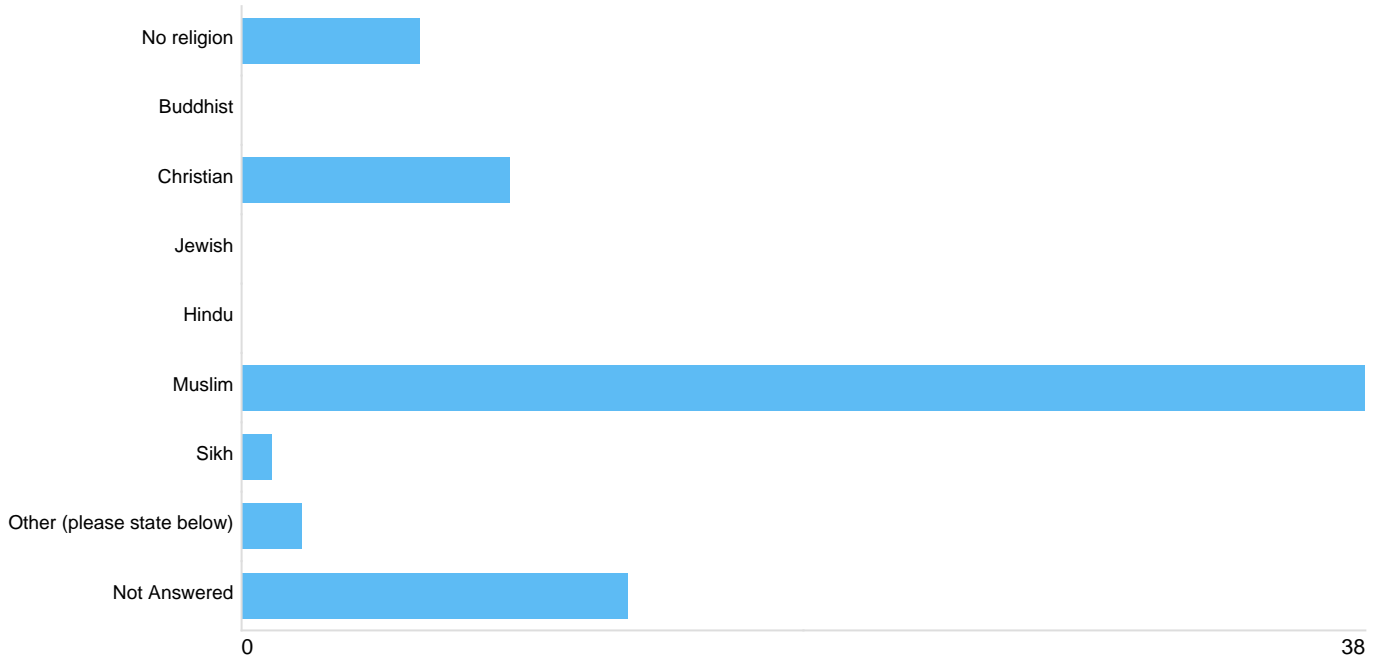
Option	Total	Percent
Communication (e.g. impaired speech)	0	0.00%
Developmental (e.g. dyslexia)	1	1.45%
Hearing (e.g. mild to profound deafness)	0	0.00%
Impaired memory/concentration or ability to understand (e.g. head injury, stroke, dementia)	0	0.00%
Learning (e.g. mild to profound learning disability)	0	0.00%
Long-term illness or health (e.g. cancer, HIV, diabetes, chronic heart disease, arthritis, chronic asthma)	2	2.90%
Mental ill health (e.g. depression, anxiety, bipolar disorders, schizophrenia)	1	1.45%
Mobility or physical (e.g. walking, dexterity)	3	4.35%
Visual (e.g. partial sighted to blind)	0	0.00%
Autistic Spectrum Disorders or Attention Deficit Disorders	0	0.00%
Other (please state below)	0	0.00%
Not Answered	65	94.20%

other disability

There was 1 response to this part of the question.

Question 12: Religion/Belief

Religion/belief



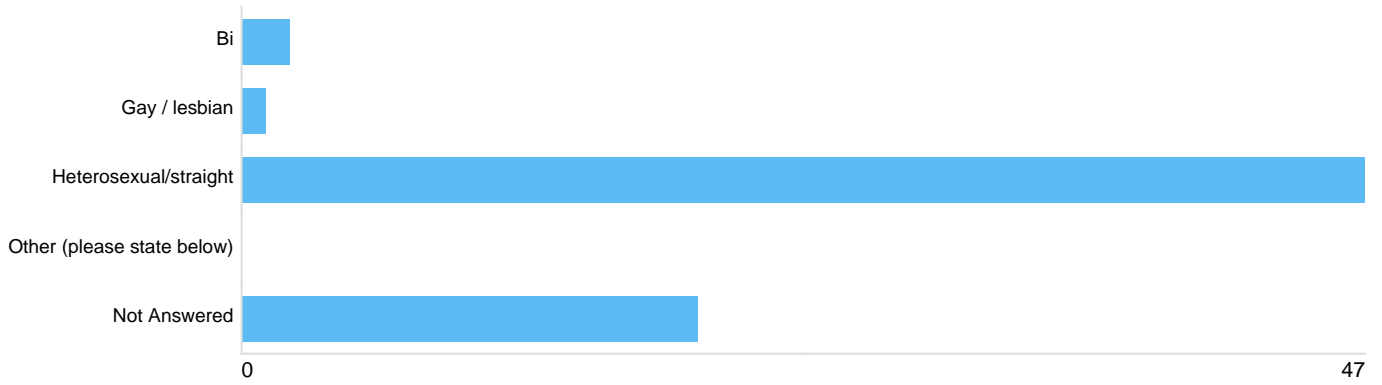
Option	Total	Percent
No religion	6	8.70%
Buddhist	0	0.00%
Christian	9	13.04%
Jewish	0	0.00%
Hindu	0	0.00%
Muslim	38	55.07%
Sikh	1	1.45%
Other (please state below)	2	2.90%
Not Answered	13	18.84%

other faith

There were 2 responses to this part of the question.

Question 13: Sexual orientation

Sexual orientation



Option	Total	Percent
Bi	2	2.90%
Gay / lesbian	1	1.45%
Heterosexual/straight	47	68.12%
Other (please state below)	0	0.00%
Not Answered	19	27.54%

other sexuality

There was 1 response to this part of the question.

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Appendix D

HC & PH Driver's Policy Consultation Comments Received February 2022

No.	Name	SCC Licensed Driver? Y/N	Organisation	Overview of comments	Policy updated
	Email Comments				
1		N	Adult Safeguarding Partnership and Practice Development	<p>There are issues around respectful language, drivers having music on too loud and lack of training regarding assisting wheelchair users. However, it was also stated that some drivers do go over and above their role as a taxi driver.</p> <p>One member of the Forum had waited outside their house over an hour for a taxi to arrive, when they enquired how long the taxi would be, they were informed that the taxi company were unsure of the expected time they would arrive.</p> <p>It was suggested that as taxi drivers can also use other platforms like Uber etc, so they may be getting called away to other jobs instead.</p> <p>Some disabled car parking and taxi disabled parking spaces have been lost in the city centre to non-disabled parking spaces.</p> <p>It was felt that Disabled Parking in general in Sheffield, had been greatly ignored</p>	Not policy specific
2	Ibrar Hussain	Y		<p>Part 8.1 certificate in introduction to the role of the professional taxi and private hire driver: More clarity and explanation as to how this policy will be implemented as it states within 3years the certificate must have been awarded and if not then an individual must be able to demonstrate that they have undertaken suitable refresher training, concern here is why 3years its very short period and existing driver's need only a refresher course no pass or fail, this section needs a proper and thorough explanation in detail and discussion. And why no further refresher course's except material changes apply. This course must not be for the sake of having courses, its very important to note this point except where we have a material change not otherwise.</p> <p>Safeguarding Awareness: are you stating on page 12, why 12mths for existing driver's this needs a greater indepth discuss 12months is too shorter a period.</p>	<p style="text-align: center;">Policy Updated</p> <p>Only new applicants and those who have not held a licence for a 12-month period required to undertake.</p> <p style="text-align: center;">No update</p> <p>Those individuals who have undertaken above course will be exempt.</p>

Disability awareness training page 13:

Once again you mention 3yrs , i suggest it must be within 6years from the implimentation of this policy change. And refresher course only no pas or fail.

Language Proficiency: page 15

I totally object to this policy, for existing driver's for manys reasons the main objection is why should existing driver that has been continously driving for considerable time has to proof his Language Proficiency and commitments undertaken already will be affected as you have stated within 12months timeline.

This policy is not acceptable for existing driver's at all, I strongly object to this policy.

Knowledge Test: page 17

Knowledge test needs further improvement, must add further customer care and customer service, and routes section needs to be improved,

Db's checks:

As you are aware db's system is very poor and needs further improvement to direct debit not card linked, and not paper but online service, inlight of the difficulties the council needs to bare in mind drivers difficulties and therefore instead of suspending the licence why not give driver an opportunity to resolve db's application process, and the driver must get a grace period of 3months as the db's is a very poor service and therefore create a declaration form for the driver to undertake the commitment to reapply and submit further information etc.

Updated

Changed from 12 months to 3-years.

Updated

Requirement for new applicants only – evidenced by undertaking *Certificate in the Introduction to the Role of the Professional Taxi and Private Hire Driver.*

Updated

Customer Care/Service included in *Certificate in Introduction to the Role of the Professional Taxi and Private Hire Driver.*

New apps, and those who have not held a licence for more than 12-months required to undertake.

Pass mark reduced to 80%.

Number of test failures removed.

No Update

Licencees required to sign up to online update service – automated service.

				<p>Overseas conviction part 8.9 page 21: This policy is very difficult to impliment from outside UK or 3rd world countries as they have no infrastructure and legal system that holds any value or credibility, Therefore it is very difficult to validate.</p> <p>We need further discussion on this policy section, to develop local policy and understanding.</p> <p>Licensee self reporting page 21: This section needs amending from within 48hrs to 72hrs not including weekends and bank holiday's.</p> <p>Fit and proper threshold: Dishonesty: needs further clarity and explanation because dishonesty is open to a very wide interpretation and we need more in depth discussion to defined to more specific examples. 7yrs very high period</p> <p>Motoring convictions: I strongly object and further raise my very serious concerns on 5yrs ban for hand held device/ mobile phone, it totally unacceptable and heavy handed approach and punishment of 5yrs, when we have a very good policy in place under current national legislation for hand held devices/ mobile phone where you get a fine and penalty points imposed on your driving licence, that is sufficient.</p> <p>Minor motoring offences: page 26 Its totally unacceptable for banning a driver for a 5yr period for 9points or more, this policy is completely unacceptable and not thought through we need in depth policy discussion on this and 5year ban not acceptable at all. Complete objection.</p> <p>Major traffic or vehicle related offences: page 26 /27: This once again is unacceptable especially for especially cd10, cd20, cd30, dd40, whilst understanding the importance of such an offence its only right and proper that licence committee hears the licencee and 7yrs ban is totally unacceptable and wrong approach.</p> <p>I strongly object to this policy and more in depth policy discussion is needed.</p> <p>Hackney Carriage and Private Hire offences: and vehicle use offences page 27: This policy is very confusing and not clear exactly what you are trying to say here, i need more explanation in depth for me to give my feedback, i feel must give my input properly.</p>	<p>No Update Requirement of Statutory Standards.</p> <p>No Update Requirement of Statutory Standards</p> <p>No Update Dishonesty is included in legislation. Criminal standard will be applied.</p> <p>Updated Removed rehabilitation periods for motoring convictions and replaced with Sub-Committee referral.</p> <p>As above</p> <p>As above</p> <p>Removed</p>
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				<p>Medical Assessment: page 28: Current system is very good we have gp list with a greater choice and current system should continue and agree with own gp to provide medical assessment to assist application.</p> <p>Plying for Hire: page 34: Whilst i agree with tougher period of ban, i do not agree with a blanket ban approach of 7years, we need to have a proper local authority plan which is sustainable and acceptable by all local authority can enforce. Need proper in depth discussion on this policy.</p> <p>Mandatory conditions: page 38</p> <p>2 Driver conduct:</p> <p>G: add wording whilst working for clarity,</p> <p>H: cannot play any radio or sound this section of policy is stupid and needs deleting completely</p> <p>3 Driver badge: 3a: please add armband to this section</p> <p>3d: amend from 1working day to 3working days</p> <p>4: convictions cautions and Arrest: Amend from 48hrs to 72hrs not including weekends and bank holiday's.</p> <p>5 medical conditions: Add in writing includes emailing</p> <p>7 Fare and cards: page 41 7a: Why you suggesting licensee name not necessary otherwise all ok</p> <p>9 Change of Address: page 42 9a: include in writing/ email please add email</p> <p>9b: why licensee has to provide information and demonstrate licensee has informed dvla unecessary burden.</p>	<p>Policy Updated Use of own GP or one registered with Authority accepted.</p> <p>Updated Rehabilitation period reduced from 7-years to 12 months. Repeat offence info removed.</p> <p>No Update A licensed vehicle is always a licensed vehicle</p> <p>Policy Updated Removed wording</p> <p>No Update</p> <p>No Update</p> <p>No Update Writing includes email</p> <p>No Update</p> <p>No Update Writing includes email</p> <p>No Update DVLA Driving licence must show current address</p>
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				<p>10a: this is unacceptable and is restricted working practices and we want licencee to work with multiple platforms/Operator's and technology allows simultaneously on multiple booking systems, and licensee must inform licending service of all the operators they work with.</p> <p>10b: amend with 72hrs only when the licencee changes to the new operator,</p> <p>Committee referrals criteria: page 43</p> <p>No clarity on retrospective offences or convictions we need alot moreclaity and explanation, we need alot more in depth discussion as as time since conviction explanation is not clear nor acceptable, as stated 1 or more conviction should be 3 or more etc,</p> <p>More clarity on chief licensing officer authority deems appropriate, proper list with in depth explanation.</p> <p>Part 20 Consultation: Licensing service needs to set up taxi consultative group that has driver's that are active, not many driver's are member's of any organisation but active within trade.</p> <p>This policy consultation process needs to include stakeholders.</p> <p>Lost property: South police lost property does not exist please reword and take out</p> <p>I want add further to this consultation policy review, i am totally not with your consultation process and how poor it is, as it has excluded many stakeholders from the process and the design of the consultation document is very poor and unacceptable.</p> <p>As for the theme of this consultation it seems you want to ban everyone with a 7yr or 5yrs ban on many offences eg minor motoring/ other traffic offences or convictions which you deem appropriates.</p> <p>5year ban for hand held device or mobile is unacceptable and heavy handed approach this needs proper discussion and 9points or more.</p> <p>The public interest is not seeing a driver punished for his conduct as this is not the function of the licensing regime.</p> <p>The Licensing regime is concerned with the protection of the public if a sanction by suspension is imposed the aim is to ensure that the driver's conduct will not be repeated.</p> <p>What I have seen clearly in this review of policy through consultation is opposite just ban driver's for long period of times totally unacceptable even for minor traffic offences.</p>	<p>No Update</p> <p>No Update</p> <p>No Update</p> <p>No Update</p> <p>No Update</p> <p>No Update</p> <p>Included in byelaws – cannot remove</p>
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				<p>I urge the licensing service and licensing committee to give serious consideration to what licensing officer's proposing as long-term driver licensed by Sheffield City Council i find these proposals unfair and over the top.</p> <p>The consultation process in my opinion is not deem fit, as it did full its full potential having a meaningful consultation with all the stakeholders, and questionnaire layout only and format designed to seek only response council seeks and excercise carried out just to fulfil process nothing else.</p>	
3	Hameed ur Rehman	Y		Identical response to comment 2 – Ibrar Hussain	As per answers to comment 2
4	M Alyas	Y		Identical response to comment 2 – Ibrar Hussain	As per answers to comment 2
5	Ehsan Ulhaq	Y		Identical response to comment 2 – Ibrar Hussain	As per answers to comment 2
6	Abid Huss (not full name)	Y		Identical response to comment 2 – Ibrar Hussain	As per answers to comment 2
7	Banaras Khan	Y		Identical response to comment 2 – Ibrar Hussain	As per answers to comment 2
8	Wajid Hussain	Y		Identical response to comment 2 – Ibrar Hussain	As per answers to comment 2
9	Mohammed Amin	Y		Identical response to comment 2 – Ibrar Hussain	As per answers to comment 2
10	Razwan Majeed	Y		Identical response to comment 2 – Ibrar Hussain	As per answers to comment 2
11	Muhammad Saqlain	Y		Identical response to comment 2 – Ibrar Hussain	As per answers to comment 2
12	M E Tahir	Y		Identical response to comment 2 – Ibrar Hussain	As per answers to comment 2
13	A Hussain (Ash Saraaf)	Y		Identical response to comment 2 – Ibrar Hussain	As per answers to comment 2
14	Tariq Sabir	N		Identical response to comment 2 – Ibrar Hussain	As per answers to comment 2
15	Arshad Mahmood	Y		Identical response to comment 2 – Ibrar Hussain	As per answers to comment 2
16	Abdul Wahed Kazemi	Y		Identical response to comment 2 – Ibrar Hussain	As per answers to comment 2
17	Zahaid Khan	Y		Identical response to comment 2 – Ibrar Hussain	As per answers to comment 2
18	Amjad Ali khan	Y		Identical response to comment 2 – Ibrar Hussain	As per answers to comment 2
19	Mohammad Khurram Shafique	Y		Identical response to comment 2 – Ibrar Hussain	As per answers to comment 2
20	Raheel Ahmed	Y		Identical response to comment 2 – Ibrar Hussain	As per answers to comment 2
21	Asif Qadoos	Y		Identical response to comment 2 – Ibrar Hussain	As per answers to comment 2
22	Mohammed Ramzan	Y		Identical response to comment 2 – Ibrar Hussain	As per answers to comment 2

23	Sarfraz Ahmed	Y		Identical response to comment 2 – lbrar Hussain	As per answers to comment 2
24	Naveed Mehmood	Y		Identical response to comment 2 – lbrar Hussain. No further information after the “Plying for Hire” section	As per answers to comment 2
25	K Parwez	Y		Identical response to comment 2 – lbrar Hussain	As per answers to comment 2
26	Mohammed Azam	Y		Identical response to comment 2 – lbrar Hussain	As per answers to comment 2
27	Sagir Hussain	Y		Identical response to comment 2 – lbrar Hussain	As per answers to comment 2
28	Mazar Hussain	Y		Identical response to comment 2 – lbrar Hussain	As per answers to comment 2
29	Tallit Barroo	Y		Identical response to comment 2 – lbrar Hussain	As per answers to comment 2
30	Imran Khan	Y		Identical response to comment 2 – lbrar Hussain	As per answers to comment 2
31	Ashiq Hussain	Y		Identical response to comment 2 – lbrar Hussain	As per answers to comment 2
32	Nadeem Shah	Y		Identical response to comment 2 – lbrar Hussain	As per answers to comment 2
33	Tasawer Mahmood	Y		Identical response to comment 2 – lbrar Hussain	As per answers to comment 2
34	Mohammad Arif	Y		Identical response to comment 2 – lbrar Hussain	As per answers to comment 2
35	Ghuffoor Hussain	Y		Identical response to comment 2 – lbrar Hussain	As per answers to comment 2
36	Sajid Mahmood	Y		Identical response to comment 2 – lbrar Hussain	As per answers to comment 2
37	Mohammed Nazam	Y		Identical response to comment 2 – lbrar Hussain	As per answers to comment 2
38	Gazanfer Ali	Y		Identical response to comment 2 – lbrar Hussain	As per answers to comment 2
39	Abid Hussain	Y		Identical response to comment 2 – lbrar Hussain	As per answers to comment 2
40	Naveed Mehmood	N		Identical response to comment 2 – lbrar Hussain	As per answers to comment 2
41	Abid Hussain	Y		Identical response to comment 2 – lbrar Hussain	As per answers to comment 2
42	Mansoor Afzal	Y		Identical response to comment 2 – lbrar Hussain	As per answers to comment 2
43	Nadeem Abbas	Y		Identical response to comment 2 – lbrar Hussain	As per answers to comment 2
44	Asif Azeem	Y		Identical response to comment 2 – lbrar Hussain	As per answers to comment 2
45	Zafar Iqbal	Y		Identical response to comment 2 – lbrar Hussain	As per answers to comment 2
46	Mohammed Abrar	Y		Identical response to comment 2 – lbrar Hussain	As per answers to comment 2

47	Sajid Liaqat	Y		Identical response to comment 2 – Ibrar Hussain	As per answers to comment 2
48	Majid Rahman	Y		Identical response to comment 2 – Ibrar Hussain	As per answers to comment 2
49	Waseem Khan	N		Identical response to comment 2 – Ibrar Hussain	As per answers to comment 2
50	Mohammed Majid Khan	Y		Identical response to comment 2 – Ibrar Hussain	As per answers to comment 2
51	Majid Khan	Y		Identical response to comment 2 – Ibrar Hussain	As per answers to comment 2
52	Jawad Mehmood	Y		Identical response to comment 2 – Ibrar Hussain	As per answers to comment 2
53	Khalid Mahmood	Y		Identical response to comment 2 – Ibrar Hussain	As per answers to comment 2
54	Yazid Atallah	Y		Identical response to comment 2 – Ibrar Hussain	As per answers to comment 2
55	Talab Hussain	Y		Identical response to comment 2 – Ibrar Hussain	As per answers to comment 2
56	Rehmat Shah	Y		Identical response to comment 2 – Ibrar Hussain	As per answers to comment 2
57	Tariq Nazir	N		<p>Identical response to comment 2 – Ibrar Hussain.</p> <p>Additional Info:</p> <p>“It is clear that the aim of suspension is to protect the public (Leeds city council v Hussain [2002]). It is not to punish the driver. Punishment in the form of retribution (legally sanctioned revenge) is therefore not a proper use of suspension. Retribution is backward looking and its aim is no more than to give the driver his or her just deserts for their conduct ('an eye for an eye').</p> <p>REF: Professor Roy Light, Uks leading authoritarian in Licensing Law.</p>	No Update
58	Yasser Hanif	N		Identical response to comment 2 – Ibrar Hussain	As per answers to comment 2
59	Mohammed Mirza	Y		Identical response to comment 2 – Ibrar Hussain	As per answers to comment 2
60	Muhammad ishtiaq	Y		Identical response to comment 2 – Ibrar Hussain	As per answers to comment 2
61	Shamass Hussain	Y		Identical response to comment 2 – Ibrar Hussain	As per answers to comment 2
62	Mohammad Sami	Y		Identical response to comment 2 – Ibrar Hussain	As per answers to comment 2
63	Shazad Nabi	Y		Identical response to comment 2 – Ibrar Hussain	As per answers to comment 2
64	Yousaf Hussain	Y		Identical response to comment 2 – Ibrar Hussain	As per answers to comment 2
65	Aftab Hussain	Y		Identical response to comment 2 – Ibrar Hussain	As per answers to comment 2

66	Saghir Hussain	Y		Identical response to comment 2 – lbrar Hussain	As per answers to comment 2
67	Faisal Zafar	Y		Identical response to comment 2 – lbrar Hussain	As per answers to comment 2
68	Muhammad Ishtiaq	Y		Identical response to comment 2 – lbrar Hussain	As per answers to comment 2
69	Nahim Rashid	Y		Identical response to comment 2 – lbrar Hussain	As per answers to comment 2
70	Shokat Ali	Y		Identical response to comment 2 – lbrar Hussain	As per answers to comment 2
71	Waqas Ali	Y		Identical response to comment 2 – lbrar Hussain	As per answers to comment 2
72	Amjal Khan	Y		Identical response to comment 2 – lbrar Hussain	As per answers to comment 2
73	Sajjad Ahmed	Y		Identical response to comment 2 – lbrar Hussain	As per answers to comment 2
74	Khizar Ishaq	Y		Identical response to comment 2 – lbrar Hussain	As per answers to comment 2
75	Mohammad Ahmad	Y		<p>Identical response to comment 2 – lbrar Hussain</p> <p>Additional Info:</p> <p>“In addition I will say at the all suffering financially after the bad covid lockdowns period future is uncertain yer due zero emissions</p> <p>Plans on the top these kind of tough policy measures feel like authority's turned totally against existing taxi trade committee without any mercy decided to corner the taxi trade which already in uncertainty.</p> <p>I am not in favour of free hand to taxi trade either but please before making decision on next policy consider taxi trade Community as great Britain United Kingdom's citizen and human beings with kindness and not as 2nd class citizen or super human beings.</p>	No Update
76	Ashiq Hussain	Y		Identical response to comment 2 – lbrar Hussain	As per answers to comment 2
77	Imtiaz Khan	N		Identical response to comment 2 – lbrar Hussain	As per answers to comment 2
78	Waqar Ahmed	Y		Identical response to comment 2 – lbrar Hussain	As per answers to comment 2
79	Asif Ali	Y		Identical response to comment 2 – lbrar Hussain. Section “HC & PH Offences Pg27” onwards only	As per answers to comment 2
80	Irfan khan	Y		<p>Identical response to comment 2 – lbrar Hussain:</p> <p>Additional Info:</p> <p>“It is clear that the aim of suspension is to protect the public (Leeds city council v Hussain [2002]). It is not to punish the driver. Punishment in the form of retribution (legally sanctioned revenge) is therefore not a proper use of suspension. Retribution is backward looking and it's aim is no more than to give the driver his or her just deserts for their conduct (‘ an eye for an eye’).</p>	No Update

				REF: Professor Roy Light, Uks leading authoritarian in Licensing Law.	
81	Mohammed Vakas Khan	Y		Identical response to comment 2 – Ibrar Hussain	As per answers to comment 2
82	Rabnamaz Khan	Y		Identical response to comment 2 – Ibrar Hussain	As per answers to comment 2
83	Mohammed Zamir Sadiq	Y		Identical response to comment 2 – Ibrar Hussain	As per answers to comment 2
84	Sohrab Khan	Y		Identical response to comment 2 – Ibrar Hussain	As per answers to comment 2
85	Mohammad Maroof - Former councillor for Nether Edge and Sharrow Ward	Y		Identical response to comment 2 – Ibrar Hussain	As per answers to comment 2
86	Atif Amin	Y		Identical response to comment 2 – Ibrar Hussain	As per answers to comment 2
87	Qazam Hussain	Y		Identical response to comment 2 – Ibrar Hussain	As per answers to comment 2
88	Mehfooz Khan	Y		Identical response to comment 2 – Ibrar Hussain	As per answers to comment 2
89	Sajid Ali	Y		Identical response to comment 2 – Ibrar Hussain	As per answers to comment 2
90	Irfan Khan	Y		<p>Identical response to comment 2 – Ibrar Hussain</p> <p>Additional Info:</p> <p>Plus - I feel that the new policy that the licensing is try to introduce is not fair on drivers as there is a shortage already it will bring more numbers down.</p> <p>- "It is clear that the aim of suspension is to protect the public (Leeds city council v Hussain [2002]). It is not to punish the driver. Punishment in the form of retribution (legally sanctioned revenge) is therefore not a proper use of suspension. Retribution is backward looking and it's aim is no more than to give the driver his or her just deserts for their conduct (' an eye for an eye').</p> <p>REF: Professor Roy Light, Uks leading authoritarian in Licensing Law</p>	No Update
91	Rashad Khan	Y		Identical response to comment 2 – Ibrar Hussain	As per answers to comment 2
92	Mazar Hussain	Y		Identical response to comment 2 – Ibrar Hussain	As per answers to comment 2
93	Mohammed Mughal	Y		Identical response to comment 2 – Ibrar Hussain	As per answers to comment 2
94	Zahir Khan	Y		Identical response to comment 2 – Ibrar Hussain	As per answers to comment 2
95	Mohammad Aslam	Y		Identical response to comment 2 – Ibrar Hussain	As per answers to comment 2
96	Akhtar Mahmood	Y		Identical response to comment 2 – Ibrar Hussain	As per answers to comment 2

97	Rashad Mahmood	Y		Identical response to comment 2 – Ibrar Hussain	As per answers to comment 2
98	Muhammad Nadeem	Y		Identical response to comment 2 – Ibrar Hussain	As per answers to comment 2
99	Waheed Bhatti	Y		Identical response to comment 2 – Ibrar Hussain	As per answers to comment 2
100	Muhammed Khan	Y		Identical response to comment 2 – Ibrar Hussain	As per answers to comment 2
101	Sajawal Khan	Y		Identical response to comment 2 – Ibrar Hussain	As per answers to comment 2
102	James Martin	N	Disability Sheffield Transport 4 All	<p>Appears to draw on the social model for understanding disability in its approach, however, we feel this needs explicitly stating in appropriate locations.</p> <p>Private Hire single operator requirement</p> <p>We support the provisions made for drivers to only operate with a single private hire operator. This ensures safety and accountability and will hopefully start to address some of the issues faced by disabled people in the city. <u>It is vital that other licensing policies are updated quickly with consultation to resolve the wider problems for booking accessible vehicles or other reasonable adjustments and reinforce the work this policy update is starting.</u></p> <p>Disability awareness training</p> <p>The taxi sub-group are pleased to see inclusion of a Disability Awareness Training provision. However, there are some important modifications that are needed to ensure this training is as effective as possible:</p> <ul style="list-style-type: none"> • Create or ensure that an existing module emphasises the social model of disability. It is vital that drivers understand that the policy is not just about tackling negative discrimination but also providing a service that helps people participate in society which sometimes means providing a little more showing that tackling more than discrimination is needed for equal participation. • <u>Involve disabled people directly as part of delivering the training</u> to allow drivers to gain some practical experience of skills and be able to ask questions and understand the experience of someone with a disability in a safe environment (this should be rotated around a few forms of disability). • Engage drivers in understanding job selection on many private hire systems with a job queue can have a direct impact on safeguarding and disability access where passengers are experiencing an unnecessarily long wait potentially stranded and in a vulnerable position. • Ensure that the training requirement “Non-mobility disabled passengers” covers how to support and interact well with people with hidden and learning disabilities and covers feedback from Sheffield Voices and other groups. This should locally produced videos in a classroom interaction on the issues raised. 	<p>No Update</p> <p>Separate document required</p> <p>No Update</p> <p>Only accredited training providers to deliver training</p> <p>No Update</p> <p>More akin to Private Hire Operator policy.</p> <p>No Update</p> <p>Only accredited training providers to deliver training. Difficult to cover every eventuality.</p>

				<ul style="list-style-type: none"> Require drivers to refresh on this training at least every 2 years (see next section). This should include safeguarding training. <p>Refresher training The taxi sub-group are clear that Disability Equality training must have a refresher training element. The Office of Rail and Road states in its current <i>Accessible Travel Policy</i> (ATP) rules for rail:¹ “Staff must receive refresher training within 2 years of receipt of disability awareness or disability equality training, and as a minimum every 2 years thereafter.”² The basis on which that policy was set we believe is directly relevant to the taxi and private hire drivers and proportionate. The documents included in the ORR’s 2018 investigation into tackling problems with the provision of Passenger Assistance on the railways provide substantial evidence of the need for change.³ <u>This evidence demonstrates that the licensing authority should put these measures in place to ensure that improvements in accessibility and equality training ensures fair treatment and that this is maintained for the long-term.</u> On the rail network, evidence showed that many disabled people found it difficult or impossible to travel because of a variety of systemic and training issues.⁴ The recommendations implemented in the current ATP include training as a mandatory component and in a similar manner to rail, taxi and private hire drivers are the only people who can provide assistance and good customer service that provides equality of access. The Regulator impact assessment in Annex C of the 2018 consultation papers provides full details of why all the above is proportionate and fair and we encourage officers to look carefully at this research basis for robust action.⁵ It is for this reason that Sheffield City Council must implement both training and refresher components to ensure equality of access in the medium and long term. This should include monitoring and openly published figures as discussed in section <i>Publicly publish monitoring information</i>.</p> <p>Format of refresher training Refresher training should always have interactive elements in a classroom or virtual classroom setting as click through online learning rarely is effective in tackling issues that not all students value. <u>Refreshing on all training is preferable and aligns with the ORR evidenced approach earlier and we believe this is the route that should be taken.</u> However, if refresher training is of a shorter form, then the content should be reviewed and set by the licensing authority periodically, include compulsory sections, and for optional content take account of the following:</p> <ul style="list-style-type: none"> Prioritise common areas of concern from recent complaints data in providing refresher training. 	<p>No Update</p> <p>Initial training to be reviewed before mandating refresher training. To keep under review.</p> <p>As above.</p> <p>As above</p>
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- Work with stakeholders such as Sheffield Transport 4 All, Safe Places, and Sheffield Voices in identifying the mandatory sections for a refresher or addition to initial training.

Exemption certificates

It is important to provide these facilities for genuine medical exemptions and have transparency on the number of drivers genuinely affected by issues. It is a sensitive issue which needs careful consideration of most drivers self-employed status but this cannot render access for all unworkable. The number of exemptions being held for carrying assistance dogs we are informed is small and does not appear to cause a disproportionate barrier to access the taxi system though this should be monitored by the licensing authority.

The addition of a Wheelchair handling exemption as a blanket option for all hackney and PHV drivers raises a question of how this interacts with other policies. In particular with Driver conduct point D to assist with luggage can be a key access need for many vulnerable passenger groups and be considered for a similar exemption regime. We would welcome a discussion on whether the exemption certification should also cover general manual handling such as luggage.

Wheelchair handling exemption concerns

The new Wheelchair Exemption Certificate if applied to a driver of a Hackney Carriage renders that vehicle inaccessible where policy requires a 100% wheelchair accessible fleet. This divergence must be addressed. This is unacceptable and was an issue that had to be tackled in the bus sector. For bus drivers if they are not physically able to deploy the ramp this is treated as not being fit for duty by operators and medical leave granted for recovering from short term issues.⁶ Similarly, where a driver is no longer able to offer a wheelchair accessible Hackney service over the long-term it is vital that the licensing authority considers carefully whether it is appropriate for that driver to be operating in that class of vehicle. Robust policy and process must be in place to ensure that the Hackney fleet remains available for all. If any temporary exemption is allowed for short-term difficulties in wheelchair access and manual handling, then the licensing authority must ensure their process prevents rolling exemptions. The sub-groups preference would be that no exemption is permitted for Hackney Carriage to align with rail and bus, and the licensing committee will need to consider carefully applying the same standard.

Publicly publish monitoring information

Throughout the policy there are opportunities to increase disabled peoples' confidence in the taxi and private hire industry and how the council supports and regulates it. As examples:

- Publish periodic statistics (at least annually) the number of drivers who have taken Disability and Equality, and safeguarding training.
- Publish or update on a monthly basis the number of active exemption certificates in each category so that disabled people can be aware of this and

No Update

Exemption Certificates administered in accordance with the Equality Act - case-by-case basis.

No Update

Exemption Certificates administered in accordance with the Equality Act - case-by-case basis.

No Update

Not specific to policy. However, the Authority will look into the possibility of producing monitoring information.

<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 123</p>				<p>whether there are any artificial number of drivers claiming to not be able to provide either wheelchair assistance or carry assistance dogs.</p> <p>Executive conclusion</p> <p>All of these conclusions must be read in the context of details supplied earlier in this response. The purpose is to highlight the key issues decision makers need to be aware of in terms of equality impacts for disabled people. Where proposals have support, or conditional support this are not generally repeated here. The following action should be taken by the licensing authority:</p> <ul style="list-style-type: none"> • Require drivers to undertake refresher training on disability equality, and safeguarding topics every 2 years on the basis of evidence outlined in section: • • • Refresher training. • Ensure that wheelchair and manual handling exemptions <u>cannot</u> be held permanently or for unreasonably extended periods where a driver is operating a Hackney Carriage as this renders the vehicle inaccessible in contravention of the 100% wheelchair accessible vehicle policy. • Publish key statistics on training, number of exemption certificates for assistance dogs, and wheelchair handling. 	<p>Individual elements answered above.</p>
<p>103</p>	<p>Tasdaf Abbas</p>	<p>N</p>		<p>I am a Sheffield Resident and an applicant for the Taxi and Private Hire driving licence. I want to draw your attention to some issues regarding the procedures and practices that the Sheffield Council Taxi Licensing Authority is following while conducting Knowledge for new applicants. I am an affected person along-with other affected new applicants, request you to intervene to make some changes during the POLICY REVIEW in these procedures and practices so that the hard-working applicants can pass their Knowledge to get their Taxi licence in Sheffield.</p> <p>Overview: Currently new applicants (residents of Sheffield) who apply for the Taxi licence have been stopped at the Knowledge Test stage by issuing FAIL result constantly because of the existing practices, procedures and set criteria to PASS the test since last 2 years and this has lead pass percentage in the Knowledge Test significantly at the lowest level. Whenever these issues have been highlighted to the licensing office, they have replied as standard that “licensing office is unable to make any changes because this is prerogative of the licensing committee”</p> <p>Therefore, I have highlighted some of the findings and suggestions below for your kind consideration and to make reasonable changes in the current practices, procedures and criteria to give a fare chance to the applicants (residents of Sheffield) to pass the Taxi Knowledge Test and Driving test to get their Taxi licences in Sheffield rather than going to other neighbouring councils like Rotherham, North East Derbyshire District, Calderdale, Kirklees etc to get their Taxi licence quickly without having the geographical knowledge of Sheffield, and then come back to drive taxi in</p>	<p>Updated</p> <p>New apps, and those who have not held a licence for</p>

their home town (Sheffield). This is one of the outcomes of the existing practices and procedures, I am sure that you have already witnessed large and growing number of taxi drivers with vehicles licensed from other councils working in Sheffield.

Findings and Suggestions

- Stop asking hidden and catch questions during the Knowledge Test. All questions and options as answers in the test need to be prepared by the relevant experts with extensive knowledge and experience rather than asking or making questions as catch. Some route questions' answers even don't start and end at the correct road, street, drop off or pick up point which isn't possible in theory and practical but are given only to trick the examinee. Irrelevant questions are asked in the test for example nearest car parks which are hundreds in the Sheffield.
- A full and complete list of the places of interest in Sheffield need to be provided to the applicants of Taxi and Private Hire licence for preparation rather than, as a current practice, keeping the full list as hidden and then leaving it to the individual who forms the knowledge test to ask any of the places as a place of interest in the test. Licensing authority should also update this full list with the number and names of the places of interest on a yearly basis and must update and provide the full list to the applicants at the time of booking their knowledge test to give them a fare chance to prepare for the test.
- The PASS criteria for all parts of the Knowledge Test including Safeguarding and Road Safety parts need to be at 80% and not 100% because this (current practice 100% pass mark) is making hard or impossible for applicants to pass their Knowledge Test in Sheffield to get their Taxi licence. The Licensing Authority also needs to understand that it is hard and in most of the cases impossible for new applicants who are educated up to the GCSE level to achieve 100% marks in all parts of the knowledge test to become a taxi driver. Set standards need to be at a reasonable, practical and realistic level. Note that even to become an approved driving instructor (ADI) at a national level, applicants are expected to achieve 85% marks to get a pass result.
- In total 57 questions are being asked in the Knowledge Test in 60 minutes time. These are MCQs with a question containing detailed information or scenario and then at least 4 answers as options. Approximately 1 minute is given to read and understand the questions and all 4 options to choose the correct answer. This is practically a real challenge. Time for the test need to be increased from 60 minutes to 90 minutes at least to complete the test.
- The Taxi driving test needs to be taken at the Driving Standards Agency (DSA) by allowing applicants to be assessed by a variety of examiners.
- Fees of the Knowledge and Driving Tests need to be reduced to £40 from £80 to reduce financial burden on applicants.
- A Feedback form need to be in place for applicants after their Knowledge and Driving tests to get the views and comments from applicants on a regular basis to make reasonable changes and adjustments on a regular basis,

I once again make a request to you to know and understand the highlighted issues and make reasonable changes in the licensing policy during the POLICY REVIEW to give a fare chance to the applicants of the Taxi and Private Hire licence in Sheffield to pass their Knowledge and Driving tests and obtain their taxi licence to get employed, provide the best possible services to the public and create a good image to the visitors in Sheffield.

more than 12-months required to undertake.

Pass mark reduced to 80%.

Number of test failures removed.

The Driver and Vehicle Standards Agency (DVSA) stopped providing taxi driving assessments for local councils from 31 December 2016

				<p>I would also highlight my concerns in the event if no effective changes are brought in the current practices, procedures and criteria during POLICY REVIEW then it may lead to</p> <ul style="list-style-type: none"> • A Further increase in the number of drivers in Sheffield, licensed from other neighbouring councils where they even don't need to achieve any Level 2 Professional Qualification for Taxi Drivers and therefore less likely to provide a safe, secure and the best possible services to the general public that Sheffield licensed drivers tend to do • A shortage of Sheffield licensed drivers in Sheffield which will affect other related/dependant industries in the Sheffield who are struggling to recover after the pandemic • Increase in the prices by private hire operators for rides because of shortage of drivers 	
104	Behailu Gebremedhin	N		Identical to Comment 103 - Tasdaf Abbas	As per answers to comment 103
105	Marcello Finocchiaro	N		Identical to Comment 103 - Tasdaf Abbas	As per answers to comment 103
106	Mohammed Qasim	N		Identical to Comment 103 - Tasdaf Abbas	As per answers to comment 103
107	Marco Allegrini	N		Identical to Comment 103 - Tasdaf Abbas	As per answers to comment 103
108	Waleed Mahmood	N		Identical to Comment 103 - Tasdaf Abbas	As per answers to comment 103
109	Raees Ahmed	N		<p>I live in Sheffield and applying for Taxi and Private Hire licence at Sheffield Council licensing authority. I am going to book my taxi knowledge test but feeling not so confident about passing it because lots of my friends recently failed knowledge test due to the strict criteria the licensing authority placed to pass it.</p> <p>I request you to ask licensing office to make some changes in passing knowledge test as</p> <ol style="list-style-type: none"> 1. Reduce Pass marks to 70% for all parts of the test. 2. Reduce fee of Knowledge Test to a reasonable level because £87 is very high. 3. Increase time of test to two hours or reduce number of questions. 	As per answers to comment 103
110	Usman Nazir	N		Identical to comment 109 - Raees Ahmed	As per answers to comment 103
111	Irfan Butt	N		Identical to comment 109 - Raees Ahmed	As per answers to comment 103
112	Faisal Saghir	N		<p>Identical to comment 109 – Raees Ahmed</p> <p>Additional Info:</p> <p>Stop asking trick/catch questions in all parts of the knowledge test, for example in routes part, all 4 given options for a route question aren't practically or theoretically correct to choose as a correct answer. Even the best possible correct option's route starts or ends at a road around the point of interest rather than at correct drop off or</p>	As per answers to comment 103

Page 6125

			<p>pick up road, just to confuse applicants. This needs reviewing all questions and all options in the Knowledge Test by some relevant experts.</p> <p>5.Start accepting taxi driving test certificate from DSA and stop taking driving test at council through one regular examiner again and again.</p>	<p>No Update</p> <p>The Driver and Vehicle Standards Agency (DVSA) stopped providing taxi driving assessments for local councils from 31 December 2016</p>
<p>113</p> <p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 126</p>	Asif Qadoos	N	<p>Following on from my email to yourself (dated Tues 15th Feb), I wish further to express a grave concern as to the implications to the SCC, Hackney carriage & private hire drivers licensing policy, (76-page, draft report-supposedly under consultation), which has been adopted and tailored (from DFT 40-page guidance report), to be the set criteria for Sheffield Licensed taxi drivers.</p> <p>Whilst we don't condone such behaviour as taxi drivers, if a driver is caught using a mobile phone and convicted for that offence, that's fair enough the courts have dealt with the matter, BUT for the DFT, to suggest further, IE: if convicted, of using a mobile phone whilst driving to Barr him/her from working as a taxi driver for a period of 7yrs. This is not only harsh, but not even proportionate to the offence committed.</p> <p>The DFT report comes across, like a second punishment, (the word 'RETRIBUTION' comes to mind, rather than the word "REHABILITATION").</p> <p>The "LAW of LAND", when courts make a decision " FOUND GUILTY", an the sentence is given, in doing so, its fundamental principle is always based upon (again the keyword), 'REHABILITATION'. HOW & WHY, the EVIDENCE is CLEAR, it's there in front of our eyes. IE: all those that are convicted of murder, (if it's not about rehabilitation an remorse, then why not just hang them, why put them in jail. There is a system in place, whereby the 'LAW of LAND'-Courts exercise REHABILITATION & PROPORTIONATELY in all decisions made, accordingly with the offence committed. This system is there for the individuals to say 'I PUT MY HANDS UP, I'V LEARNT MY LESSON, I WON'T DO IT AGAIN' , this is the ONLY way to move forward as a society.</p> <p>The present/our Licensing Committee procedure that is in force, is not only FAIR, but very PROPORTIONATE. Each case is presented and dealt with, a decision is made on the Principle of "INDIVIDUAL MERIT".</p> <p>This procedure has been in force for many years, with no complaints, so why the great concern all of a sudden by the DFT, asking all Licensing authorities to adopt this Report (statuary taxi and private hire vehicle standards-40 page report). Note: for guidance only. It is fair to say, that this report does point out that a Licensing Authority may deviate</p>	<p>Updated</p> <p>Removed rehabilitation periods for motoring convictions and replaced with Sub-Committee referral.</p>

				<p>from this 'Guidance', if it has a good reason to do so. REF: Para-1 (1.3).</p> <p>As a licensed driver and a GMB Senior Rep of S75 branch, an one who represents drivers at these Licensing Committees, it is to say without a doubt that this system is very fair, (as stated previously). AGAIN it's all about ' I PUT MY HANDS UP, I'V LEARNT MY LESSON, I WON'T DO IT AGAIN'.</p> <p>There are currently approximately 3,000 Licensed drivers in Sheffield. Most of these drivers Maybe your constituents. Surely as our local cllrs/MPs this issue should be raised as a 'BONE OF CONTENTION', (so to speak), on behalf of your constituents-us. These very harsh draconian rules, and in reality should be replaced with a training programme, (to identify an rectify the problem/s as appose to taking drivers of the road). IE: GOVERNMENT SPEED AWARENESS COURSE.</p> <p>(It's all about raising AWARENESS & IDENTIFYING the problems).</p> <p>QUOTE:- ... 'The public interest is not seeing a driver punished for his conduct as this is not the function of the licensing regime'....</p> <p>... 'It is clear that the aim of suspension is to protect the public (Leeds city council v Hussain [2002]). It is not to punish the driver. Punishment in the form of retribution (legally sanctioned revenge) is therefore not a proper use of suspension. Retribution is backward looking and it's aim is no more than to give the driver his or her just deserts for their conduct (' an eye for an eye')....</p> <p>REF: Professor Roy Light, Uks leading authoritarian in Licensing Law.</p> <p>I would like to add one last point on this matter, and that is, I believe that SCC, should work closely with the UNIONS/TRADES and move forward in a positive direction, rather than creating a toxic culture between SCC an the TRADES.</p>	
114	Yazid Atallah	N		Identical to response 113 - Asid Qadoos	As per answers to comment 113
115	Yasser Hanif	N		Identical to response 113 - Asid Qadoos	As per answers to comment 113
116	Fazeel Khan	N		Identical to response 113 - Asid Qadoos	As per answers to comment 113
	Citizen Space Results				

117		N		<ul style="list-style-type: none"> - Cctv is very important part in the business some time we report but we don't have proof also some drivers don't report because they don't have proof. - Few things Local council should provide a small proportion of payment towards installation of cctv and rest can covered by owner on HC/PHV. Cctv should be mandatory in licenced vehicles. Council or Police should have a special contact number 24/7 for HC/PHV drivers to report of any incident or suspicious activity 	<p>No Update</p> <p>CCTV does not form part of the driver policy</p> <p>Incidents such as these should be reported to 101</p>
118		N		<ul style="list-style-type: none"> - We got a lot of private hire and Hackney taxis come out of town, hired by Local Sheffield taxi companies. This is a big problem for local drivers, safety of children and vulnerable adults. Authorities in Sheffield just let happen in front of them instead. They need to act sooner than later. - Get read of out town drivers, it's a concern to all. - Transparent by acting remove all out town drivers. 	<p>No Update</p> <p>Not specific to policy.</p> <p>Drivers are legally allowed to work in other districts.</p>
119		N		<ul style="list-style-type: none"> - Why only taxis, buses vans and trucks included. If you really bother, then should include public too. - If SCC really want to improve environment, then first stop should be to replace all traffic lights signals. And install smart signals like Division Street. 	<p>No Update</p> <p>Not relevant to driver policy</p>
120	Page 128	N		<ul style="list-style-type: none"> - 30. Tinted windows. The policy clearly states that most modern cars now have privacy glass mainly in the rear, it goes on to suggest that local authorities should be mindful of this and the costs of replacing glass would be costly and disruptive to the PVH driver, with this in mind I would urge our local authority to look into this and consider what is clearly been stated by the governments own guidelines. For example an Audi S6 s line to use for executive work is nearly impossible to find without privacy windows and I now believe most Skoda Superbs are the same for their higher spec models. - The policy seems similar to previous ones to a degree and for me it just exercises common sense, I found it quite accurate and reasonable, and even in 30. It does say that tinted windows may need some sort of leeway given the fact that most modern cars are now fitted with dark windows to the rear. 	<p>No Update</p> <p>Not relevant to driver policy</p>
121		N		<ul style="list-style-type: none"> - No it's not easy at all, it's not same every driver, you got to take into consideration that taxi trade in Sheffield has vast majority if different ethnic minority drivers and to understand such a document is not easy. - Language used in documents is not always easy its complex and out if date at times, especially around technology which unfortunately you as a service very poor and you use links on applications or emails at times not very clear either and see question 2 too for this question. - I don't have at hand policy document for now, from previous experience it's not great. - Make it easy simple to read, easy to understand and follow in each and every section of policy document in dimple plain English. 	<p>No Update</p> <p>Not relevant to policy. Comments refer to applications forms and other documents.</p>
122		N		<ul style="list-style-type: none"> - It would be a great help if you made the changes you wish to implement available that "purely" affect the Hackney and PHV in Sheffield rather than a full Theasarus on everything license related. One needs a PHD in to understand it. 🤪 	<p>No Update</p> <p>Comments appear to relate the Statutory Standards, not the Driver Policy.</p>

				<p>Why do you make it so complicated when it should be simplified with parts that only affect Hackney&PHV published for Sheffield Taxi Drivers that you want the feedback off</p> <p>Then you would get a better response from majority of drivers</p> <p>Unless the idea behind making a these new policies in a Theasarus form is PURELY TO CONFUSE THE TAXI DRIVERS SO THEY DONT RESPONSE AND YOU CAN ALL GIVE yourselves a pat on the back for once again screwing over the SHEFFIELD badge holding plated drivers</p> <ul style="list-style-type: none"> - "Because you have mixed it in with everything license related rather than ONLY what affect HACKNEY & PHV trade <p>You've purposely Mixed in with every other licensing to confuse the taxi drivers.....!!!"</p> <ul style="list-style-type: none"> - Simplify it so drivers can understand it. And ONLY print or highlight the parts that affect the Sheffield taxi trade HACKNEY & PHV - Once you issue A PROPER VERSION ONE THAT PURELY WILL AFFECT "only" us drivers then I may actually have a clue of what you are talking about until then sorry but most don't have a clue what will affect them as in what is changing etc etc. 	
123		N		<ul style="list-style-type: none"> - Most taxis use phones to as a radio to take jobs, -You should also look at increasing Hackney fare, when was last time fare has changed? 	No Update
124		N		<ul style="list-style-type: none"> - Car should be allowed for Hackney as well. - New ph vehicle gae should be increased to under 6 years for new plate and maximum year we can use also should be increased to 11 years. 	No Update Not relevant to driver policy
125	Page 129	N		<ul style="list-style-type: none"> - Not everything is included in the private hire badge terms and conditions. For example, the fiasco of the dbs there was no mention of that you had to show the certificate at the office. You did not except online dbs certificate. Driver never read T&Cs in front of any licensing officers. No courses provided by the licensing offices regarding health and safety, customer service. We cannot make any mistakes always under pressure. If we do any mistakes, you through book at us. - Not everything is included in the terms and conditions. For example, health and safety issues, dealing with awkward customers. Face covering some customer refuse to wear it. There is no minimum age for young who can book a taxi. - Never seen full terms and conditions of the taxi license policy. You always adding new T&Cs without telling us. - Full terms and conditions should be attached with license policy. Not a separate booklet. 	No Update Comments not specific to policy.
126		N		<ul style="list-style-type: none"> - Too complicated for me, and new changes i don't understand what you are proposing it's too confusing. - Banning driver for 5yrs for use of mobile phone, it's totally wrong. - Make this consultation simple and easy to understand first - This is complicated and complex policy issue, please explain new changes and compare with current 	No Update Unable to track change the documents due to the number of changes.
127		N		<p>STOP,,, cross boarder hiring.. STOP uber from using out of town plated vehicles.,,, That are coming into the city plying for hire without a licence for this city..... Sheffield Licensing,,,,, NOT going out there and catching the private hire vehicle that are plated in Sheffield from plying for hire without a licence..... Sheffield as a policy of ALL</p>	No Update Comments not specific to the driver policy.

				HACKNEY VEHICLES HAVE TO BE WHEELCHAIR FRIENDLY.... Try to get this policy nationwide.... During this covid private hire in Sheffield have NOT got in place partitions to STOP the spread of the virus..... The few vehicles that do have this partition their licences state they can carry 4 people, with the front seat being partitioned off..... Their licences should say that they are licenced to carry 3 passengers, the front seat being partitioned off for the virus.... 52 years of being a hackney driver....	
128		N		<ul style="list-style-type: none"> - As part of disability awareness training drivers should have to be aware of the main wheelchair types (fully folding, fixed frame with back folding and removable wheels etc). They should be required to test how a wheelchair user transfers to the back seat, perhaps using 1 leg? They should also fully understand what wheelchairs or mobility aids fit in their vehicle. All needs should be considered, perhaps a test for how to safely assist a frail passenger from the seats, autistic passengers or those with mental health problems. - I have experienced rude drivers who complained wheelchair jobs took longer, drivers who complain about my wheelchair type being difficult to fit in their vehicle - despite prebooking and informing the office of my needs. As a disabled person I find it extremely frustrating that I am complained to about my needs - especially when drivers do not understand the challenges I face day to day. 	<p>No Update</p> <p>Training should cover passengers in wheelchairs and the correct use of equipment, wheelchair passport scheme and the assisting passengers.</p>
129	Page 130	N		<ul style="list-style-type: none"> - Disagree with Knowledge Test and Driving Test - A full and complete list of number of places of interest in Sheffield for routes and places parts of the knowledge test need to be provided to the applicants of Taxi and Private Hire licence for preparation rather than, as a current practice, keeping the full list as hidden and then leaving it to the individual who design the knowledge test to ask any of places as a place of interest in the test. Licensing authority should also update this full list with number and names of these places of interest on a yearly basis and must update and provide the full list to the applicants at the time of booking of their knowledge test to give them a fair chance to prepare for the test - Pass mark level of all parts of the Knowledge Test including Safeguarding and Road Safety need to be at 80% and not 100% because this is making hard or impossible for applicants to pass Knowledge Test in Sheffield and become Sheffield driver. Licensing authority needs to understand that it is hard and in most of the cases impossible for new applicants who are at or around GCSE level to achieve 100% marks as a subject specialist in all parts of the knowledge test to become a taxi driver. - Taxi driving test needs to be taken at Driving Standards Agency (DSA) by allowing applicants to be assessed by variety of examiners to make it more fair because currently at Sheffield licensing authority majority of applicants are assessed by only one examiner again and again until getting pass result - Fees of the knowledge and driving tests need to be reduced to £40 from £80 	<p>Updated</p> <p>New apps, and those who have not held a licence for more than 12-months required to undertake.</p> <p>Pass mark reduced to 80%.</p> <p>Number of test failures removed.</p> <p>The Driver and Vehicle Standards Agency (DVSA) stopped providing taxi driving assessments for local councils from 31 December 2016</p>
130		N		<ul style="list-style-type: none"> - Reason why because of the pass rate percentage is too much for road sign and safeguarding. I would like for you to make it a little easier with the pass rate at 80% - Reason for this is that Sheffield city council does not help us in anyway by not giving us any paperwork at all to help us start - Basically, all it comes down to I think that Sheffield city council are too harsh pass rates. I think that the council should reconsider the pass rates for all the tests and 	<p>Updated</p> <p>New apps, and those who have not held a licence for more than 12-months required to undertake.</p>

				keep them all at 80% that will then give myself and everyone the chance to pass and earn a living to work.	Pass mark reduced to 80%. Number of test failures removed.
131		N		<p>- the policy documents related to knowledge taxi driving are unattainable I have already booked knowledge test from the council and only received the the exam guide which is highlighting the 5 parts that the exam will comprise but to be fair i couldn't get the detailed five parts of the exam or a booklet explaining the what are the specific safeguarding, places of interests, highway codes and the others and it would be help full if we get a hint and a clear points that we can focus.</p> <p>TAXI KNOWLEDGE TEST TAXI DRIVING TEST</p> <p>- Regarding to Knowledge test - the places of interests are not clear so licencing authority should provide full and complete list of places of interests to the learner to prepare in advance</p> <p>- The time of the knowledge test exam is to short compared to the activity so we would like that to be like 90min or 2hours</p> <p>- I would suggest you accept taxi driving test certificate from DSA instead of taking driving test at council through one regular examiner again and again</p> <p>- Driving test is one of the complex exams in Sheffield licencing authority according to the other councils so please make the driving test exams easier than this.</p> <p>- I would lastly like to tell you that in Sheffield as far as I know anyone who wants to drive a taxi has two options hackney carriage Sheffield city council and Private hire in Rotherham, so people always choose the private hire which they said the exams and the regulations are more weight easier the Sheffield one and they are coming back to operate in Sheffield city and they took their knowledge, driving test, codes and safeguarding in Rotherham and most of them struggle to operate in Sheffield although they are using the sat nav because they are not familiar with driving in Sheffield so in that case I would suggest that our exams and regulations are needed to be amended and eased for the people who want to work in the field.</p>	<p>Updated</p> <p>New apps, and those who have not held a licence for more than 12-months required to undertake.</p> <p>Pass mark reduced to 80%.</p> <p>Number of test failures removed.</p> <p>The Driver and Vehicle Standards Agency (DVSA) stopped providing taxi driving assessments for local councils from 31 December 2016</p>
132		N		<p>- Why Sheffield council make hard form all council around us we want some change on knowledge test and driving test.</p> <p>- We need more time on knowledge test to increase and reduce pass marks criteria of all parts of the knowledge test to 80% from 100% including safeguarding and road safety parts and start accepting taxi driving test certificate from DSA and stop taking driving test at council through one regular examiner again and again thank you I hope to change!!!</p> <p>- Please do some change b/c it's to hard to get that license from another area on UK.</p>	<p>Updated</p> <p>New apps, and those who have not held a licence for more than 12-months required to undertake.</p> <p>Pass mark reduced to 80%.</p> <p>Number of test failures removed.</p>
133		N		- I think the policy needs to be more open and needs to have the input of existing taxi drivers.	<p>No Update</p> <p>All licensees consulted.</p>

			<ul style="list-style-type: none"> - I think the policy document needs to be more clear and if it had the input of people from outside of the organisation. - I believe more time is needed for tests and I believe people that have dyslexia need to be considered as I have been ignored in the past myself with no explanation. I believe people should be asked if they require adjustments when sitting the test as no policy document stats that in it. 	Not specific to policy. Applicants who have barriers, such as dyslexia, are informed to advise officers at the outset.
134		N	<ul style="list-style-type: none"> - I think it's need to make more easy to read because everyone don't have vocabulary to understand big words. 	No update
135		N	<ul style="list-style-type: none"> - Changes to the driving and knowledge test need to be made. - licensing authority should provide full and complete list of Places of interest to the learners in advance to prepare for the knowledge - increase time of the knowledge test to 90 minutes - reduce Pass marks criteria of all parts of the knowledge test to 80% from 100% including safeguarding and road safety parts - reduce fee of Knowledge and driving tests <p>Start accepting Taxi driving test certificate from DSA and stop taking driving test at Council through one regular examiner again and again.</p>	<p>Updated</p> <p>New apps, and those who have not held a licence for more than 12-months required to undertake.</p> <p>Pass mark reduced to 80%.</p> <p>Number of test failures removed.</p> <p>The Driver and Vehicle Standards Agency (DVSA) stopped providing taxi driving assessments for local councils from 31 December 2016</p>
136		N	<ul style="list-style-type: none"> - policy is hard for knowledge test because I did 3 tests and it's not enough time to complete the test and if you missed a one question you failed whole test is unfair I paid nearly £270 for three tests and I failed all of them for 1 or 2 questions and driver's from another councils they are making money here work in Sheffield and got badges from another councils and they paying everything to another councils there is no knowledge test no btech and they work in Sheffield . I want to work here pass here test and pay money to my council in Sheffield but for one question to fail whole is very very unfair. - Time of test should be amend to 90min - Safeguarding and road safety should be 80% passing marks, And overall calculation should be considered 80% passing marks in all sections - DSA driving test should be acceptable Knowledge test should be overall percentage and it should 80% Driving test once passed it should be accepted for 2years at least - Need to make changes in knowledge test for 80% passing marks on whole test 	<p>Updated</p> <p>New apps, and those who have not held a licence for more than 12-months required to undertake.</p> <p>Pass mark reduced to 80%.</p> <p>Number of test failures removed.</p> <p>The Driver and Vehicle Standards Agency (DVSA) stopped providing taxi driving assessments for local councils from 31 December 2016</p>

137		Y		<ul style="list-style-type: none"> - Section 4 need to change knowledge test in the form of multiple choice questions also driving test need to change in the form of accept start driving test certificate from DSA. - Licensing authority should provide full and complete list of places of interest to the new learners in advance to prepare for the knowledge also need to increase the time of test to 90 minutes at least reduce the pass mark criteria of all parts of the knowledge test to 80%from 100%including safe guarding and road safety parts reduce fees of knowledge test and driving test <p>start accepting driving test from DSA and stop taking driving test at council through 1 regular examiner again and again.</p>	<p>Updated</p> <p>New apps, and those who have not held a licence for more than 12-months required to undertake.</p> <p>Pass mark reduced to 80%.</p> <p>Number of test failures removed.</p> <p>The Driver and Vehicle Standards Agency (DVSA) stopped providing taxi driving assessments for local councils from 31 December 2016</p>
138	Page 133	Y		<ul style="list-style-type: none"> - Too many complicated issues why not other councils in the uk do like Sheffield because Taxi driving assessment in Sheffield in nightmare. Everyone in the Sheffield said that no one can pass driving assessment in the first trial I think Sheffield council want to make money by fail candidates like me I was driving perfect but I was fail because I was driving 22mph on road 20mph. Ridiculous. - Very confused too many papers difficult process. Everybody know that. - Change Driving assessment to DSA to carry out not staff from Sheffield council as council has bad reputation. - Driving assessment carrying by council examiner not really good he will fail to make money ridiculous reason give you. - I ask Sheffield council why only in here not other 360 councils in the UK they have easy driving assessment. I know Sheffield council try to make money. - Please change driving Assessment to DSA. 	<p>No Update</p> <p>The Driver and Vehicle Standards Agency (DVSA) stopped providing taxi driving assessments for local councils from 31 December 2016</p>
139		Y		<ul style="list-style-type: none"> - licensing authority should provide full and complete list of Places of interest to the learners in advance to prepare for the knowledge - increase time of the knowledge test to 90 minutes - reduce Pass marks criteria of all parts of the knowledge test to 80% from 100% including safeguarding and road safety parts - reduce fee of Knowledge and driving tests 	<p>Updated</p> <p>New apps, and those who have not held a licence for more than 12-months required to undertake.</p> <p>Pass mark reduced to 80%.</p> <p>Number of test failures removed.</p>

				Start accepting Taxi driving test certificate from DSA and stop taking driving test at Council through one regular examiner again and again.	The Driver and Vehicle Standards Agency (DVSA) stopped providing taxi driving assessments for local councils from 31 December 2016
140		Y		<ul style="list-style-type: none"> - The council should provide a list with all the point of interest so we can prepare for the knowledge test in advance. Increase the time for the test to 90 minute. Reduce the percentage criteria from all the part of the knowledge test from 100% to 80% including safeguarding and road safety part Reduce fee of knowledge and driving test. Stop taking driving test at the council with the same examiner again and again. 	<p>Updated</p> <p>New apps, and those who have not held a licence for more than 12-months required to undertake.</p> <p>Pass mark reduced to 80%.</p> <p>Number of test failures removed.</p>
141	Page 134	Y		<ul style="list-style-type: none"> - Too many points of interest to memorise all and get 80% in test. - licensing authority should provide full and complete list of Places of interest to the learners in advance to prepare for the knowledge increase time of the knowledge test to 90 minutes reduce Pass marks criteria of all parts of the knowledge test to 80% from 100% including safeguarding and road safety parts - reduce fee of Knowledge and driving tests <p>Start accepting Taxi driving test certificate from DSA and stop taking driving test at Council through one regular examiner again and again.</p>	<p>Updated</p> <p>New apps, and those who have not held a licence for more than 12-months required to undertake.</p> <p>Pass mark reduced to 80%.</p> <p>Number of test failures removed.</p> <p>The Driver and Vehicle Standards Agency (DVSA) stopped providing taxi driving assessments for local councils from 31 December 2016</p>
142		Y		<ul style="list-style-type: none"> - Licensing authority should provide full and complete list of Places of interest to the learners in advance to prepare for the knowledge. - Increase time of the knowledge test to 90 minutes, reduce the Pass mark criteria of all parts of the knowledge test to 80% from 100% including safeguarding and road safety parts, reduce fee for the knowledge and driving test, 	<p>Updated</p> <p>New apps, and those who have not held a licence for more than 12-months required to undertake.</p> <p>Pass mark reduced to 80%.</p>

				start accepting taxi driving test certificate from DSA and stop taking driving test at Council through one regular examiner again and again.	Number of test failures removed. The Driver and Vehicle Standards Agency (DVSA) stopped providing taxi driving assessments for local councils from 31 December 2016
143		Y		<ul style="list-style-type: none"> - The test should be taken by DSA or the council should provide more examiner - Stop monopolies the job. - The test should taken place by the DSA instead of a council, which only hire one person, who have a bad reputation for being very unfair and many have even accused him of being discriminative. - It is totally unfair for the council to just hire the same person over and over for this test. 	No Update The Driver and Vehicle Standards Agency (DVSA) stopped providing taxi driving assessments for local councils from 31 December 2016
144	Page 135	Y		<ul style="list-style-type: none"> - Provide more information on knowledge test with all places of interest. - Reduce pass mark to %80, reduce fee of knowledge test and driving test. 	Updated New apps, and those who have not held a licence for more than 12-months required to undertake. Pass mark reduced to 80%. Number of test failures removed.
145		Y		<ul style="list-style-type: none"> - Paperwork is not fully support to Guide line to same as questions come to test Time. - It's difficult to pass knowledge rates 100% safeguarding and road sign any of council give to 80%mark pass rates please make change policy. - increase time of the knowledge test to 90 minutes - reduce Pass marks criteria of all parts of the knowledge test to 80% from 100% including safeguarding and road safety parts - reduce fee of Knowledge and driving tests <p>Start accepting Taxi driving test certificate from DSA and stop taking driving test at Council through one regular examiner again and again.</p>	Updated New apps, and those who have not held a licence for more than 12-months required to undertake. Pass mark reduced to 80%. Number of test failures removed. The Driver and Vehicle Standards Agency (DVSA) stopped providing taxi

					driving assessments for local councils from 31 December 2016
146		Y		- I would like to change the knowledge test policy and Driving Test... The Knowledge test time is just 60 minutes for 57 questions very short time. If its change to 90 minutes will be good .and reduce marks criteria all the parts of the Knowledge Test to 80%. Reduce the fee of Knowledge and Driving Test.	Updated New apps, and those who have not held a licence for more than 12-months required to undertake. Pass mark reduced to 80%. Number of test failures removed.
147	Page 136	Y		- I have comment about knowledge test. The knowledge test is reduced pass mark criteria All part of test 80%, reduce fee of knowledge test .and the time is to short 60 minutes for 57 questions I would like change to 90 minutes.	Updated New apps, and those who have not held a licence for more than 12-months required to undertake. Pass mark reduced to 80%. Number of test failures removed.
148		Y		- Knowledge test pass marks criteria. - All parts of knowledge test including road safety and safeguarding pass marks should be at 80% not 100% because no one can achieve 100%.	Updated New apps, and those who have not held a licence for more than 12-months required to undertake. Pass mark reduced to 80%. Number of test failures removed.
149		Y		- licensing authority should provide full and complete list of Places of interest to the learners in advance to prepare for the knowledge - increase time of the knowledge test to 80 minutes reduce Pass marks criteria of all parts of the knowledge test to 80% from 100% including safeguarding and road safety parts	Updated New apps, and those who have not held a licence for

					<p>more than 12-months required to undertake.</p> <p>Pass mark reduced to 80%.</p> <p>Number of test failures removed.</p>
150		Y		<p>- The knowledge test is very strict.</p>	<p>Updated</p> <p>New apps, and those who have not held a licence for more than 12-months required to undertake.</p> <p>Pass mark reduced to 80%.</p> <p>Number of test failures removed.</p>
151	Page 137	Y		<p>- You have added the statutory guidelines with local policy but not explained anything and not consult with the stakeholders ie drivers what it is all about and the impact of these changes very mixed up and unprofessional and no one understands what is going on</p> <p>- Not clear at all but mixed up very hard to understand. Not helpful at all.</p> <p>- Statutory guidelines need to have a serious look especially 6 points hand held device potentially losing your licence for 5 years ... how ridiculous is that ?</p> <p>No more need for company logo on vehicle signage just a vehicle licence plate number on signage is sufficient.</p> <p>- Need to allow mixed fleet Hackney vehicles similar to Leeds (saloons as hackneys)</p> <p>Drivers to be allowed to work with multiple operators and not to have restricted working practices.</p> <p>- Sheffield City Council should work with local drivers and trade to find best solutions working with local trade</p>	<p>No Update</p> <p>All licensees contacted as part of review.</p> <p>Statutory Standards is a standalone document produced by DFT</p> <p>Not part of driver policy.</p>
152		Y		<p>-To complicate n too much information to understand easily.</p> <p>- Again, to complicated.</p> <p>- There are various sections of this document, which affect me directly, IE: the ban periods are far too long. IE: Restricting working conditions, (must allow drivers to work on multiple platforms, same as taxi firms let out town licensees work on their radio circuit).</p> <p>- Many sections BUT NEEDS PROPER CONSULTATION.</p>	<p>No Update</p> <p>All licensees contacted as part of review.</p>

				- 1- I do not feel there was proper consultation with the trades, because not all the licensees were informed individually, am therefore I feel it lacked "GOOD PRACTICE", as this was the Governments guidance.	
153		Y		<ul style="list-style-type: none"> - Very complicated lots of information very difficult to understand. - Over complicated and too much information. - Lots of sections of this document effect me directly for example 1 handle device ,6points loosing my licence for minimum 5years 2 Accumulated motoring convictions can lead to seven years banned for me having license 3 drivers should be able to work for multiple operators, platforms and not have restricted working. 4 Generally all banned periods are too long. - Needs improving in many sections and needs better consultation. - Local council needs to work with local trades and drivers it would be good practice to have informed many more stake holders on these new changes of policy. 	<p>No Update</p> <p>All licensees contacted as part of review.</p>
154	Page 138	Y		<ul style="list-style-type: none"> - 67 pages very difficult to understand and over complicated. - Once again too much information and changes especially with inclusion of statutory guidelines 2020. Very little communication from the licensing office and SCC. - Drivers should be able to work with multiple platforms and operators. We are self employed should not restricted in our work. Modern day phones allow you to run more than one app at the same time. Some of local licensed taxi companies have become like dictatorship with their monopoly position. We are free lance workers and should have that freedom. Hand held device 6 points (one offence) you lose your licence up to 5 years. Too many lengthy ban periods (5 -7) years before you can be a taxi driver again are very harsh especially for motoring convictions and hand held device - Breyer understanding of the local trade and local drivers issues and better consultation. We as drivers are major stakeholders but always are ignored or have the least input in final policy like no one is listening your concerns and issues. - I think we need to take step back and have a real meaningful consultation and the license holders (drivers) views need to be heard as well. Too many sections in this policy will have a very negative effect on the relationship between licensed drivers and local authority. 	<p>No Update</p> <p>All licensees contacted as part of review.</p>
155		Y		<ul style="list-style-type: none"> - Because it doesn't determine each points. - No because all the policy are one sided and harsh. - "Mobile phone 5 years ban that's harsh I understand it f you give them warning and may be say get caught again 6 month ban. - 9 points 5 year ban that is very harsh people have family to support bills to pay. - I think Sheffield council need to understand and consider and take a more positive and liaise with trade reps and take better approach. 	<p>No Update</p> <p>All licensees contacted as part of review.</p>
156		Y		<ul style="list-style-type: none"> - Too much to read should have been made a bit simplified. - Hackney carriage should be able to fix the fix the fares with the passengers on journeys going out of Sheffield Boundary. 	<p>No Update</p> <p>Hackney Carriage fares determined by Licensing Committee. Outside district</p>

				- The training should be provided by Sheffield city council and the cost covered by them and not the drivers.	<p>journeys can be pre-agreed between driver and customer – meter must still be engaged.</p> <p>Training to be provided by third-partied with relevant expertise.</p>
157		Y		Identical to comment 2 - Ibrar Hussain	As per answers to comment 103
158		Y		<p>- Too much information to read through, needs to be summarised & possible contentious issues need to be emphasised.</p> <p>- Could be in a better layout, simplify the language as not all taxi drivers would be able to digest all this information which is a major disadvantage.</p> <p>- Part 8.14 Fit & proper Threshold, Motoring Convictions (Vehicle Uses offences) certain offences that rack up 9 points in 18 months that can give you at least 5 years ban from working on taxis before you can apply again. Every case has to be dealt specifically & so the current committee system of councillors is the fairest system than one individual enforcement officer.</p> <p>Changes from the previous policy is it? I'm confused.</p> <p>"When did it change from 12 months dbs check to 6 months.</p> <p>Unless I not read the document properly, I'm sure it would be easier to list all the changes from the previous private hire & Hackney Carriage Drivers's Licence policy</p>	<p>Updated</p> <p>Removed rehabilitation periods for motoring convictions and replaced with Sub-Committee referral.</p> <p>Unable to track change the documents due to the number of changes.</p> <p>Requirement of Statutory Standards. All licensees required to sign up to update service.</p>
159		Y		<p>- Could be made simpler.</p> <p>- The committee and associated people how do we know they are not bias or hold certain thoughts against individual or group of people.</p> <p>- I believe this is making it very hard for person or people to become taxi drivers or private driver it should be easier task.</p>	No update
160		Y		- Thanks for making drivers life harder	No update
161		Y		<p>-Use of jargon does not help.</p> <p>- Jargon used is not reader friendly and is used to confuse people.</p> <p>- Plus Ibrar Hussain standard response.</p>	As per answers to comment 103
162		Y		<p>- 67 pages of one report and 40 pages of statutory guidelines.</p> <p>Some of the wording and lots of information,.</p> <p>- Not explained what acted the changes and the impact of those changes.</p>	<p>No Update</p> <p>Policy sets out expectations.</p>

				<p>- All over the place too much emphasis on punishment and taking drivers off the road and not on education or training to help and support drivers. - Nothing in this report is there help and assist drivers.</p> <p>All the ban periods (5-7) for motoring conviction (minor motoring offences and handheld devices can lead to a ban of up to 7 years very harsh and extreme.</p> <p>Allowing drivers to work with multiple operators is a must and we should not forced to work with only one ... Drivers should be able to work with multiple operators simultaneously as long as licensing is informed with all the operators they work with.</p> <p>More education and training, more help and support for Drivers instead of punishment especially in motoring convictions or convictions of a less serious nature It should be about not reoffending and helping in that path ... - I feel very let down with the process of this consultation and strongly object to ALL the ban period for motoring offences and convictions. - Local Authority should have made the report better to understand and had a much more meaningful dialogue with local trade and drivers</p>	<p>Training sessions, such as safeguarding and disability awareness included.</p> <p>Updated</p> <p>Removed rehabilitation periods for motoring convictions and replaced with Sub-Committee referral.</p> <p>Training sessions included.</p> <p>All licensees contacted as part of consultation.</p>
161		Y		<p>- 5 and 7 year bans for minor motoring offences are absolutely ridiculous and need rethinking also Munir misdemeanours long bans not good peoples livelihoods you are taking awayvery harsh indeed</p>	<p>Updated</p>
164		Y		<p>- The 'fit and proper' person test. - it would be helpful to know under what specific circumstances a person will be declared improper/unfit for a PH/Hackney badge. Such guidelines afford clarity and transparency and ensure decisions are consistent. Minimise risk of outlier decisions. - Proposed 7 yr ban for use of Handheld device. Literally taken accepting a booking involves a handheld device. Again need clarity under what circumstances would this ban be triggered.</p>	<p>No Update</p> <p>Fit and Proper outlines in policy.</p> <p>Updated</p> <p>Removed rehabilitation periods for motoring convictions and replaced with Sub-Committee referral.</p>
165		Y		<p>There is a lot of information to be understood and to make it easier there should be an overall summary of what the policy is and what the policies is there for. - This can be stated in a more easy way so that everyone can understand as there are others who's first language is not English and may find it hard to understand which can can be barrier for them. - Part 8.14 Fit & proper Threshold, Motoring Conviction (Vehicle Uses Offences) certain offences that rack up 9 points in 18 months that can give you at least 5 years ban from working on taxis before you can apply again. -Not sure whether you are referring to this policy or the other ?</p>	<p>Updated</p> <p>Removed rehabilitation periods for motoring convictions and replaced with Sub-Committee referral.</p>

166	Y			<p>1. General - The council has recently passed a motion with the specific aim of protecting women and making Sheffield safer for all. The policy should therefore be considered/ reviewed in the context of that motion with a view to ensuring that women are specifically protected by the safeguards set out in the policy.</p> <p>2. Part 8.4 - Current licensees will need to pass a minimum language requirement. Has the Council ensured that there is the right level and amount of support available within Sheffield for this to happen? Will the council/ authority offer support to existing licensees to meet this standard or provide details of local services which licensees can access?</p> <p>3. General - The policy focuses on protecting vulnerable passengers. What additional measures will the authority implement to protect female/ vulnerable licensees from passengers?</p> <p>4. Part 8.8 - The policy states "Licensees are required to evidence continuous registration with the DBS Update Service to enable the Authority to routinely check for new information every 6 months." The policy should confirm how regularly the authority will check for new information and whether this will be done every 6 months as a minimum.</p> <p>5. General - The Council should ensure that each cab prominently displays details of where passengers can report any inappropriate behaviour from the driver. It should be clear that this includes any behaviour considered racist, sexist, homophobic or ableist and that passengers are encouraged and will be supported to report this. It should also be made clear to licensees that the Council will support them if they experience any of this type of behaviour from passengers.</p>	<p>No Update</p> <p>The overall aim of the policy is the protection of the public.</p> <p>Updated. Only required for new licensees and can be achieved through the <i>Certificate in the Introduction of the Taxi and Private Hire Driver</i>.</p> <p>Use of CCTV available to install in vehicles. Drivers to contact police in event of passenger issues.</p> <p>The Authority will undertake checks, where possible, on licensees every 6-months.</p> <p>Information on how to report complaints is available in all vehicles.</p>
167	Y			<p>- We need more clarity and explanation as to how this policy will be implemented as it states within 3years the certificate must have been awarded and if not then an individual must be able to demonstrate that they have undertaken suitable refresher training, concern here is why 3years its very short period and existing driver's need only a refresher course no pass or fail, this section needs a proper and thorough explanation in detail and discussion. And why no further refresher course's except material changes apply.</p> <p>- Plus - Ibrar Hussain's standard response.</p>	<p>As per answers to comment 103</p>
168	Y			<p>No ban on 5yr policy</p>	<p>No update</p>
169	Y			<p>- LANGUAGE PROFICIENCY, why should existing drivers prove language proficiency if he has passed it initially?</p> <p>- PLY FOR HIRE, why have a blanket ban for 7 years , a fine and suspension would be reasonable but to deter the driver from making an application after 7 year is unfair.</p>	<p>Updated – New applicants only.</p> <p>Updated</p> <p>Updated</p>

				<ul style="list-style-type: none"> - MINOR MOTORING OFFENCE, why 5 year ban on 9 pts while court would ban you on 12 or more points ? - I would like to see drivers have a good English and Maths test and to communicate effectively to customers when they go for their taxi test. - Finally I would like to mention I do believe that Hackney/Private hire drivers should work to a good standard - But to be heavy handed and ban driver for lengthy period of time from their job to be penalised in this manner is another matter. 	<p>No update.</p> <p>Updated</p>
170		Y		<ul style="list-style-type: none"> -Because there is not any relevant material to read or understand. - Taxi knowledge test and driving test - licensing authority should provide full and complete list of Places of interest to the learners in advance to prepare for the knowledge - increase time of the knowledge test to 90 minutes - reduce Pass marks criteria of all parts of the knowledge test to 80% from 100% including safeguarding and road safety parts <p>Start accepting Taxi driving test certificate from DSA and stop taking driving test at Council through one regular examiner again and again</p> <ul style="list-style-type: none"> - And also provide a preparing course for knowledge test from which we can prepare and give test 	<p>Updated</p> <p>New apps, and those who have not held a licence for more than 12-months required to undertake.</p> <p>Pass mark reduced to 80%.</p> <p>Number of test failures removed.</p> <p>The Driver and Vehicle Standards Agency (DVSA) stopped providing taxi driving assessments for local councils from 31 December 2016</p>
171		Y		Too much jargon	No Update

Appendix E

Amendments to Policy

Hackney Carriage and Private Hire Driver's Licence Consultation		
Section	Changes	
Introduction	No Update	
Strategies and Legislation	Additional legislation included: Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022 Taxis and Private Hire Vehicles (Disabled Persons) Act 2022	
Equality, Diversity, and Inclusion	No Update	
Delegations	Wording updated to reflect change in committee structure – Waste and Street Scene	
Information Sharing	No Update	
Legislative Background	Removed Statutory Standards Information	
Fit and Proper Person Requirement	Reworded	
Examinations, Tests and Application Requirements	No Update	
Certificate in the Introduction to the Role of the Professional Taxi and Private Hire Driver	Pre-Consultation The Licensing Authority requires individuals to undertake and pass a nationally recognised qualification as the first stage in application process.	Post Consultation The Licensing Authority requires individuals to undertake and pass a nationally recognised qualification if: <ul style="list-style-type: none"> • They are a new applicant • They have previously been licensed, but their licence expired more than 12-months ago and they have not taken the qualification before
	Safeguarding Training	No Update
Disability Awareness Training	Pre-Consultation Existing licensees that have not yet undertaken training will have 12 months....	Post Consultation Existing licensees that have not yet undertaken training will have 3 years...

Language Proficiency	Pre-Consultation Removed the requirement for all licensees to evidence English language proficiency.	Post Consultation New applicants only are required to evidence language proficiency – <i>Certificate in the Introduction to the Role of the Professional Taxi and Private Hire Driver is the required standard.</i>
Knowledge Test	Pre-Consultation The Licensing Authority requires individuals to undertake and pass a knowledge test to ensure that they have sufficient knowledge in...	Post Consultation The Licensing Authority requires individuals to undertake and pass a nationally recognised qualification if: <ul style="list-style-type: none"> • They are a new applicant • They have previously been licensed, but their licence expired more than 12-months ago The test ensures that applicants have sufficient knowledge in:
	Individuals that fail three successive knowledge tests will be required to wait a period of not less than six months (from the date of the most recent failure) before reapplying.	Wording removed
		Additional Wording: The questions will be set by the Authority and will change periodically to reflect any changes in routes, legislation, safeguarding etc. The Authority will set the pass for each section at 80%.
Driving Standards Examination	Individuals that fail three successive knowledge tests will be required to wait a period of not less than six months (from the date of the most recent failure) before reapplying.	Wording removed
Age and Experience	No Update	
Disclosure and Barring Service (DBS) Checks	Reworded	
Overseas Convictions	No Update	

Licensee Self-Reporting	No Update	
Common Law Police Disclosure	Removed last paragraph - repetitive	
Sharing Licensing Information with Authorities and Police	No Update	
Relevance of Convictions, Cautions, Reprimands, Warnings and Complaints	Altered wording	
Fit and Proper Threshold	<p>Renamed section 'Fit and Proper'</p> <p>Removed wording:</p> <p>Any convictions or unacceptable behaviour will have a negative impact and will weigh heavily against an individual.</p> <p>Where an individual has one or more conviction and where this shows a pattern or tendency irrespective of the time since the conviction, the Authority will give serious consideration as to the fit and properness.</p> <p>Where a conviction is listed on the Fit and Proper Threshold, that individual will be automatically referred to the Licensing Committee</p> <p>The Fit and Proper Threshold sets out time periods that are expected to have elapsed following completion of the sentence or offence.</p> <p>The Authority will assess each case on its own merits, but the criteria set down in the Fit and Proper Threshold will be considered in the determination of a licence, only in truly exceptional circumstances will the criteria be deviated from.</p> <p>Replaced with:</p> <p>Where an individual has one or more conviction recorded for any of the above offences, they will be automatically referred to the Licensing Committee.</p>	
	<p>For Driving convictions, the rehabilitation periods have been removed, replaced with the wording:</p> <p>"The licensee will be automatically referred to the Licensing Sub-Committee."</p>	
	Medical Assessment	<p>Pre-Consultation</p> <p>In exceptional circumstances, and with prior agreement from the Licensing Authority, a</p>

	<p>medical assessment may be carried out by another registered GP practice, but only if the individual's medical history has been viewed and assessed, and the GP carrying out the medical confirm that they have viewed the applicant's full medical history. The GP must be approved by the Licensing Authority. A list of approved practitioners will be provided by the Authority.</p>	<p>Licensing Authority. A list of approved practitioners will be provided by the Authority.</p>
Medical Exemptions	No Update	
Right to Work in the UK	No Update	
Tax Conditionality Checks	No Update	
Hackney Carriage and Private Hire Driver's Licence	No Update	
Safeguarding Children and Vulnerable Passengers	No Update	
Plying for Hire	<p>Removed:</p> <p>The hackney carriage trade being unable to ply their trade effectively</p>	
	<p>Pre-Consultation</p> <p>Where a licensee has been convicted of plying for hire, they will normally not be granted a licence for a period of not less than 7 years form the date of conviction/ licence revocation, whichever is the most recent.</p>	<p>Post Consultation</p> <p>Where a licensee has been convicted of plying for hire, they will normally not be granted a licence for a period of not less than 12 months from the date of conviction/ licence revocation, whichever is the most recent.</p>
		<p>Removed Wording</p> <p>Where a licensee has been convicted of plying for hire for a second time, they will normally not be granted a licence for period of not less than two years from the original date of conviction/licence revocation, whichever is the most recent.</p>
Byelaws	No Update	
Hackney Carriage and Private Hire Driver's Conditions	Pre-Consultation	Post Consultation

	The licensee, whilst transporting passengers for the purposes of hire and reward, must not drink or eat in the vehicle, or play any radio or sound reproducing instrument or equipment in the vehicle other than for the sending and receiving of messages in connection with the operation of the vehicle. In any case, the licensee must conform to all road traffic regulations.	The licensee, whilst transporting passengers for the purposes of hire and reward, must not drink or eat in the vehicle. The licensee must conform to all road traffic regulations.
Committee Referral Criteria	No Update	
Compliance and Enforcement	No Update	
Better Regulation Delivery Office: Regulators' Code, 2014	No Update	
Better Regulation Unit: Enforcement Concordat	No Update	
Enforcement and Non-Compliance Options	No Update	
Complaints	Removed wording: Where complaints are received, the driver will be contacted by the Licensing Authority and concerns raised, and where appropriate, the private hire operator will be made aware.	
Consultation	No Update	

Appendix F

SHEFFIELD CITY COUNCIL

**Hackney Carriage and Private Hire
Driver's Licence Policy**

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Frequently Used Terms

The following terms are used frequently throughout this policy document.

'The Authority'	Refers to Sheffield City Council which carries out its function as the Licensing Authority under the Town Police Clauses Act 1847 and Local Government (Miscellaneous Provisions) Act 1976 as well as other relevant legislation, policies and Statutory Standards
'The Council'	Refers to Sheffield City Council
'The Licensing Committee'	Refers to the committee of Sheffield City Council
'The Licensing Sub-Committee'	Refers to three members of the Licensing Committee with sub-delegation of functions
'Licensing Policy'	Refers to this document, Sheffield City Council's <i>Hackney Carriage and Private Hire Driver's Licence Policy</i>
'LGMPA'	Refers to the Local Government (Miscellaneous Provisions) Act 1976
'TPCA'	Refers to the Town Police Clauses Act 1847
'Statutory Guidance'	Statutory Taxi and Private Hire Vehicle Standards

Part 1 – Introduction

Sheffield City Council is responsible for the regulation of Hackney Carriage and Private Hire Drivers within the district of Sheffield.

This policy will guide the Licensing Authority in how it carries out its functions. The policy has effect from (insert date) and will be applied to new and existing licence applications applied for after this date.

The Licensing Authority reserves the right to overturn a decision previously made or refuse to renew a licence where clear errors are discovered. In addition, the Licensing Authority will undertake periodic auditing to ensure the policy is being adhered to, and such audits will be undertaken using this policy as the required standard.

The policy has been developed by the Licensing Authority after consulting with licensees, the public and other interested parties.

In addition, the Licensing Authority has paid regard to strategies, legislation and guidance as referenced throughout this policy.

The policy also incorporates the Department for Transport's recently published Statutory Taxi and Private Hire Vehicle Standards. The Licensing Authority acknowledges these standards and aims to build on them.

The standards can be found at <https://www.gov.uk/government/publications/statutory-taxi-and-private-hire-vehicle-standards>

In carrying out its functions, the Licensing Authority will have regard to this policy document; however, each case will be judged on its own merits.

The Licensing Authority will formally review this policy every five years and informally re-evaluate from time-to-time. Where changes are made, the Licensing Authority will publish a statement of such revisions, along with a revised policy.

Part 2 – Strategies and Legislation

Due regard will be given to other such strategies, policies, and guidance documents in the writing of this policy, in decision making processes, and all other work carried out within the scope of the licensing regime.

The policies, strategies and guidance referenced below are recognised as those that are integral in the current licensing regime and help to define context and content throughout this document.

- Rehabilitation of Offenders Act 1974
- Transport Act 1985, 1991 and 2000
- Human Rights Act 1988
- Crime and Disorder Act 1998
- The Office of Fair Trading “The Regulators of Licenced Taxi and PHV Services in the UK” 2003
- Road Traffic Act 2006
- Equality Act 2010
- The Department for Transport Taxi and Private Hire Vehicle Licensing: Best Practice – March 2010
- Anti-Social Behaviour, Crime and Policing Act 2014
- Guidance on the Rehabilitation of Offenders Act – March 2014
- Better Regulation Delivery Office – Regulators’ Code 2014
- Policing and Crime Act 2017
- Access for Wheelchair users to Taxis and Private Hire Vehicles – Statutory Guidance 2017
- Safeguarding Children and Vulnerable Adult Policy
- Clean Air Sheffield
- Statutory Taxi & Private Hire Vehicle Standards 2020
- Taxi and Private Hire Licensing – Councillors’ Handbook (England and Wales) 2021

Part 3 – Equality, Diversity and Inclusion

Sheffield is a diverse city, both ethnically and culturally. We value and celebrate the diversity that exists amongst both the citizens of Sheffield and our workforce. As a Council we want to ensure that everyone can fully participate in the social, cultural, political, and economic life of the city.

The Equality Act 2010

The Equality Act 2010 and Section 149, the Public Sector Equality Duty, places a legal obligation on public authorities to have due regard to the need to eliminate unlawful discrimination, harassment, and victimisation; to advance equality of opportunity; and to foster good relations between persons with the following protected characteristics:

- Age
- Disability
- Gender Reassignment
- Pregnancy & Maternity
- Race
- Religion or Belief
- Sex
- Sexual Orientation
- Marriage & Civil Partnership

The Licensing Authority will at all times have regard to the Equality Act 2010 and Sheffield City Council's Equality, Diversity and Inclusion Policy Statement 2017.

For further information, please see details at the following link:

<http://www.equalityhumanrights.com/private-and-public-sector-guidance/organisations-and-businesses/businesses>

Equality Impact Assessment (EIA)

An Equality Impact Assessment (EIA) is how Sheffield City Council systematically assesses the potential effects that a proposed policy or project is likely to have on different groups within the city. Policies will affect different people in different ways, and it is possible that they have the potential to discriminate against certain groups, even if this is not an intention.

EIA's are carried out within the Licensing Service to consider the equality impacts of any proposed projects, new and revised policies, strategies and budget proposals.

An EIA has been carried out throughout the formulation of this policy.

Part 4 – Delegations

Sheffield City Council, acting as the Licensing Authority, has established a Licensing Committee made up 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 and are responsible for determining individual cases.

In addition, the Chief Licensing Officer has been further delegated to appoint and authorise 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 licences
- Licence suspensions
- Issuing formal warnings and cautions
- Investigation and preparation of prosecution files
- Investigating complaints

The table below sets out the agreed delegation of decisions and functions to the Licensing Committee, Sub-Committees and Officers.

Matter to be dealt with	Full Committee	Sub Committee	Officers
Policy Review	✓		
Fee Setting	✓		
Grant of Licence		✓	✓
Refusal of licence		✓	
Revocation of licence		✓	
Suspension of licence		✓	✓
Review of licence		✓	
Formal Warnings		✓	✓
Investigation of offences and preparation of prosecution files			✓
Complaints		✓	✓

Rights of the Applicant

This policy does not preclude any individual from making an application. Each application will be considered on its own individual merits in accordance with the Town Police Clauses Act 1847, Local Government (Miscellaneous Provisions) Act 1976, statutory guidance, associated byelaws and relevant integrating legislation.

Hearings

Where Officers are unable to determine an application, a hearing will be scheduled with the Licensing Committee to consider such an application.

Each application will be judged on its own individual merits.

An individual may request a third-party, such as a friend, trade or a legal representative, to make a written representation, and attend to present their case at a sub-committee hearing.

Every determination of a licensing decision by the Licensing Committee or a Licensing Sub-Committee shall be accompanied by clear, cogent reasons for the decision. The decision and the reasons for that decision will be sent to the applicant as soon as is practicable.

Appeals against Licensing Authority Decisions

There is a right of appeal against Council and Licensing Committee decisions. Appeal applications must be made to Sheffield Magistrates Court within 21 days of the determination.

Part 5 – Information Sharing

How Information is used

Personal data is processed under contract to which licensees are party by way of an application for a licence (as per Article 6(1)(b) of the General Data Protection Regulation). In terms of special category data, including criminal records or health information, information is processed as it is necessary for the performance of a task carried out in the public interest (as per Article 9(2)(g) of the General Data Protection Regulation).

The following legislation and guidance are observed throughout the licensing regime:

- Town Police Clauses Act 1847
- Local Government (Miscellaneous Provisions) Act 1976
- Statutory Taxi and Private Hire Vehicle Standards

Who is information shared with?

Information on those organisations with which information is shared can be sought directly from the Licensing Authority.

As an example, those organisations with which information is shared is as follows:

- Driving and Vehicle Licensing Agency (DVLA)
- Disclosure and Barring Service
- South Yorkshire Police and other police organisations
- Taxi Plus
- Home Office
- NR3 National Register of Taxi Licence Refusals and Revocations
- Department for Environment, Food and Rural Affairs (DEFRA)
- Other Licensing Authorities
- Other Council Services
- Any Other Service/Organisation as Referenced in the Town Police Clauses Act 1847, Local Government (Miscellaneous Provisions) Act 1976 and the Statutory Taxi and Private Hire Vehicle Standards.

How long will Information be kept for?

The information you provide will be kept for the duration of your licence, plus six years, after which time it will be deleted.

The information will be stored either in paper form and/or electronically on a secure council database.

In the event that your licence is revoked, or an application refused, information will be uploaded to the NR3 Register and the information kept for 25 years.

Your Rights

There are rights under Data Protection law. Further details about rights, contact details of our Data Protection Officer and your initial rights to make a complaint can be found on the Council's Privacy Notice webpage: www.sheffield.gov.uk/privacy.

Part 6 – Legislative Background

The Licensing Authority, in respect of regulating (administering and enforcing) hackney carriage and private hire drivers, adheres to the regulatory framework as set out in the Local Government (Miscellaneous Provisions) Act 1976 (Part II), the Town Police Clauses Act 1847, and the Statutory Taxi and Private Hire Vehicle Standards (2020).

The legislative frameworks contained in these Acts, the requirements of the statutory guidance, policy objectives set out in this document, and all other integrating legislation and guidance documents will be used in the regulation of hackney carriage and private hire drivers.

Town Police Clauses Act 1847

The Town Police Clauses Act 1847 is used by Sheffield City Council to regulate the hackney carriage industry.

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 to regulate the private hire and hackney carriage industry. The Act was adopted by Sheffield City Council at its meeting on Wednesday 1st March 1978.

A private hire driver's licence is issued 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.”

Statutory Taxi and Private Hire Vehicle Standards

The Statutory Taxi and Private Hire Vehicle Guidance (2020) aims to better regulate the taxi and private hire sector by introducing common core minimum standards. The focus is on protecting children and vulnerable adults, but it is recognised that all passengers will benefit from the recommendations contained within.

The Licensing Authority has a duty to ensure that any individual to whom they grant a licence is 'fit and proper'. When considering whether an individual is fit and proper, the guidance recommends asking the following question:

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

Part 7 – Fit and Proper Person Requirement

The Licensing Authority's primary objective is to protect the public. Individuals must therefore satisfy the Authority of their fit and properness.

The term 'fit and proper' has no legal definition; however, when deciding a person's fit and properness, the Licensing Authority will use a common-sense approach, judging each case on its own merits. The burden of proof lies with the individual proving they are 'fit and proper', not the Authority proving they are not.

All decisions on suitability are made on the balance of probabilities, meaning an individual will not be given the benefit of the doubt. Where an Officer or Committee is 50/50 as to whether the individual is 'fit and proper', a licence should not be granted. The threshold used is lower than for a criminal conviction and can therefore include information that goes beyond criminal convictions and unsubstantiated complaints, and which shows a pattern of behaviour.

The consideration to fit and properness extends beyond criminal convictions or other such evidence of unacceptable behaviour, the entire character of an individual will be considered, and this can include attitude and temperament.

Sections 51 and 59 of the Act states:

51 Licensing of drivers of private hire vehicles.

(1) ...a district council shall, on the receipt of an application from any person for the grant to that person of a licence to drive private hire vehicles, grant to that person a driver's licence:

Provided that a district council shall not grant a licence –

(a) Unless the applicant is a fit and proper person to hold a licence

and

59 Qualifications for drivers of hackney carriages.

(1) Notwithstanding anything in the Act of 1847, a district council shall not grant a licence to drive a hackney carriage –

(a) unless they are satisfied –

(i) that the applicant is a fit and proper person to hold a driver's licence

When considering an individual's 'fit and properness' the Licensing Authority will ask itself the following question:

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

If, on the balance of probabilities, the answer to the question is 'no', an individual **will not be granted a licence**.

Part 8 – Examinations, Tests and Application Requirements

The overarching aim of licensing is the **protection of the public**.

Individuals are required to demonstrate the aptitude and competencies required of a professional driver, in order that they carry out their role to the highest standard and enable those who live, visit and work in Sheffield to travel safely.

Whilst examinations and tests go some way to demonstrating fit and properness, the character of an individual is just as important and will be considered.

The Licensing Authority has established examinations, tests and requirements in order ascertain the suitability of individuals, as follows:

- Certificate in Introduction to the Role of the Professional Taxi and Private Hire Driver
- Safeguarding Training
- Disability Awareness Training
- Language Proficiency
- Knowledge Test
- Driving Test
- Age and Experience
- Enhanced DBS Check with Online Update Service
- Driver and Vehicle Licensing Agency Checks
- Medical Assessment
- Right to Work Documentation
- Tax Conditionality Check
- Checks made to the National Anti-Fraud Network database on Refusals and revocation of hackney carriage and private hire licences

Retaking Examinations, Tests and Training

Individuals that make an application for a licence between a period of one month and 12-months since the expiry of their last licence will be considered a new applicant, but will not be required to undertake further training, examinations or tests if already completed.

Individuals that make an application for a licence after a period of 12-months since the expiry of their last licence will be classed as a new applicant. They will not be required to undertake the *Certificate in the Introduction to the Role of the Professional Taxi and Private Hire Driver*, but will be required to undertake all other tests, examinations and training appropriate for new drivers.

Part 8.1 Certificate in Introduction to the Role of the Professional Taxi and Private Hire Driver

The Licensing Authority recognises the role that licensees play in Sheffield's transport provision.

Due to the nature of the role and the subsequent high demands and standards placed on licensees, the Licensing Authority requires individuals to undertake a nationally recognised qualification in respect of professional taxi and private hire driving.

Policy – Objective 1

Certificate in *Introduction to the role of the Professional Taxi and Private Hire Driver.*

The Licensing Authority requires individuals to undertake and pass a nationally recognised qualification as the first stage in application process.

The accepted qualification is the Certificate in *Introduction to the Role of the Professional Taxi and Private Hire Driver* and should include, as a minimum, the following modules:

- Health and Safety
- Road Safety
- Customer Service
- Vehicle Maintenance
- Regulatory Framework
- Providing Assistance
- Routes and Fares
- Luggage
- Transporting Children
- Safeguarding

The certificate must have been awarded within the last three years, and where it is not, an individual must be able to demonstrate that they have undertaken suitable refresher training, the content of which will be determined by the Licensing Authority.

Alternative qualifications may be accepted in exceptional circumstances, but they must cover, as a minimum, the mandatory modules and be to an equivalent standard and be accredited by a registered exam body, such as Edexcel. Each case will be judged on its individual merits.

Qualifications will only be accepted whereby they have been awarded by a reputable training provider and are registered and approved by Ofqual. The training provider must be able to demonstrate that they have in place an effective Quality Assurance Framework, and that the framework covers all elements of:

- Training
- Verification
- Assessment
- Certification Process

Unregulated qualifications will not be recognised, and the Authority reserves the right to refuse to accept a certificate or qualification whereby the authenticity or the quality of any part of the process that lead to the certificate being issued is called in to question. Further information can be sought from Ofqual: <https://register.ofqual.gov.uk/>

Licensees can play an important role in spotting and reporting abuse, exploitation or neglect of children and vulnerable adults.

However, this is only the case if they are aware of and alert to the signs of potential abuse and know where to turn to if they suspect that a child or vulnerable adult is at risk of harm or is in immediate danger.

Policy – Objective 2

Safeguarding Training

Individuals are required to undertake approved safeguarding training.

Training will help individuals to:

- provide a safe and suitable service to vulnerable passengers of all ages
- recognise what makes a person vulnerable
- understand how to respond, including how to report safeguarding concerns and where to get advice

As a minimum, the training will involve:

- Introduction to safeguarding: what safeguarding is and how it is relevant to the role of the taxi driver/operator
- Clarification of what the driver/operator safeguarding responsibilities are – duty of care, licensing policy requirements, code of safeguarding conduct
- Exploration of what can make a person vulnerable: including:
 - Physical
 - Sexual
 - Psychological
 - Institutional
 - Organisational
 - Financial or material
 - Discriminatory
 - Neglect / Self Neglect
 - Forced Marriages
 - Hate Crime/ Mate Crime
 - Radicalisation
 - Domestic Violence
 - Female Genital Mutilation
 - Modern Slavery
 - Honour Based Violence
 - Criminal/Sexual Exploitation
- Discussion about what criminal exploitation is and what sexual exploitation is: how it involves children and vulnerable adults and how it can involve the taxi and private hire trade
- Examples of situations when a driver/operator might recognise signs that a passenger is at risk
- Local information about how to report safeguarding concerns
- Discussions about the nature of the driver's working environment and customer behaviour
- The Code of Conduct
- Guidance about how drivers should respond to inappropriate behaviour of passengers
- Guidance about how drivers should respond to passengers who are distressed or suicidal
- Guidance about disclosures of abuse and confidentiality
- The importance of reporting concerns
- Providing transport to social care – contract work, working in partnership with residential homes

Safeguarding awareness training will also include the ways in which individuals can help to identify county lines exploitation, including:

- Children and young people travelling in taxis or private hire vehicles alone
- Travelling at unusual hours (during school time, early in the morning or late at night)
- Travelling long distances
- Unfamiliar with the local area or do not have a local accent
- Paying for journeys in cash or prepaid

New applicants are required to undertake training before making an application. A certificate confirming the undertaking and completion of training is required.

Existing licensees that have not yet undertaken training will have 12 months from the implementation of this policy to complete. A certificate or other such information confirming the undertaking and completion of the training is required.

Individuals that have undertaken the *Certificate in Introduction to the Role of the Professional Taxi and Private Hire Driver*, including the approved safeguarding module, will be exempt from undertaking the training again. A certificate proving the undertaking and completion of the training is required.

Individuals that have undertaken approved safeguarding training through an approved provider are exempt from undertaking the training again. A certificate proving the undertaking, completion and pass of this module is required.

Qualifications will only be accepted where they have been awarded by a reputable training provider and have been approved by the Sheffield Children Safeguarding Partnership and Licensing Authority. The training provider must be able to demonstrate that they have in place an effective Quality Assurance Framework, and that the framework covers all elements of:

- Training
- Verification
- Assessment
- Certification Process

Qualifications not approved by Sheffield Children Safeguarding Partnership will not be recognised and the Authority reserves the right to refuse to accept a certificate or qualification whereby the authenticity or the quality of any part of the process that lead to the certificate being issued is called in to question.

Licensees have a responsibility to ensure that passengers are transported safely and securely and that all disabled people are treated equally and fairly.

To understand the requirements and expectations placed upon them, licensees are required to undertake disability awareness training.

Policy – Objective 3

Disability Awareness Training

Individuals are required to undertake approved disability awareness training.

Training will help individuals to:

- Ensure disabled passengers are transported safely and securely
- Ensure disabled passengers are treated equally and fairly
- Develop an understanding of the types of disabilities individuals are likely to engage with
- Understand the journey from the perspective of the disabled passenger
- Understand the legal, moral, and financial responsibilities

As a minimum, the training should include:

- What are disabilities
- Definition of disabilities
- Classification of disabilities as defined by the World Health Organisation
- The law and what is expected
- Health and Safety at Work Act
- Equality Act 2010
- Passengers in wheelchairs and the correct use of equipment
- Wheelchair passport scheme
- Assisting passengers
- Non-mobility disabled passengers
- Assistance dogs
- Duty to provide a reasonable service

New applicants are required to undertake the training before making an application. A certificate confirming the undertaking and completion of the training is required.

Existing licensees that have not yet undertaken training will have 12 months from the implementation of this policy to complete. A certificate or other such information confirming the undertaking and completion of the training is required.

Individuals that have undertaken approved training through an approved provider are exempt from undertaking the training again. A certificate proving the undertaking, completion and pass of this module is required.

Qualifications will only be accepted where they have been awarded by a reputable training provider and have been approved by the Licensing Authority. The training provider must be able to demonstrate that they have in place an effective Quality Assurance Framework, and that the framework covers all elements of:

- Training
- Verification
- Assessment
- Certification Process

Qualifications not approved by the Licensing Authority will not be recognised and the Authority reserves the right to refuse to accept a certificate or qualification whereby the authenticity or the quality of any part of the process that lead to the certificate being issued is called in to question.

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A lack of language proficiency may impact on an individual's ability to understand written documents, such as policies and guidance, or simply the ability to communicate with passengers to discuss a route or fare.

Policy – Objective 4

Language Proficiency

The Licensing Authority requires all individuals to be able to read, write, speak, and listen to English at an appropriate level. 'Appropriate' in this sense means individuals should be able to easily:

- Read and understand policy documents
- Read and understand licensing conditions
- Read and respond to regulatory and safety information sent by the Licensing Authority
- Write to the Licensing Authority to inform of changes to health or inform of any criminal convictions etc.
- Communicate with passengers to discuss routes or fares etc.
- Ability to identify potential exploitation through communication with passengers

Individuals are required to satisfy the English language requirement. This applies to new applicants as well as existing licensees.

The Required Level of English

The required level of English is that to which is equivalent to the standard expected in the early years of secondary school education, allowing understanding and the ability to deal with most situations likely to occur in the course of a job as a driver.

Requirement for Undertaking a Test

The Authority requires individuals to undertake and pass an English language test with an approved provider or provide the Authority with information about previous qualifications that satisfy the required standard.

Those individuals that are required to undertake a test can do so as many times as is required.

Evidence

The Licensing Authority will accept qualifications that evidence a certain level of competency has been achieved. The subject of any such qualification does not matter, so long as it was taught in English. Examples of what the Licensing Authority will accept:

- UK GCSE (or equivalent) Certificate at grades A* - G
- UK AS-Level or A-Level Certificate
- UK NVQ, BTEC or City & Guilds qualification, with confirmation from the awarding body that the qualification provided is equivalent to GCSE or above. (The *Certificate in Introduction to the role of the Professional Taxi and Private Hire Driver* is acceptable)
- UK BA Hons, BSc Hons Degree
- UK Master's Degree or PhD
- UK HNC or HND Qualification
- SELT Certificate at B1 level or higher, issued by Pearson, or IELTS showing proficiency in reading, writing, speaking, and listening.

Where secondary school education has been completed in the UK, or where secondary school education has been taught and examined in English, that level of English will be sufficient.

Individuals will be required to provide original certificates where appropriate to prove the standard has been achieved. Where individuals no longer have the certificate(s), copies or a certified statement of results should be requested from the exam board. The four awarding exam bodies accredited to offer GCSE's are: AQA, OCR, WJEC and Edexcel.

Qualifications gained outside of the UK

The Authority will accept other means of individuals demonstrating the required standard has been met.

Secure English Language Test

Secure English Language Tests (SELT) are required by the Home Office for individuals wishing to settle in the UK. The Authority will accept a SELT certificate in reading, writing, speaking, and listening as proof that the level of English is sufficient.

Pearson's SELT qualification will be accepted by the Authority as evidence of meeting the English language requirement.

IELTS Academic and General Training tests are also both accepted by the Authority as evidence of meeting the English language requirement.

Individuals must satisfy the Authority of their ability to meet the requirement by providing:

- A Certificate confirming that the individual's level of proficiency in the English language is at level B1 on the Common European Framework of Reference for languages (CEFR) or above; or
- Documentary evidence of a qualification based on which the Authority is satisfied of the individual's level of proficiency in the English language is equivalent to level B1 on the CEFR or above.

A Non-UK qualification which was taught and examined in English

Where an individual has been educated in English outside of the UK to the equivalent of GCSE level or above, the Authority will accept this as an appropriate standard. The original certificate must be provided to demonstrate the standard achieved and evidence that the qualification was taught in English – a letter (written in English) from the teaching/examination institution is sufficient for this purpose.

A qualification in English as a second language or as a foreign language

English for speakers of other languages (ESOL) qualifications are designed to assess the English language skills of those who don't have English as a first language.

Where individuals can evidence the completion of an ESOL or English as a Foreign Language (EFL) qualification at a recognised institution, proving proficiency in reading, writing, speaking and listening, the Authority will accept as sufficient. Individuals are required to provide the original qualification certificate.

Not all ESOL and EFL qualifications are acceptable, but some examples of certificates that are considered as proof of the English language requirements are:

- ESOL Skills for Life (Entry Level sub-level 3, Level 1, Level 2)
- Functional Skills qualifications in English (Entry Level sub-level 3, Level 1, Level 2)

The Licensing Authority requires individuals to have detailed knowledge of the district with which they primarily operate. They should not have to rely on electronic satellite navigation devices and should be able to navigate around the city independently.

Additionally, the Authority requires individuals to have knowledge of licensing conditions, policies, safeguarding and other such matters essential to the role.

Individuals must therefore undertake and pass a knowledge test to demonstrate their understanding and to satisfy the Authority of their suitability and fit and properness.

Policy – Objective 5

Knowledge Test

The Licensing Authority requires individuals to undertake and pass a knowledge test to ensure that they have sufficient knowledge in:

- Routes
- Places of Interest
- Highway Code
- Road Safety
- Safeguarding

It is an individual's responsibility to undertake research and ensure they have sufficient knowledge to be able to undertake the test.

A non-refundable fee, as set by the Authority, is required for each test undertaken.

Individuals that fail three successive knowledge tests will be required to wait a period of not less than six months (from the date of the most recent failure) before reapplying.

Individuals that fail a test must pay a resit fee prior to the subsequent test date and any applicant cancelling the test with less than 72 hours' notice will not be eligible for a refund.

Individuals must make a full application within 12 months of passing the test. Those individuals that fail to do so will be required to retake.

The Licensing Authority expects individuals to have a better than average standard of driving and to be able to transport passengers in comfort and safety.

The Authority therefore requires individuals to undertake and pass a driving test in order to demonstrate that they can drive to a prescribed standard and to satisfy the Authority of their suitability and fit and properness.

Policy – Objective 6

Driving Standards Examination

Individuals 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.

The Licensing Authority therefore requires individuals to undertake and pass a driving standards test carried out by a qualified driving standards examiner at Sheffield City Council's Transport Department.

Assessments will include any three of the following manoeuvres:

- Emergency stop
- Left Hand Reverse
- Right Hand Reverse
- Turn in the Road
- Reverse Park

Individuals 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 is required for each test undertaken.

Those individuals that fail three successive driving tests will be required to wait a period of not less than six months (from the date of the most recent failure) before reapplying.

Individuals that fail a test must pay a resit fee prior to the subsequent test date and any individual cancelling the test with less than 72 hours' notice will not be eligible for a refund.

Individuals must make a full application within 12 months of passing the test. Those individuals that fail to do so will be required to retake.

Part 8.7 Age and Experience

The Licensing Authority considers age and experience as an important factor in judging suitability.

The Authority must be satisfied that individuals have appropriate experience and knowledge of driving a motorised vehicle and are able to cope with the demands of the role.

Policy – Objective 7

Age and Experience

It is expected that individuals, 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 12 months at the time of a licence being granted.

A criminal record check is seen as a fundamental tool in assessing an individual's fit and properness.

In assessing fit and properness, the Authority will look at any and all convictions contained within the DBS Check and review against the Fit and Proper Threshold.

The Fit and Proper Threshold is referenced within this section and pays particular attention to:

- Crimes resulting in death
- Exploitation
- Offences involving violence
- Possession of a weapon
- Sex and indecency offences
- Dishonesty
- Drugs
- Discrimination
- Motoring convictions
 - Drink driving
 - Driving under the influence of drugs
 - Using a hand-held telephone or hand-held device whilst driving

Policy – Objective 8

Disclosure and Barring (DBS) Checks

Individuals are required to apply for an Enhanced Disclosure Certificate with Barred List checks through the Disclosure and Barring Service (DBS).

The disclosure will reveal any unspent convictions recorded on the Police National Computer (PNC) and identify those individuals barred from working in a regulated activity with children or adults. The Authority will consider any and all convictions detailed.

In the interests of public safety, the Authority will not issue a licence to any individual that appears on either the children's or adult's barred list, unless there are exceptional circumstances. Where the Authority consider there to be exceptional circumstances which means that, based on the balance of probabilities, they consider an individual named on the barred list to be 'fit and proper', reasons for reaching the decision will be recorded.

Licensees are required to evidence continuous registration with the DBS Update Service to enable the Authority to routinely check for new information every 6 months. Any notified changes that result in the certificate not being up to date will result in the licensee needing to apply for a new DBS certificate. Where an individual has failed to subscribe to the Update Service, they will still be subject to a check every six months.

Where the Authority is unable to routinely check for information every six months, either by way of the DBS Update Service or through an up-to-date (issued within 1 month of the required check) DBS certificate, the licence will be suspended until such time that a check can be undertaken.

Part 8.9 - Overseas Convictions

Where an individual has lived outside of the UK for a period of three or more continuous months, they will be required to supply a 'Certificate of Good Character' or criminal records information.

Further information on applying for overseas criminal record information or 'Certificates of Good Character' can be found in Home Office Guidance.

Where an individual is aware that they have committed an offence overseas which may be equivalent to those listed in the Fit and Proper Threshold, they should seek independent expert or legal advice to ensure they provide information that is truthful and accurate.

Part 8.10 Licensee Self-Reporting

Individuals are required to self-report relevant information to the Licensing Authority.

Policy – Objective 9

Licensee Self-Reporting

Individuals are required to notify the Licensing Authority within 48 hours of any arrest, charge or conviction of a sexual offence, offence involving dishonesty or violence, and any motoring offence.

Additionally, individuals are required to notify the Authority within 48 hours of any arrest, charge or convictions involving, but not limited to:

- Crimes resulting in death
- Exploitation
- Offences involving violence
- Possession of a weapon
- Drugs
- Discrimination

Any arrest, charge or conviction will result in a review of a licence to ascertain whether the individual continues to be 'fit and proper'.

Any failure by an individual to disclose an arrest might be seen as behaviour that questions honesty and therefore the suitability of a licence holder, regardless of the outcome of the initial allegation.

Part 8.11 Common Law Police Disclosure

Information held by the local police and which they deem to be reasonably relevant to the role of a driver, and any information or intelligence obtained from other credible sources to that which is already held on an applicant's record, will be used by the Authority in assessing fit and properness.

In disclosing information, the police will look at the reasonable basis of credibility and that which is specifically related to the occupation in question. This may include unproven allegations or charges for which an applicant or licensee has been acquitted. The information may show that an individual acted in a way that is incompatible with that of a licensee.

Complaints, and other sources of information such as those from other council services and which show a pattern of behaviour not befitting to that of a licensee, will be considered.

All available information will be considered in assessing fit and properness. Information that shows a tendency to behave in a way that does not constitute fit and properness will be made on the civil standard of proof, that being the balance of probabilities.

Part 8.12 Sharing Licensing Information with Authorities and Police

Individuals are required to disclose if they hold or have previously held a licence with another authority. Additionally, an individual is required to disclose if they have had an application for a licence refused, or a licence revoked or suspended by any other licensing authority.

The Licensing Authority will use the National Anti-Fraud Network Register (NR3) as a way to share information on a consistent basis and mitigate the risk of non-disclosure of relevant information by individuals.

Where the Licensing Authority receives information that an individual did not disclose information, for example by checking the NR3 register, the Authority will consider whether the non-disclosure represents dishonesty and will review whether the individual is fit and proper.

Any action taken by the Licensing Authority as a result of information received by the police will be fed back to them in order to aid the quality of the information available to all parties that have a safeguarding duty. Additionally, any such revocation or refusal on public safety grounds will be advised to the police.

Part 8.13 Relevance of Convictions, Cautions, Reprimands, Warnings and Complaints

In determining applications, the Authority will make a decision on an individual's fit and properness, assessing:

- Convictions
- Cautions
- Reprimands
- Warnings
- Any other relevant information provided by the police and other relevant authorities.

Particular attention will be paid to:

- The class of the offence
- The age of the offence
- The number and frequency of the offences; and
- The apparent seriousness of the offence, as determined by the Authority

A criminal conviction is not a bar to obtaining a licence, but where offences are recorded, specifically those referenced in the Fit and Proper Threshold, the application will be determined by the Licensing Committee.

In reviewing offences, the Authority will pay particular attention to:

- Any term of imprisonment or custody; any conviction and/or Caution for:
 - Crimes resulting in death
 - Exploitation
 - Offences involving violence
 - Possession of a weapon
 - Sex and indecency offences
 - Dishonesty
 - Drugs
 - Discrimination
 - Motoring offences
- Any offence contrary to hackney carriage and private hire legislation.

Part 8.14 Fit and Proper Threshold

Legislation specifically includes offences including dishonesty, indecency, and violence as a determining factor when assessing a person's fit and properness.

In addition to specified offences, the Authority will take into account:

- Crimes Resulting in Death
- Exploitation
- Offences Involving Violence
- Possession of a Weapon
- Sex and Indecency Offences
- Dishonesty
- Drugs
- Discrimination
- Motoring Convictions
- Drink Driving/Driving Under the Influence of drugs/using a hand-held telephone or hand-held device whilst driving
- Safeguarding complaints

Any convictions or unacceptable behaviour will have a negative impact and will weigh heavily against an individual.

Where an individual has one or more conviction and where this shows a pattern or tendency irrespective of the time since the conviction, the Authority will give serious consideration as to the fit and properness. Where a conviction is listed on the Fit and Proper Threshold, that individual will be automatically referred to the Licensing Committee.

The Fit and Proper Threshold sets out time periods that are expected to have elapsed following completion of the sentence or offence.

The Authority will assess each case on its own merits, but the criteria set down in the Fit and Proper Threshold will be considered in the determination of a licence, only in truly exceptional circumstances will the criteria be deviated from.

Fit and Proper Threshold

The Fit and Proper Threshold

Crimes Resulting in Death	Where an individual has been convicted of a crime which resulted in the death of another person or was intended to cause the death or serious injury of another person, they will not be licenced.
Exploitation	Where an individual has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment of another individual irrespective of whether the victim or victims were adults or children, they will not be licenced. This includes, but is not limited to, slavery, child sex abuse, exploitation, grooming, psychological, emotional or financial abuse.
Offences Involving Violence Against the Person	Where an individual has a conviction for an offence of violence against the person, or connected with any offence of violence, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.
Possession of a Weapon	Where an individual has a conviction for possession of a weapon or any other weapon related offence, a licence will not be granted until at least 7 years has elapsed since the completion of any sentence imposed.
Sex and Indecency Offences	Where an individual has a conviction for any offence involving or connected with illegal sexual activity or any form of indecency, a licence will not be granted. In addition, a licence will not be granted to any individual who is currently on the Sex Offenders Register or on any barred list.
Dishonesty	Where an individual has a conviction for any offence of dishonesty, or any offence where dishonesty is an element of the offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.
Drugs	<p>Where an individual has any conviction for, or related to, the supply of drugs, or possession with intent to supply or connected with possession with intent to supply, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.</p> <p>Where an individual has a conviction for possession of drugs, or related to the possession of drugs, a licence will not be granted until at least 5 years have elapsed since the completion of any sentence imposed. In these circumstances, any individual may also have to undergo drugs testing for a period at their own expense to demonstrate that they are not using controlled drugs.</p>

Discrimination	Where an individual has a conviction involving or connected with discrimination in any form, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.
Motoring Convictions	<p>Individuals with multiple motoring convictions may indicate that the individual does not exhibit the behaviours of a safe road user and one that is suitable to drive professionally.</p> <p>Drink driving or driving under the influence of drugs</p> <p>Where an individual has a conviction for drink driving or driving under the influence of drugs, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence or driving ban imposed.</p> <p>In the case of driving under the influence of drugs, any individual may also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.</p> <p>Driving whilst using a hand-held mobile phone or a hand-held device whilst driving</p> <p>Where an individual has a conviction for using a hand-held mobile telephone or a hand-held device whilst driving, a licence will not be granted until at least 5 years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later.</p> <p>Other motoring offences</p> <p>A minor traffic or vehicle related offence is one which does not involve loss of life, driving under the influence of drink or drugs, driving whilst using a mobile phone, and has not resulted in injury to any person or damage to any property (including vehicles).</p> <p>Where an applicant has 9 or more points on their DVLA licence for minor traffic or similar offences, or has committed and been convicted of three or more offences in an 18-month period or in the term of their licence, whichever is longest, a licence will not be granted until at least 5 years have elapsed since the completion of any sentence imposed.</p> <p>A major traffic or vehicle related offence is one which is not covered above and also any offence which resulted in injury to any person or damage to any property (including vehicles). It includes, but is not limited to:</p> <ul style="list-style-type: none"> • 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)
- Insurance offences (IN10, IN12, IN14)

Where an individual has a conviction for a major traffic offence or similar offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

Hackney Carriage and Private Hire Offences

Where an individual has a conviction for an offence concerned with or connected to hackney carriage or private hire activity (excluding vehicle use), a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

Vehicle use offences

Where an applicant has a conviction for any offence which involved the use of a vehicle (including hackney carriages and private hire vehicles), a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

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Part 8.15 Medical Assessment

The Licensing Authority recognises the importance of physical and mental fitness in individuals transporting members of the public.

Licensed individuals are on the road for longer hours than most other road users, may have to assist disabled passengers, handle heavy pieces of luggage and work unsociable hours.

Policy – Objective 10

Medical Assessment

The Licensing Authority requires individuals to undertake and pass a Group 2 Medical Fitness examination as recommended by the DVLA.

Group 2 Medical Fitness Standards are those applied to bus and lorry drivers and are seen as the appropriate standard for hackney carriage and private hire drivers. Group 2 medical categories include, but are not limited, to:

- Neurological Disorders
- Cardiovascular Disorders
- Diabetes Mellitus
- Psychiatric Disorders
- Drug or Alcohol Misuse or Dependency
- Visual Disorders
- Renal and Respiratory Disorders
- Miscellaneous Conditions

Individuals are required to provide a completed medical assessment, supplied by the Council, and completed by their own General Practitioner (GP) on initial application.

A further medical assessment completed by an individual's own GP will be conducted at 45 years of age and every five years thereafter, until 65 years of age, when they will be undertaken annually. Where recommended by the GP, an individual may be required to undergo tests on a more frequent basis.

In exceptional circumstances, and with prior agreement from the Licensing Authority, a medical assessment may be carried out by another registered GP practice, but only if the individual's medical history has been viewed and assessed, and the GP carrying out the medical examination confirm that they have viewed the applicant's full medical history. The GP must be approved by the Licensing Authority. A list of approved practitioners will be provided by the Authority.

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

Individuals who are required to undertake additional tests as part of the assessment, such as an Exercise ECG Treadmill Test, will be required to supply completed test results, report information and any such certificates that have been signed and administered by a registered professional.

Individuals must inform the Authority of any deterioration or other such changes in health that may affect their driving capabilities.

Where the Authority is in any doubt as to the medical fitness of an individual or where the individual's health has deteriorated, the individual may be required to undergo, pass, and pay for a further medical examination.

Part 8.16 Medical Exemptions

Licensees have a legal duty, mandated under the Equality Act 2010, to carry guide, hearing and other prescribed assistance dogs in their vehicles without additional charge.

Furthermore, the Equality Act 2010 mandates licensees of designated vehicles to carry passengers in their wheelchair, provide them with appropriate assistance and not charge them extra for doing so.

Policy – Objective 11

Exemption Certificates

The Licensing Authority requires individuals to comply with all aspects of the Equality Act 2010, and in this respect, individuals must carry guide, hearing and other prescribed assistance dogs in their vehicle, as well as, where appropriate, provide support to passengers in wheelchairs, including providing them with appropriate assistance and not charge them extra for doing so.

The Equality Act allows the Local Authority to grant exemptions from certain duties within the Act, including:

- Carrying Assistance Dogs in Taxis
- Providing Assistance to Passengers in Wheelchairs

The Licensing Authority will therefore issue exemption certificates where appropriate and in line with the provisions of the Act.

Section 169 Exemption Certificate (Assistance Dogs in Taxis)

Individuals who have a medical condition which is aggravated by exposure to dogs may apply to the Licensing Authority for an exemption, under Section 169 of the Act on the basis of medical grounds.

In order for the Authority to grant an exemption, the licensee must provide evidence from their own GP or a GP registered with the Licensing Authority.

Where the application is successful, an exemption certificate will be issued and should be exhibited in the vehicle by fixing it, facing outwards, either on the windscreen or in a prominent position on the dashboard. An exemption certificate is valid:

- In respect of a specified taxi or a specified kind of taxi
- For such a period as is specified in the certificate

Section 166 Exemption Certificate (Passengers in Wheelchairs)

Individuals can apply for an exemption to assist passengers in wheelchairs, under Section 166 of the Act on the basis of medical grounds or on the ground that the person's physical condition makes it impossible or unreasonably difficult for the person to comply with those duties.

In order for the Authority to grant an exemption, the licensee must provide evidence from their own GP or a GP registered with the Licensing Authority.

Where the application is successful, an exemption certificate will be issued and should be exhibited in the vehicle by fixing it, facing outwards, either on the windscreen or in a prominent position on the dashboard.

Individuals are required to evidence that they are legally entitled to work in the United Kingdom.

The Authority has taken direction from the Home Office on documents and processes acceptable in confirming an individual's eligibility to work in the UK.

Policy – Objective 12

Right to work Documentation

The Licensing Authority will conduct either a physical document check or an online check to establish a right to work.

Manual Right to Work Check (Physical Check)

To perform a physical check, individuals must provide original documents from a list of acceptable documents.

Examples of acceptable documents are:

- Current or expired passport
- Biometric Immigration Document
- Immigration Status Document
- Birth Certificate
- Positive Verification Notice

This list is not exhaustive and other documents may be accepted. Full guidance can be obtained from the Home Office at: [Right to work checks: an employer's guide - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/guidance/right-to-work-checks-an-employer-s-guide)

Online Check

An online check can be undertaken for those individuals who hold any of the following documents:

- Biometric Residence Permit
- Biometric Residence Card or status issued under the EU Settlement Scheme or status issued under the points-based immigration system
- British National Overseas (BNO) visa
- Frontier Worker permit

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

Part 8.18 – Tax Conditionality Checks

Individuals are required to evidence that they have undertaken a tax check.

The Authority has taken direction from HM Revenue & Customs on the process of undertaking Tax Conditionality Checks.

Policy – Objective 13

Tax Conditionality Checks

Individuals will be required to meet new rules on applying for a Hackney Carriage Vehicle Licence on or after 4th April 2022.

Those individuals who make an application to renew a licence on or after 4th April 2022 will need to complete a tax check.

A tax check must be carried out by the individual – the Licensing Authority is unable to undertake on the individual's behalf.

The tax check asks questions about how an individual pays tax on income earned from the licensed trade.

As part of the renewal application process, individuals are required to provide the Licensing Authority with required information for a tax check to be carried out.

Failure to provide the required information will result in an incomplete application and the licence will not be renewed.

Full guidance about how to complete a taxi check will be published in January 2022 and further information can be found by visiting:

Changes for taxi, private hire or scrap metal licence applications from April 2022 - GOV.UK (www.gov.uk)

Part 9 – Hackney Carriage and Private Hire Driver’s Licence

The Licensing Authority requires individuals, before making an application, to have completed all the pre-requisite requirements and to have provided all necessary documents.

Policy – Objective 14

Licence

The Licensing Authority will issue a licence where fit and properness has been evidenced.

The Licensing Authority will, in normal circumstances, issue a dual licence, allowing individuals to drive both a private hire and hackney carriage vehicle.

The Licensing Authority will, in normal circumstances, issue a licence for the period applied for, this being either one, two, or three years. Where circumstances necessitate, the application may be referred to the Licensing Committee for determination.

Part 10 – Safeguarding Children and Vulnerable Adult Passengers

The Licensing Authority requires individuals, throughout the time they are licensed, to comply with the Council's Code of Good Safeguarding Conduct and to demonstrate due diligence. This involves taking reasonable steps in order to protect vulnerable passengers or avoid committing an offence. It is therefore important that vulnerable passengers are safely transported and safeguarded when using public transport, especially within private hire and hackney carriage vehicles which provide a more discrete service.

There are many reasons that a passenger may be vulnerable. A vulnerable person is a person of any age, ethnicity, gender or social class, who is at risk of harm. This includes children and young people and may include adults, for example if they are under the influence of alcohol or drugs or have other needs such as:

'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'.

Policy – Objective 15

Safeguarding Children and Vulnerable Adult Passengers

It is an expectation that individuals report their safeguarding concerns about children and vulnerable passengers to the relevant authority, such as the police or social services.

If an incident occurs involving a child or vulnerable passenger, it is expected that the individual or operator should inform the Licensing Authority as soon as possible; this may assist the individual to demonstrate due diligence in the case of a complaint being made regarding the incident.

Safeguarding complaints and breach of the Code of Good Safeguarding Conduct are regarded as a serious matter. Information about complaints and safeguarding matters will be fed into a centralised reporting and recording system in order to ensure appropriate steps are taken and may be shared with other relevant authorities.

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

- Reporting concerns about children or other 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. **Individuals 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, or radicalised language, or engage in conversations of a personal or intimate nature)
 - Behave in a way that makes a passenger feel intimidated or threatened
 - Attempt to misuse information obtained via the business, about a child/vulnerable person (for example, disclosing the confidential information of a passenger, or privately communicating with a child or vulnerable adult such as: at their address, via social media, via mobile telephone) or otherwise misusing information obtained as part of placing a booking, or information which was obtained by any other aspect of the business

Part 11 - Plying for Hire

The Licensing Authority plays an integral role to the success of the night-time economy, specifically in regard to transportation services. When other forms of transport have ceased, it is the hackney carriage and private hire trade that continue to service public demand.

With private hire licensing there comes an increased chance in plying for hire activities which disrupts the lives of service users and residents.

There are key dangers to the public regarding licensed drivers illegally plying for hire. These include, but are not limited, to:

- Plying for hire can invalidate insurance
- Plying for hire reduces the chances of detecting offenders in the event of inappropriate behaviour or the committing of a crime
- Individuals that are unlicensed or licensees that have had their licence suspended are far more likely to escape enforcement action
- The charging regime of private hire operators is undermined, and licensees may demand unreasonable sums of money for relatively short journeys
- The hackney carriage trade being unable to ply their trade effectively

Policy – Objective 16

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 and/or complaints received by the public and licensees) use licensing officers as covert passengers, therefore enabling a greater prospect of taking legal action.

The Licensing Authority will apply the following in regard to plying for hire:

- Where a licensee is found to be plying for hire, and there is evidence to support a conviction, the licensee will be immediately suspended and referred to the Licensing Committee
- Unless there are exceptional circumstances, the licensee should expect to have any licenses immediately revoked and/or any application for a licence refused
- Where a licensee is found to be plying for hire, and there is sufficient evidence, the Licensing Authority will submit a file for legal proceedings
- The Licensing Authority will endeavour to recover the costs of prosecution from those convicted to reduce the financial burden on licensees who operate within the law

The licensee has the right of appeal to the Magistrates Court on any decision made.

Where a licensee has been convicted of plying for hire, they will normally not be granted a licence for a period of not less than 7 years from the date of conviction/ licence revocation, whichever is the most recent.

Where a licensee has been convicted of plying for hire for a second time, they will normally not be granted a licence for period of not less than two years from the original date of conviction/licence revocation, whichever is the most recent.

Where a licensee has illegally plied for hire, has been convicted and/or had their licence revoked, and wish to make a new application, they will be treated as a new applicant and will be required to retake all tests and examinations as identified in part 8 of this policy.

Part 12 – Byelaws

Sheffield City Council's Byelaws are made under Section 68 of the Town Police Clauses Act 1847 and Section 171 of the public Health Act 1875 and are with respect to hackney carriages and hackney carriage drivers within Sheffield.

The Byelaws can be found at Appendix C of this policy.

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Part 13 – Hackney Carriage and Private Hire Driver’s Conditions

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 following mandatory conditions form part of all hackney carriage and private hire driver’s licenses and should be always observed; failure to do so may result in the licence being referred directly to the Licensing Committee for review.

Following the determination of an application by the Licensing Committee, additional conditions may be imposed, so long as they are reasonably necessary.

Mandatory Conditions

Definitions

'The Council'	Refers to Sheffield City Council
'The District'	Refers to the district of Sheffield
'The Act'	Refers to the Local Government (Miscellaneous Provisions) Act 1976
'Private Hire Vehicle'	Refers to the same meaning as in The Act
'Vehicle'	Refers to a licenced vehicle
'Operator'	Refers to a person who has been granted a private hire operator's licence issued by the Council under Section 55 of The Act
'Premises'	Refers to the private hire operator's place of business for the purpose of operating vehicles
'Authorised Officer'	Refers to any officer of the Council authorised in writing by the Council for the purpose of regulating private hire legislation
'Statutory Guidance'	Statutory Taxi and Private Hire Vehicle Standards

1. Driver's Licence

The licensee must not assign or any way part with the benefit of the licence which is personal to the licensee to which it has been assigned.

2. Driver Conduct

- | | |
|-----|---|
| a.) | The licensee must comply with the Licensing Authority's Code of Conduct in relation to working with children and vulnerable passengers. |
| b.) | The licensee must take particular care with unaccompanied children and vulnerable adults. The licensee must remain alert to safeguarding matters related to children and vulnerable adults. |
| c.) | The licensee must at all times conduct themselves in a professional manner, and in any case provide reasonable help to any person hiring or being conveyed in the vehicle. |
| d.) | The licensee must afford all reasonable assistance with passenger luggage as required at the commencement and conclusion of the journey. |
| e.) | The licensee must afford all reasonable assistance to disabled passengers and help to load and unload wheelchairs where required. |
| f.) | The licensee must take all reasonable steps to ensure the safety of passengers entering or conveyed in or alighting from the vehicle, especially those passengers with a disability. |
| g.) | The licensee must not smoke, vape or take any other such substance in the vehicle at any time. |
| h.) | The licensee, whilst transporting passengers for the purposes of hire and reward, must not drink or eat in the vehicle, or play any radio or sound reproducing instrument or equipment in the vehicle other than for the sending and receiving of messages in connection with the operation of the vehicle. In any case, the licensee must conform to all road traffic regulations. |
| i.) | The licensee must, at all times, ensure the vehicle is maintained in a roadworthy and clean condition. |
| j.) | The licensee must display in the vehicle information on how a complaint to the Licensing Authority can be made. |
| k.) | The licensee must ensure that all required vehicle markings, signs and notices are legible and do not become concealed from public view. |
| l.) | The licensee must not, when driving a licensed vehicle for the purposes of hire and reward, tout or solicit on a road or other public place |
| m.) | The licensee must not, when driving a licensed private hire vehicle for the purposes of hire and reward, offer for immediate hire when the vehicle is on a road or other public place, other than is transmitted to them by a licensed private hire operator. |
| n.) | The licensee shall not cause or allow to be conveyed in a vehicle a greater number of persons, not including the driver, than that specified on the licence. |
| o.) | The licensee must comply with the Code of Good Safeguarding Conduct, which includes: |

	<ul style="list-style-type: none"> • 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
p.)	The licensee shall observe anti-idling legislation, local policy and byelaws.

3. Driver's Badge

a.)	The licensee must all times, when driving a licenced vehicle for the purposes of hire and reward, wear the driver's badge as issued by the Licensing Authority, in a prominent and visible place.
b.)	The licensee must at all times, when driving a licenced vehicle for the purpose of hire and reward, display in the vehicle (in clear view of the passengers) their driver identification as issued by the Licensing Authority.
c.)	The driver's badge remains the property of the Licensing Authority.
d.)	Where a licence has been suspended or revoked or where the licence becomes invalid for any other reason, the badge (and accompanying licence) must be returned to the Licensing Authority within 1 working day.

4. Convictions, Cautions and Arrests

	<p>The licensee is required to notify the Authority within 48 hours of any arrest, charge or conviction of a sexual offence, offence involving dishonesty or violence, and any motoring offence.</p> <p>Additionally, the licensee is required to notify the Authority within 48 hours of any arrest, charge or convictions involving, but not limited to:</p> <ul style="list-style-type: none"> • Crimes resulting in death • Exploitation • Offences involving violence • Possession of a weapon • Drugs • Discrimination
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5. Medical Conditions

a.)	The licensee must notify the Licensing Authority in writing and without undue delay of any change in medical condition.
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b.)	The licensee must comply with the requirement to attend a medical examination at prescribed intervals and so provide the Licensing Authority with a certificate completed by a GP registered with the Licensing Authority showing that they are medically fit to DVLA Group 2 standards.
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6. Passengers

a.)	The licensee must not cause or permit a greater number of passengers to be conveyed in the vehicle than that which is stated on the licensee.
b.)	The licensee must ensure that seatbelt legislation is complied with in respect of themselves and passengers, specifically in respect of children.
c.)	<p>The licensee must not allow to be conveyed in the front of a licensed vehicle:</p> <ul style="list-style-type: none"> • More than one person, unless the vehicle is manufactured to carry two front seat passengers and there are seatbelts for both passengers to use • Any passenger under the age of 10, unless there is an impairment that would mean it is safer to sit in the front seat.
d.)	The licensee must not, without the express consent of the hirer, convey or permit any other person in the vehicle.
e.)	<p>The licensee must provide all reasonable assistance to passengers and especially those with a disability. The Equality Act 2010 places specific duties on licensees which must be observed at all times:</p> <p>Duty to Assist Passengers in Wheelchairs</p> <ul style="list-style-type: none"> • To carry the passenger while in a wheelchair • Not to make any additional charge for doing so • If the passenger chooses to sit in a passenger seat, to carry the wheelchair • To take such steps as it necessary to ensure that the passenger is carried in safety and reasonable comfort • To give the passenger such mobility assistance as is reasonably required <p>Duty to Carry Guide Dogs and Assistance Dogs</p> <p>The licensee must carry guide, hearing and all other prescribed assistance dogs in their vehicle.</p>

	<p>An assistance animal belonging to or in the custody of any passenger should remain with that passenger for the duration of the journey.</p> <p>Licensees that have a medical condition which is aggravated by exposure to dogs, and where an exemption certificate from the Licensing Authority has been issued and where it is displayed in the approved manner, will be exempt from carrying assistance dogs.</p>
7. Fares and Cards	
a.)	The licensee must not, if driving a licensed vehicle fitted with a taximeter, cause the fare to be in excess to that which is displayed on the meter, and must not cause the fare recorded to be cancelled or concealed until the hirer has had the opportunity of examining it and to have paid the fare.
b.)	The licensee must not demand from the hirer of a private hire vehicle a fare in excess of any which has been previously agreed between the hirer and the operator; or, if the vehicle has been fitted with a taximeter, and there has been no previous agreement as to the fare, the fare shown on the face of the taximeter.
c.)	<p>The licensee must, if requested by the hirer, provide a written receipt for the fare paid. Such receipt should include as a minimum:</p> <ul style="list-style-type: none"> • The name of the licensee • The licence number of the licensee • The name of the Private Hire Operator • The vehicle licence details – registration and licence number • The amount paid for the journey • The pick and destination points.
8. Found Property	
	<p>The licensee must, following the completion of the journey, ascertain if any property belonging to the hirer has been left in the vehicle and if so, return such property immediately.</p> <p>Where any property is found and where it is not possible to return to the hirer, the licensee should take all reasonable steps to trace the owner of the property. Certain items of lost property are accepted at local police stations, these include:</p> <ul style="list-style-type: none"> • Items you believe may be linked to a crime that could be used as evidence • Firearms/weapons/ammunition • Chemicals and explosives • Non-UK passports • Drugs

	<ul style="list-style-type: none"> • Pornography • Mobile phones/electronic devices which may hold personal data • Items where the owner is identifiable • Unidentifiable cash
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9. Change of Address

a.)	The licensee must notify the Licensing Authority within 7 days and in writing of any change of address.
b.)	The licensee must provide information to demonstrate that they have informed the DVLA

10. Operator Information

a.)	The licensee is permitted to undertake bookings from only one private hire operator at any one time – use of multiple booking systems used simultaneously is not permitted.
b.)	The licensee must inform the Licensing Authority of the Private Hire Operator for which they take bookings. Where there is a change of operator, the licensee must inform the Licensing Service within 48 hours.
c.)	The licensee must display signage of the Private Hire Operator for which they undertake bookings.

11. Regulatory Matters

a.)	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, the Town Police Clauses Act 1847 and the Statutory Taxi and Private Hire Vehicle Standards.
b.)	The licensee must at all times cooperate with an Authorised Officer of the Council or police constable.

Part 14 - Committee Referral Criteria

Where circumstances necessitate, individuals may be referred to the Licensing Committee.

Policy – Objective 17

Committee Referral Criteria

An individual may be referred to Committee for any one or more of the reasons set out below.

- Where an individual has one or more conviction and where this shows a pattern or tendency irrespective of the time since the conviction.
- Where an individual has a specified conviction, as specified in the fit and proper threshold:
 - Crimes Resulting in Death
 - Exploitation
 - Offences Involving Violence
 - Possession of a Weapon
 - Sex and Indecency Offences
 - Dishonesty
 - Drugs
 - Discrimination
 - Motoring Convictions
 - Drink Driving/Driving Under the Influence of drugs
 - Using a hand-held telephone or hand-held device whilst driving
- Any term of imprisonment or custody, including suspended sentences.
- Any Caution, Warning, Fixed Penalty Notice, Acceptable Behaviour Contract (ABC), Civil Injunction or Criminal Behaviour Order (CBO's).
- Any failure to adhere to hackney carriage and private hire driver conditions, at the discretion of the Chief Licensing Officer.
- Any failure to adhere to legislative requirements, at the discretion of the Chief Licensing Officer.
- Any instance of plying for hire.
- Where an individual has received a series of complaints
- Any breach of the Equality Act 2010
- 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.
- Any other reason that the Chief Licensing Officer deems appropriate.

Part 15 – Compliance and Enforcement

The primary aim of the Licensing Authority is public safety, and to provide a service that businesses and individuals can depend on for reasons of health, safety, welfare, equality and consistency.

Therefore, the undertaking of compliance and enforcement checks on licensed drivers is essential in order to achieve this. Ultimately these checks are undertaken in order to ensure licensees continue to be 'fit and proper', 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
- 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 Complaints Procedure.

Part 16 - Better Regulation Delivery Office: Regulators' Code, 2014

In undertaking enforcement duties, the Licensing Authority will pay particular attention to the Regulators Code, April 2014. 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
- ensure that their approach to their regulatory activities is transparent

Part 17 - 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 judgement 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.

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.

Part 18 - 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 Chief Licensing Officer, licensees may be referred to the licensing Sub-Committee without further warning.

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 that means 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 judgement as to whether to exercise the formal warning procedure.

A formal warning will be held on the licensees' record for the entire time with which a licence is held. Where a licensee receives three formal warnings in a three year period, the licensee will be automatically referred to the Licensing Committee.

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 & 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 a 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 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 all the information at its disposal.

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
- 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 it 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 in 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
- Is it in the public interest to bring the case to court

Part 19 – Complaints

The Licensing Authority is responsible for investigating complaints in relation to drivers, vehicles and operators licensed within the city of Sheffield.

Complaints include, but are not limited, to:

- poor customer service
- poor driving standards
- overcharging
- refusal to hire
- vehicle defects
- failures to display driver/vehicle identification
- prolonging journeys
- plying for hire
- issues against an operator
- equality issues (wheelchair / guide dog issues etc.)
- non-compliance with conditions

Complaints about drivers and operators provide a source of intelligence when considering a licence renewal or to identify issues during the period of a licence. Patterns of behaviour, such as complaints against drivers, even when they do not result in further action in response to an individual complaint, may be indicative of characteristics that raise doubts over the suitability to hold a licence.

Where complaints are received, the driver will be contacted by the Licensing Authority and concerns raised, and where appropriate, the private hire operator will be made aware.

Making a Complaint

The Licensing Authority has guidance for passengers on how to make a complaint which is located on its website.

Ways to make a complaint are also displayed in all licensed vehicles.

The Licensing Authority will investigate complaints in line with corporate timeframes. A copy of the official complaint form can be accessed on the licensing website.

Part 20 - Consultation

In developing this policy, the Licensing Authority consulted widely and gave due consideration to the views of all those who responded to the consultation process.

The Licensing Authority is committed to consulting with as wide an audience as possible, regarding this and any future licensing policy or any amendments in accordance with this policy.

The Licensing Authority has conducted a full consultation of this policy by way of writing and/or emailing consultees, providing relevant information on the Council website, and attending meetings with interested parties.

The views of all consultees were considered and given proper weight when writing and/or reviewing this policy.

A list of consultees can be found below. This list is not exhaustive but is an example of those who have been consulted.

- Licensees
- Local Members of Parliament
- Sheffield Disability Groups
- South Yorkshire Fire Service
- Neighbouring Local Authorities
- Chambers of Commerce
- Women's Groups
- Local Traders
- Pubwatch
- Elected Members
- Sheffield City Council Transport Services
- Sheffield City Council Sheffield Safeguarding Children's Board
- South Yorkshire Police
- Institute of Licensing
- Sheffield City Council's Public Health Service
- National Association of Licensing and Enforcement Officers
- Campaign for Better Transport

Appendix A – Useful Contacts

Licensing Service		
Block C, Staniforth Road Depot Staniforth Road Sheffield S9 3HD	Telephone	0114 2734264
	Email	taxilicensing@sheffield.gov.uk
	Website	www.sheffield.gov.uk/licensing
Department for Transport (DFT)		
Great Minster House 33 Horseferry Road London SW1P 4DR	Telephone	0300 330 3000
	Email	
	Website	https://www.gov.uk/government/organisations/department-for-transport
Driver and Vehicle Standards Agency (DVSA)		
Leeds GVTS Patrick Green Woodlesford Leeds LS26 8HE	Telephone	0113 282 1156
	Email	
	Website	https://www.gov.uk/government/organisations/driver-and-vehicle-standards-agency
Driver and Vehicle Licensing Agency (DVLA)		
Agency (DVLA), Longview Road, Morrison, Swansea SA6 7JL	Telephone	
	Email	
	Website	https://www.gov.uk/government/organisations/driver-and-vehicle-licensing-agency
Sheffield Safeguarding Children's Board		
Floor 3 South Howden House Union Street Sheffield S1 2SH	Telephone	0114 273 4934
	Email	child.protection@sheffield.gov.uk
	Website	https://sheffieldscb.proceduresonline.com/chapters/pr_contacts.html
Disclosure and Barring Service (DBS)		
DBS customer services PO Box 3961 Wootton Bassett SN4 4HF	Telephone	03000 200 190
	Email	customerservices@db.ssi.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

The Royal Society for the Prevention of Accidents		
RoSPA House, 28 Calthorpe Road, Edgbaston, Birmingham B15 1RP, UK	Telephone	0121 248 2000
	Email	help@rospa.com
	Website	www.rospa.com
Health and Safety Executive		
Health and Safety Executive Bld 5S.2 Redgrave Court Merton Road Bootle Merseyside L20 7HS	Telephone	0300 003 1747
	Email	
	Website	www.hse.gov.uk
Information Commissioner's Office		
Information Commissioner's Office Wycliffe House Water Lane Wilmslow Cheshire SK9 5AF	Telephone	0303 1231113
	Email	casework@ico.org.uk
	Website	www.ioc.gov.uk
Disabled Persons Transport Advisory Committee		
Disabled Persons Transport Advisory Committee (DPTAC) c/o Department for Transport Great Minster House 33 Horseferry Road London SW1P 4DR	Telephone	
	Email	dptac.enquiries@dft.gsi.gov.uk
	Website	www.dptac.gov.uk

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 use of unsuitable vehicles or using a vehicle with parts or accessories (excluding brakes, steering or tyres) in a dangerous condition	3
CU30	Using a vehicle with defective tyre(s)	3
CU40	Using a vehicle with defective steering	3
CU50	Causing or likely to cause by reason of load or passengers	3
CU80	Breach of requirements as to control of the vehicle, such as using a mobile phone	6
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 risks	6-8
IN12	Aiding, abetting, counselling or procuring using a vehicle uninsured against third party risks	6-8
IN14	Causing or permitting an uninsured driver to use a vehicle without third party cover	6-8
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 a 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
'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 - 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 pushchair.

Number of persons to be carried in a 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 re0delivered 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.

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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Appendix G

SHEFFIELD CITY COUNCIL

**Hackney Carriage and Private Hire
Driver's Licence Policy**

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Frequently Used Terms

The following terms are used frequently throughout this policy document.

'The Authority'	Refers to Sheffield City Council which carries out its function as the Licensing Authority under the Town Police Clauses Act 1847 and Local Government (Miscellaneous Provisions) Act 1976 as well as other relevant legislation, policies and Statutory Standards
'The Council'	Refers to Sheffield City Council
'The Licensing Committee'	Refers to the committee of Sheffield City Council
'The Licensing Sub-Committee'	Refers to three members of the Licensing Committee with sub-delegation of functions
'Licensing Policy'	Refers to this document, Sheffield City Council's <i>Hackney Carriage and Private Hire Driver's Licence Policy</i>
'LGMPA'	Refers to the Local Government (Miscellaneous Provisions) Act 1976
'TPCA'	Refers to the Town Police Clauses Act 1847
'Statutory Guidance'	Statutory Taxi and Private Hire Vehicle Standards

Part 1 – Introduction

Sheffield City Council is responsible for the regulation of Hackney Carriage and Private Hire Drivers within the district of Sheffield.

This policy will guide the Licensing Authority in how it carries out its functions. The policy has effect from (insert date) and will be applied to new and existing licence applications applied for after this date.

The Licensing Authority reserves the right to overturn a decision previously made or refuse to renew a licence where clear errors are discovered. In addition, the Licensing Authority will undertake periodic auditing to ensure the policy is being adhered to, and such audits will be undertaken using this policy as the required standard.

The policy has been developed by the Licensing Authority after consulting with licensees, the public and other interested parties.

In addition, the Licensing Authority has paid regard to strategies, legislation and guidance as referenced throughout this policy.

The policy also incorporates the Department for Transport's recently published Statutory Taxi and Private Hire Vehicle Standards. The Licensing Authority acknowledges these standards and aims to build on them.

The standards can be found at <https://www.gov.uk/government/publications/statutory-taxi-and-private-hire-vehicle-standards>

In carrying out its functions, the Licensing Authority will have regard to this policy document; however, each case will be judged on its own merits.

The Licensing Authority will formally review this policy every five years and informally re-evaluate from time-to-time. Where changes are made, the Licensing Authority will publish a statement of such revisions, along with a revised policy.

Part 2 – Strategies and Legislation

Due regard will be given to other such strategies, policies, and guidance documents in the writing of this policy, in decision making processes, and all other work carried out within the scope of the licensing regime.

The policies, strategies and guidance referenced below are recognised as those that are integral in the current licensing regime and help to define context and content throughout this document.

- Rehabilitation of Offenders Act 1974
- Transport Act 1985, 1991 and 2000
- Human Rights Act 1988
- Crime and Disorder Act 1998
- The Office of Fair Trading “The Regulators of Licenced Taxi and PHV Services in the UK” 2003
- Road Traffic Act 2006
- Equality Act 2010
- The Department for Transport Taxi and Private Hire Vehicle Licensing: Best Practice – March 2010
- Anti-Social Behaviour, Crime and Policing Act 2014
- Guidance on the Rehabilitation of Offenders Act – March 2014
- Better Regulation Delivery Office – Regulators’ Code 2014
- Policing and Crime Act 2017
- Access for Wheelchair users to Taxis and Private Hire Vehicles – Statutory Guidance 2017
- Safeguarding Children and Vulnerable Adult Policy
- Clean Air Sheffield
- Statutory Taxi & Private Hire Vehicle Standards 2020
- Taxi and Private Hire Licensing – Councillors’ Handbook (England and Wales) 2021
- Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022
- Taxis and Private Hire Vehicles (Disabled Persons) Act 2022

Part 3 – Equality, Diversity, and Inclusion

Sheffield is a diverse city, both ethnically and culturally. We value and celebrate the diversity that exists amongst both the citizens of Sheffield and our workforce. As a Council we want to ensure that everyone can fully participate in the social, cultural, political, and economic life of the city.

The Equality Act 2010

The Equality Act 2010 and Section 149, the Public Sector Equality Duty, places a legal obligation on public authorities to have due regard to the need to eliminate unlawful discrimination, harassment, and victimisation; to advance equality of opportunity; and to foster good relations between persons with the following protected characteristics:

- Age
- Disability
- Gender Reassignment
- Pregnancy & Maternity
- Race
- Religion or Belief
- Sex
- Sexual Orientation
- Marriage & Civil Partnership

The Licensing Authority will at all times have regard to the Equality Act 2010 and Sheffield City Council's Equality, Diversity, and Inclusion Policy Statement 2017.

For further information, please see details at the following link:

<http://www.equalityhumanrights.com/private-and-public-sector-guidance/organisations-and-businesses/businesses>

Equality Impact Assessment (EIA)

An Equality Impact Assessment (EIA) is how Sheffield City Council systematically assesses the potential effects that a proposed policy or project is likely to have on different groups within the city. Policies will affect different people in different ways, and it is possible that they have the potential to discriminate against certain groups, even if this is not an intention.

EIA's are carried out within the Licensing Service to consider the equality impacts of any proposed projects, new and revised policies, strategies and budget proposals.

An EIA has been carried out throughout the formulation of this policy.

Part 4 – Delegations

Sheffield City Council, acting as the Licensing Authority, has established a Waste and Street Scene Licensing Committee ~~made up of 15 Councillors~~. The Waste and Street Scene 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 Committee and Sub-Committee ~~and are~~ responsible for determining individual cases.

~~The~~ In addition, the Chief Licensing Officer has ~~been further~~ delegated to appoint and authorise 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 licences
- Licence suspensions
- Issuing formal warnings and cautions
- Investigation and preparation of prosecution files
- Investigating complaints

The table below sets out the agreed delegation of decisions and functions to the Licensing Committee, Sub-Committees and Officers.

Matter to be dealt with	Full Committee	Sub Committee	Officers
Fee Setting	✓		
Grant of Licence		✓	✓
Refusal of licence		✓	
Revocation of licence		✓	
Suspension of licence		✓	✓
Review of licence		✓	
Formal Warnings		✓	✓
Investigation of offences and preparation of prosecution files			✓
Complaints		✓	✓

Rights of the Applicant

This policy does not preclude any individual from making an application. Each application will be considered on its own individual merits in accordance with the Town Police Clauses Act 1847, Local Government (Miscellaneous Provisions) Act 1976, statutory guidance, associated byelaws and relevant integrating legislation.

Hearings

Where Officers are unable to determine an application, a hearing will be scheduled with the Licensing Committee to consider such an application.

Each application will be judged on its own individual merits.

An individual may request a third-party, such as a friend, trade or a legal representative, to make a written representation, and attend to present their case at a sub-committee hearing.

Every determination of a licensing decision by the Licensing Committee or a Licensing Sub-Committee shall be accompanied by clear, cogent reasons for the decision. The decision and the reasons for that decision will be sent to the applicant as soon as is practicable.

Appeals against Licensing Authority Decisions

There is a right of appeal against Council and Licensing Committee decisions. Appeal applications must be made to Sheffield Magistrates Court within 21 days of the determination.

Part 5 – Information Sharing

How Information is used

Personal data is processed under contract to which licensees are party by way of an application for a licence (as per Article 6(1)(b) of the General Data Protection Regulation). In terms of special category data, including criminal records or health information, information is processed as it is necessary for the performance of a task carried out in the public interest (as per Article 9(2)(g) of the General Data Protection Regulation).

The following legislation and guidance are observed throughout the licensing regime:

- Town Police Clauses Act 1847
- Local Government (Miscellaneous Provisions) Act 1976
- Statutory Taxi and Private Hire Vehicle Standards

Who is information shared with?

Information on those organisations with which information is shared can be sought directly from the Licensing Authority.

As an example, those organisations with which information is shared is as follows:

- Driving and Vehicle Licensing Agency (DVLA)
- Disclosure and Barring Service
- South Yorkshire Police and other police organisations
- Taxi Plus
- Home Office
- NR3 National Register of Taxi Licence Refusals and Revocations
- Department for Environment, Food and Rural Affairs (DEFRA)
- Other Licensing Authorities
- Other Council Services
- Any Other Service/Organisation as Referenced in the Town Police Clauses Act 1847, Local Government (Miscellaneous Provisions) Act 1976 and the Statutory Taxi and Private Hire Vehicle Standards.

How long will information be kept for?

The information you provide will be kept for the duration of your licence, plus six years, after which time it will be deleted.

The information will be stored either in paper form and/or electronically on a secure council database.

In the event that your licence is revoked, or an application refused, information will be uploaded to the NR3 Register and the information kept for 25 years.

Your Rights

There are rights under Data Protection law. Further details about rights, contact details of our Data Protection Officer and your initial rights to make a complaint can be found on the Council's Privacy Notice webpage: www.sheffield.gov.uk/privacy.

Part 6 – Legislative Background

The Licensing Authority, in respect of regulating (administering and enforcing) hackney carriage and private hire drivers, adheres to the regulatory framework as set out in the Local Government (Miscellaneous Provisions) Act 1976 (Part II), the Town Police Clauses Act 1847, and the Statutory Taxi and Private Hire Vehicle Standards (2020).

The legislative frameworks contained in these Acts, the requirements of the statutory guidance, policy objectives set out in this document, and all other integrating legislation and guidance documents will be used in the regulation of hackney carriage and private hire drivers.

Town Police Clauses Act 1847

The Town Police Clauses Act 1847 is used by Sheffield City Council to regulate the hackney carriage industry.

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 to regulate the private hire and hackney carriage industry. The Act was adopted by Sheffield City Council at its meeting on Wednesday 1st March 1978.

A private hire driver's licence is issued 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.”

Statutory Taxi and Private Hire Vehicle Standards

~~The Statutory Taxi and Private Hire Vehicle Guidance (2020) aims to better regulate the taxi and private hire sector by introducing common core minimum standards. The focus is on protecting children and vulnerable adults, but it is recognised that all passengers will benefit from the recommendations contained within.~~

~~The Licensing Authority has a duty to ensure that any individual to whom they grant a licence is 'fit and proper'. When considering whether an individual is fit and proper, the guidance recommends asking the following question:~~

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

Part 7 – Fit and Proper Person Requirement

The Licensing Authority's primary objective is to protect the public. Individuals must therefore satisfy the Authority ~~that they are of their~~ fit and properness.

The term 'fit and proper' has no legal definition; however, when deciding ~~a person's fit and properness~~, the Licensing Authority will use a common-sense approach, judging each case on its own merits. The burden of proof lies with the individual proving they are 'fit and proper', not the Authority proving they are not.

All decisions on suitability are made on the balance of probabilities, meaning an individual will not be given the benefit of the doubt. ~~Where an Officer or Committee is 50/50 as to whether the individual is 'fit and proper', a licence should not be granted.~~ The threshold used is lower than for a criminal conviction and can therefore include information that goes beyond criminal convictions and unsubstantiated complaints, and which shows a pattern of behaviour.

~~The consideration to fit and properness extends beyond criminal convictions or other such evidence of unacceptable behaviour, the entire character of an individual will be considered, and this can include attitude and temperament. In determining whether an individual is to be considered fit and proper, criminal convictions and other evidence of undesirable behaviour will be considered, in addition to the individual character as a whole.~~

Sections 51 and 59 of the Act states:

51 Licensing of drivers of private hire vehicles.

(1) *...a district council shall, on the receipt of an application from any person for the grant to that person of a licence to drive private hire vehicles, grant to that person a driver's licence:*

Provided that a district council shall not grant a licence –

(a) *Unless the applicant is a fit and proper person to hold a licence*

and

59 Qualifications for drivers of hackney carriages.

(1) *Notwithstanding anything in the Act of 1847, a district council shall not grant a licence to drive a hackney carriage –*

(a) *unless they are satisfied –*

(i) *that the applicant is a fit and proper person to hold a driver's licence*

When considering ~~the fit and proper person requirement an individual's 'fit and properness'~~ the Licensing Authority will ask itself the following question:

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

If, on the balance of probabilities, the answer to the question is 'no', an individual **will not be granted a licence.**

Part 8 – Examinations, Tests and Application Requirements

The overarching aim of licensing is the **protection of the public**.

Individuals are required to demonstrate the aptitude and competencies required of a professional driver, in order that they carry out their role to the highest standard and enable those who live, visit and work in Sheffield to travel safely.

Whilst examinations and tests go some way to demonstrating the fit and proper person requirement-fit and properness, the character of an individual is just as important and will be considered.

The Licensing Authority has established examinations, tests and requirements in order ascertain the suitability of individuals, as follows:

- Certificate in Introduction to the Role of the Professional Taxi and Private Hire Driver
- Safeguarding Training
- Disability Awareness Training
- Language Proficiency
- Knowledge Test
- Driving Test
- Age and Experience
- Enhanced DBS Check with Online Update Service
- Driver and Vehicle Licensing Agency Checks
- Medical Assessment
- Right to Work Documentation
- Tax Conditionality Check
- Checks made to the National Anti-Fraud Network database on Refusals and revocation of hackney carriage and private hire licences

Retaking Examinations, Tests and Training

Individuals that make an application for a licence between a period of one month and 12-months since the expiry of their last licence will be considered a new applicant, but will not be required to undertake further training, examinations or tests if already completed.

Individuals that make an application for a licence after a period of 12-months since the expiry of their last licence will be classed as a new applicant. They will not be required to undertake the *Certificate in the Introduction to the Role of the Professional Taxi and Private Hire Driver*, but will be required to undertake all other tests, examinations and training appropriate for new drivers.

Part 8.1 Certificate in Introduction to the Role of the Professional Taxi and Private Hire Driver

The Licensing Authority recognises the role that licensees play in Sheffield's transport provision.

Due to the nature of the role and the subsequent high demands and standards placed on licensees, the Licensing Authority requires individuals to undertake a nationally recognised qualification in respect of professional taxi and private hire driving.

Policy – Objective 1

Certificate in *Introduction to the role of the Professional Taxi and Private Hire Driver*.

The Licensing Authority requires ~~individuals~~ ~~individuals to undertake and to undertake and~~ pass a nationally recognised qualification ~~if~~:

- ~~They are a new applicant~~
- ~~They have previously been licensed, but their licence expired more than 12 months ago and they have not taken the qualification before~~
- ~~_____~~

The accepted qualification is the Certificate in *Introduction to the Role of the Professional Taxi and Private Hire Driver* and should include, as a minimum, the following modules:

- Health and Safety
- Road Safety
- Customer Service
- Vehicle Maintenance
- Regulatory Framework
- Providing Assistance
- Routes and Fares
- Luggage
- Transporting Children
- Safeguarding

The certificate must have been awarded within the last three years, and where it is not, an individual must be able to demonstrate that they have undertaken suitable refresher training, the content of which will be determined by the Licensing Authority.

Alternative qualifications may be accepted in exceptional circumstances, but they must cover, as a minimum, the mandatory modules and be to an equivalent standard and be accredited by a registered exam body, such as Edexcel. Each case will be judged on its individual merits.

Qualifications will only be accepted whereby they have been awarded by a reputable training provider and are registered and approved by Ofqual. The training provider must be able to demonstrate that they have in place an effective Quality Assurance Framework, and that the framework covers all elements of:

- Training
- Verification
- Assessment
- Certification Process

Unregulated qualifications will not be recognised, and the Authority reserves the right to refuse to accept a certificate or qualification whereby the authenticity or the quality of any part of the process that led to the certificate being issued is called in to question. Further information can be sought from Ofqual:

<https://register.ofqual.gov.uk/>

Part 8.2 Safeguarding Training

Licensees can play an important role in spotting and reporting abuse, exploitation or neglect of children and vulnerable adults.

However, this is only the case if they are aware of and alert to the signs of potential abuse and know where to turn to if they suspect that a child or vulnerable adult is at risk of harm or is in immediate danger.

Policy – Objective 2

Safeguarding Training

Individuals are required to undertake approved safeguarding training.

Training will help individuals to:

- provide a safe and suitable service to vulnerable passengers of all ages
- recognise what makes a person vulnerable
- understand how to respond, including how to report safeguarding concerns and where to get advice

As a minimum, the training will involve:

- Introduction to safeguarding: what safeguarding is and how it is relevant to the role of the taxi driver/operator
- Clarification of what the driver/operator safeguarding responsibilities are – duty of care, licensing policy requirements, code of safeguarding conduct
- Exploration of what can make a person vulnerable: including:
 - Physical
 - Sexual
 - Psychological
 - Institutional
 - Organisational
 - Financial or material
 - Discriminatory
 - Neglect / Self Neglect
 - Forced Marriages
 - Hate Crime/ Mate Crime
 - Radicalisation
 - Domestic Violence
 - Female Genital Mutilation
 - Modern Slavery
 - Honour Based Violence
 - Criminal/Sexual Exploitation
- Discussion about what criminal exploitation is and what sexual exploitation is: how it involves children and vulnerable adults and how it can involve the taxi and private hire trade
- Examples of situations when a driver/operator might recognise signs that a passenger is at risk
- Local information about how to report safeguarding concerns
- Discussions about the nature of the driver's working environment and customer behaviour
- The Code of Conduct
- Guidance about how drivers should respond to inappropriate behaviour of passengers
- Guidance about how drivers should respond to passengers who are distressed or suicidal
- Guidance about disclosures of abuse and confidentiality
- The importance of reporting concerns

Safeguarding awareness training will also include the ways in which individuals can help to identify county lines exploitation, including:

- Children and young people travelling in taxis or private hire vehicles alone
- Travelling at unusual hours (during school time, early in the morning or late at night)
- Travelling long distances
- Unfamiliar with the local area or do not have a local accent
- Paying for journeys in cash or prepaid

New applicants are required to undertake training before making an application. A certificate confirming the undertaking and completion of training is required.

Existing licensees that have not yet undertaken training will have 12 months from the implementation of this policy to complete. A certificate or other such information confirming the undertaking and completion of the training is required.

Individuals that have undertaken the *Certificate in Introduction to the Role of the Professional Taxi and Private Hire Driver*, including the approved safeguarding module, will be exempt from undertaking the training again. A certificate proving the undertaking and completion of the training is required.

Individuals that have undertaken approved safeguarding training through an approved provider are exempt from undertaking the training again. A certificate proving the undertaking, completion and pass of this module is required.

Qualifications will only be accepted where they have been awarded by a reputable training provider and have been approved by the Sheffield Children Safeguarding Partnership and Licensing Authority. The training provider must be able to demonstrate that they have in place an effective Quality Assurance Framework, and that the framework covers all elements of:

- Training
- Verification
- Assessment
- Certification Process

Qualifications not approved by Sheffield Children Safeguarding Partnership will not be recognised and the Authority reserves the right to refuse to accept a certificate or qualification whereby the authenticity or the quality of any part of the process that lead to the certificate being issued is called in to question.

Part 8.3 Disability Awareness Training

Licensees have a responsibility to ensure that passengers are transported safely and securely and that all disabled people are treated equally and fairly.

To understand the requirements and expectations placed upon them, licensees are required to undertake disability awareness training.

Policy – Objective 3

Disability Awareness Training

Individuals are required to undertake approved disability awareness training.

Training will help individuals to:

- Ensure disabled passengers are transported safely and securely
- Ensure disabled passengers are treated equally and fairly
- Develop an understanding of the types of disabilities individuals are likely to engage with
- Understand the journey from the perspective of the disabled passenger
- Understand the legal, moral, and financial responsibilities

As a minimum, the training should include:

- What are disabilities
- Definition of disabilities
- Classification of disabilities as defined by the World Health Organisation
- The law and what is expected
- Health and Safety at Work Act
- Equality Act 2010
- Passengers in wheelchairs and the correct use of equipment
- Wheelchair passport scheme
- Assisting passengers
- Non-mobility disabled passengers
- Assistance dogs
- Duty to provide a reasonable service

New applicants are required to undertake the training before making an application. A certificate confirming the undertaking and completion of the training is required.

Existing licensees that have not yet undertaken training will have ~~3 years+2 months~~ from the implementation of this policy to complete. A certificate or other such information confirming the undertaking and completion of the training is required.

Individuals that have undertaken approved training through an approved provider are exempt from undertaking the training again. A certificate ~~evidencing proving~~ the undertaking, completion and pass of this module is required.

Qualifications will only be accepted where they have been awarded by a reputable training provider and have been approved by the Licensing Authority. The training provider must be able to demonstrate that they have in place an effective Quality Assurance Framework, and that the framework covers all elements of:

- Training

Qualifications not approved by the Licensing Authority will not be recognised and the Authority reserves the right to refuse to accept a certificate or qualification whereby the authenticity or the quality of any part of the process that lead to the certificate being issued is called in to question.

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Part 8.4 Language Proficiency

A lack of language proficiency may impact on an individual's ability to understand written documents, such as policies and guidance, or simply the ability to communicate with passengers to discuss a route or fare.

Policy – Objective 4

Language Proficiency

The Licensing Authority requires all individuals to be able to read, write, speak, and listen to English at an appropriate level. 'Appropriate' in this sense means individuals should be able to easily:

- Read and understand policy documents
- Read and understand licensing conditions
- Read and respond to regulatory and safety information sent by the Licensing Authority
- Write to the Licensing Authority to inform of changes to health or inform of any criminal convictions etc.
- Communicate with passengers to discuss routes or fares etc.
- Ability to identify potential exploitation through communication with passengers

~~New applicants/individuals~~ are required to satisfy the English language requirement. ~~This applies to new applicants as well as existing licensees.~~

The Required Level of English

The required level of English is that to which is equivalent to the standard expected in the early years of secondary school education, allowing understanding and the ability to deal with most situations likely to occur in the course of a job as a driver.

Requirement for Undertaking a Test

~~The Authority requires individuals to undertake and pass an English language test with an approved provider or provide the Authority with information about previous qualifications that satisfy the required standard.~~

~~Those individuals that are required to undertake a test can do so as many times as is required.~~

~~Competency can be evidenced by having undertaken and passed the Certificate in the Introduction to the Role of the Professional Taxi and Private Hire Driver – a requirement for all new applicants.~~

~~The Licensing Authority will accept qualifications that evidence a certain level of competency has been achieved. The subject of any such qualification does not matter, so long as it was taught in English. Examples of what the Licensing Authority will accept:~~

- ~~UK GCSE (or equivalent) Certificate at grades A* – G~~
- ~~UK AS Level or A Level Certificate~~

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- ~~UK NVQ, BTEC or City & Guilds qualification, with confirmation from the awarding body that the qualification provided is equivalent to GCSE or above. (The Certificate in Introduction to the role of the Professional Taxi and Private Hire Driver is acceptable)~~
- ~~UK BA Hons, BSc Hons Degree~~
- ~~UK Master's Degree or PhD~~
- ~~UK HNC or HND Qualification~~
- ~~SELT Certificate at B1 level or higher, issued by Pearson, or IELTS showing proficiency in reading, writing, speaking, and listening.~~

~~Where secondary school education has been completed in the UK, or where secondary school education has been taught and examined in English, that level of English will be sufficient.~~

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~~Individuals will be required to provide original certificates where appropriate to prove the standard has been achieved. Where individuals no longer have the certificate(s), copies or a certified statement of results should be requested from the exam board. The four awarding exam bodies accredited to offer GCSE's are: AQA, OCR, WJEC and Edexcel.~~

~~Qualifications gained outside of the UK~~

~~The Authority will accept other means of individuals demonstrating the required standard has been met.~~

~~Secure English Language Test~~

~~Secure English Language Tests (SELT) are required by the Home Office for individuals wishing to settle in the UK. The Authority will accept a SELT certificate in reading, writing, speaking, and listening as proof that the level of English is sufficient.~~

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~~Pearson's SELT qualification will be accepted by the Authority as evidence of meeting the English language requirement.~~

~~IELTS Academic and General Training tests are also both accepted by the Authority as evidence of meeting the English language requirement.~~

~~Individuals must satisfy the Authority of their ability to meet the requirement by providing:~~

- ~~A Certificate confirming that the individual's level of proficiency in the English language at level B1 on the Common European Framework of Reference for languages (CEFR) or above~~
- ~~Documentary evidence of a qualification based on which the Authority is satisfied of the individual's level of proficiency in the English language is equivalent to level B1 on the CEFR or above.~~

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~~A Non-UK qualification which was taught and examined in English~~

~~Where an individual has been educated in English outside of the UK to the equivalent of GCSE level or above, the Authority will accept this as an appropriate standard. The original certificate must be provided to demonstrate the standard achieved and evidence that the qualification was taught in English — a letter (written in English) from the teaching/examination institution is sufficient for this purpose.~~

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~~A qualification in English as a second language or as a foreign language~~

~~English for speakers of other languages (ESOL) qualifications are designed to assess the English language skills of those who don't have English as a first language.~~

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~~Where individuals can evidence the completion of an ESOL or English as a Foreign Language (EFL) qualification at a recognised institution, proving proficiency in reading, writing, speaking and listening, the Authority will accept as sufficient. Individuals are required to provide the original qualification certificate.~~

~~Not all ESOL and EFL qualifications are acceptable, but some examples of certificates that are considered as proof of the English language requirements are:~~

- ~~• ESOL Skills for Life (Entry Level sub-level 3, Level 1, Level 2)~~
- ~~Functional Skills qualifications in English (Entry Level sub-level 3, Level 1, Level 2)~~

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Part 8.5 Knowledge Test

The Licensing Authority requires individuals to have detailed knowledge of the district with which they primarily operate. They should not have to rely on electronic satellite navigation devices and should be able to navigate around the city independently.

Additionally, the Authority requires individuals to have knowledge of licensing conditions, policies, safeguarding and other such matters essential to the role.

Individuals must therefore undertake and pass a knowledge test to demonstrate their understanding and to satisfy the Authority of the fit and proper person requirement of their suitability and fit and properness.

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Policy – Objective 5

Knowledge Test

~~The Licensing Authority requires individuals to undertake and pass a nationally recognised qualification if:~~

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- ~~• They are a new applicant~~
- ~~• They have previously been licensed, but their licence expired more than 12 months ago~~

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The Licensing Authority requires individuals to undertake and pass a knowledge test to ensure that ~~applicants have~~ they have sufficient knowledge in:

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- Routes
- Places of Interest

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The questions will be set by the Authority and will change periodically to reflect any changes in routes, legislation, safeguarding etc.

Individuals are required to achieve a minimum of 80% in each section.

Individuals that fail three successive knowledge tests will be required to wait a period of not less than six months (from the date of the most recent failure) before reapplying.

...prior to the subsequent test date A and a

Part 8.6 Driving Standards Examination

The Licensing Authority expects individuals to have a better than average standard of driving and to be able to transport passengers in comfort and safety.

The Authority therefore requires individuals to undertake and pass a driving test in order to demonstrate that they can drive to a prescribed standard and to satisfy the fit and prproper person requirement.Authority of their suitability and fit and properness.

Policy – Objective 6

Driving Standards Examination

Individuals 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.

~~Those individuals that fail three successive driving tests will be required to wait a period of not less than six months (from the date of the most recent failure) before reapplying.~~

Part 8.7 Age and Experience

The Licensing Authority considers age and experience as an important factor in judging suitability.

The Authority must be satisfied that individuals have appropriate experience and knowledge of driving a motorised vehicle and are able to cope with the demands of the role.

Policy – Objective 7

Age and Experience

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Part 8.8 Disclosure and Barring Service (DBS) Checks

A criminal record check is seen as a fundamental tool in assessing whether an individual is fit and proper ness.

~~In assessing fit and properness, the Authority will look at any and all convictions contained within the DBS Check and review against the Fit and Proper Threshold. In assessing whether an individual is fit and proper the Authority will look at any and all convictions contained within the DBS check.~~

~~The Fit and Proper Threshold is referenced within this section and pays particular attention to:~~
Particular attention will be paid to:

- Crimes resulting in death

- Exploitation
- Offences involving violence
- Possession of a weapon
- Sex and indecency offences
- Dishonesty
- Drugs
- Discrimination
- Motoring convictions
 - Drink driving
 - Driving under the influence of drugs
 - Using a hand-held telephone or hand-held device whilst driving

Policy – Objective 8

Disclosure and Barring (DBS) Checks

Individuals are required to apply for an Enhanced Disclosure Certificate with Barred List checks through the Disclosure and Barring Service (DBS).

The disclosure will reveal any unspent convictions recorded on the Police National Computer (PNC) and identify those individuals barred from working in a regulated activity with children or adults. The Authority will consider any and all convictions detailed.

In the interests of public safety, the Authority will not issue a licence to any individual that appears on either the children's or adult's barred list, unless there are exceptional circumstances. Where the Authority consider there to be exceptional circumstances which means that, based on the balance of probabilities, they consider an individual named on the barred list to be 'fit and proper', reasons for reaching the decision will be recorded.

Licensees are required to evidence continuous registration with the DBS Update Service to enable the Authority to routinely check for new information every 6 months. Any notified changes that result in the certificate not being up to date will result in the licensee needing to apply for a new DBS certificate. Where an individual has failed to subscribe to the Update Service, they will still be subject to a check every six months.

Where the Authority is unable to routinely check for information every six months, either by way of the DBS Update Service or through an [up-to-date](#) (issued within 1 month of the required check) DBS certificate, the licence will be suspended until such time that a check can be undertaken.

Part 8.9 - Overseas Convictions

Where an individual has lived outside of the UK for a period of three or more continuous months, they will be required to supply a 'Certificate of Good Character' or criminal records information.

Further information on applying for overseas criminal record information or 'Certificates of Good Character' can be found in Home Office Guidance.

Where an individual is aware that they have committed an offence overseas which may be equivalent to those listed in the Fit and Proper Threshold, they should seek independent expert or legal advice to ensure they provide information that is truthful and accurate.

Part 8.10 Licensee Self-Reporting

Individuals are required to self-report relevant information to the Licensing Authority.

Policy – Objective 9

Licensee Self-Reporting

Individuals are required to notify the Licensing Authority within 48 hours of any arrest, charge or conviction of a sexual offence, offence involving dishonesty or violence, and any motoring offence.

Additionally, individuals are required to notify the Authority within 48 hours of any arrest, charge or convictions involving, but not limited to:

- Crimes resulting in death
- Exploitation
- Offences involving violence
- Possession of a weapon
- Drugs
- Discrimination

Any arrest, charge or conviction will result in a review of a licence to ascertain whether the individual continues to be 'fit and proper'.

Any failure by an individual to disclose an arrest might be seen as behaviour that questions honesty and therefore the suitability of a licence holder, regardless of the outcome of the initial allegation.

Part 8.11 Common Law Police Disclosure

Information held by the local police and which they deem to be reasonably relevant to the role of a driver, and any information or intelligence obtained from other credible sources to that which is already held on an applicant's record, will be used by the Authority in assessing fit and properness.

In disclosing information, the police will look at the reasonable basis of credibility and that which is specifically related to the occupation in question. This may include unproven allegations or

charges for which an applicant or licensee has been acquitted. The information may show that an individual acted in a way that is incompatible with that of a licensee.

Complaints, and other sources of information such as those from other council services and which show a pattern of behaviour not befitting to that of a licensee, will be considered.

~~All available information will be considered in assessing fit and properness. Information that shows a tendency to behave in a way that does not constitute fit and properness will be made on the civil standard of proof, that being the balance of probabilities.~~

Part 8.12 Sharing Licensing Information with Authorities and Police

Individuals are required to disclose if they hold or have previously held a licence with another authority. Additionally, an individual is required to disclose if they have had an application for a licence refused, or a licence revoked or suspended by any other licensing authority.

The Licensing Authority will use the National Anti-Fraud Network Register (NR3) as a way to share information on a consistent basis and mitigate the risk of non-disclosure of relevant information by individuals.

Where the Licensing Authority receives information that an individual did not disclose information, for example by checking the NR3 register, the Authority will consider whether the non-disclosure represents dishonesty and will review whether the individual is fit and proper.

Any action taken by the Licensing Authority as a result of information received by the police will be fed back to them in order to aid the quality of the information available to all parties that have a safeguarding duty. Additionally, any such revocation or refusal on public safety grounds will be advised to the police.

Part 8.13 Relevance of Convictions, Cautions, Reprimands, Warnings and Complaints

In determining applications, the Authority will make a decision on the fit and proper person requirement~~an individual's fit and properness~~, assessing:

- Convictions
- Cautions

- Reprimands
- Warnings
- Any other relevant information provided by the police and other relevant authorities.

Particular attention will be paid to:

- The class of the offence
- The age of the offence
- The number and frequency of the offences; and
- The apparent seriousness of the offence, as determined by the Authority

~~In assessing whether an individual is fit and proper the Authority will look at any and all convictions contained within the DBS check. A criminal conviction is not a bar to obtaining a licence, but where offences are recorded, specifically those referenced in the Fit and Proper Threshold, the application will be determined by the Licensing Committee.~~

In reviewing offences, the Authority will pay particular attention to:

- Any term of imprisonment or custody; any conviction and/or Caution for:
 - Crimes resulting in death
 - Exploitation
 - Offences involving violence
 - Possession of a weapon
 - Sex and indecency offences
 - Dishonesty
 - Drugs
 - Discrimination
 - Motoring offences
- Any offence contrary to hackney carriage and private hire legislation.

Part 8.14 Fit and Proper Threshold

Legislation specifically includes offences including dishonesty, indecency, and violence as a determining factor when assessing the fit and proper person requirement. ~~a person's fit and properness.~~

In addition to specified offences, the Authority will take into account:

- Crimes Resulting in Death
- Exploitation
- Offences Involving Violence
- Possession of a Weapon
- Sex and Indecency Offences
- Dishonesty
- Drugs
- Discrimination
- Motoring Convictions
- Drink Driving/Driving Under the Influence of drugs/using a hand-held telephone or hand-held device whilst driving
- Safeguarding complaints

~~Any convictions or unacceptable behaviour will have a negative impact and will weigh heavily against an individual.~~

~~Where an individual has one or more conviction and where this shows a pattern or tendency irrespective of the time since the conviction, the Authority will give serious consideration as to the fit and properness. Where a conviction is listed on the Fit and Proper Threshold, that individual will be automatically referred to the Licensing Committee recorded for any of the above offences, they will be automatically referred to the Licensing Committee.~~

~~The Fit and Proper Threshold sets out time periods that are expected to have elapsed following completion of the sentence or offence.~~

~~The Authority will assess each case on its own merits, but the criteria set down in the Fit and Proper Threshold will be considered in the determination of a licence, only in truly exceptional circumstances will the criteria be deviated from.~~

Relevant Convictions Fit and Proper Threshold

Relevant Convictions The Fit and Proper Threshold

Crimes Resulting in Death	Where an individual has been convicted of a crime which resulted in the death of another person or was intended to cause the death or serious injury of another person, they will not be licenced.
Exploitation	Where an individual has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment of another individual irrespective of whether the victim or victims were adults or children, they will not be licenced. This includes, but is not limited to, slavery, child sex abuse, exploitation, grooming, psychological, emotional or financial abuse.
Offences Involving Violence Against the Person	Where an individual has a conviction for an offence of violence against the person, or connected with any offence of violence, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.
Possession of a Weapon	Where an individual has a conviction for possession of a weapon or any other weapon related offence, a licence will not be granted until at least 7 years has elapsed since the completion of any sentence imposed.
Sex and Indecency Offences	Where an individual has a conviction for any offence involving or connected with illegal sexual activity or any form of indecency, a licence will not be granted. In addition, a licence will not be granted to any individual who is currently on the Sex Offenders Register or on any barred list.
Dishonesty	Where an individual has a conviction for any offence of dishonesty, or any offence where dishonesty is an element of the offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.
Drugs	Where an individual has any conviction for, or related to, the supply of drugs, or possession with intent to supply or connected with possession with intent to supply, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed. Where an individual has a conviction for possession of drugs, or related to the possession of drugs, a licence will not be granted until at least 5 years have elapsed since the completion of any sentence imposed. In these

	<p>circumstances, any individual may also have to undergo drugs testing for a period at their own expense to demonstrate that they are not using controlled drugs.</p>
Discrimination	<p>Where an individual has a conviction involving or connected with discrimination in any form, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.</p>
Motoring Convictions	<p>Individuals with multiple motoring convictions may indicate that the individual does not exhibit the behaviours of a safe road user and one that is suitable to drive professionally.</p> <p>Drink driving or driving under the influence of drugs</p> <p>The licensee will be automatically referred to the Licensing Sub-Committee. Where an individual has a conviction for drink-driving or driving under the influence of drugs, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence or driving ban imposed.</p> <p>In the case of driving under the influence of drugs, any individual may also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.</p> <p>Driving whilst using a hand-held mobile phone or a hand-held device whilst driving</p> <p>The licensee will be automatically referred to the Licensing Sub-Committee. Where an individual has a conviction for using a hand-held mobile telephone or a hand-held device whilst driving, a licence will not be granted until at least 5 years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later.</p> <p>Other motoring offences</p> <p>A minor traffic or vehicle related offence is one which does not involve loss of life, driving under the influence of drink or drugs, driving whilst using a mobile phone, and has not resulted in injury to any person or damage to any property (including vehicles).</p>

Where an applicant has 9 or more points on their DVLA licence for minor traffic or similar ~~offences, or offences or~~ has committed and been convicted of three or more offences in an 18-month period or in the term of their licence, whichever is longest, ~~the licensee will be automatically referred to the Licensing Sub-Committee, a licence will not be granted until at least 5 years have elapsed since the completion of any sentence imposed.~~ the licensee will be automatically referred to the Licensing Sub-Committee.

A **major traffic or vehicle related offence** is one which is not covered above and also any offence which resulted in injury to any person or damage to any property (including vehicles). It includes, but is not limited to:

- 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)
- Insurance offences (IN10, IN12, IN14)

Where an individual has a conviction for a major traffic offence or similar offence, ~~the licensee will be automatically referred to the Licensing Sub-Committee, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.~~ the licensee will be automatically referred to the Licensing Sub-Committee.

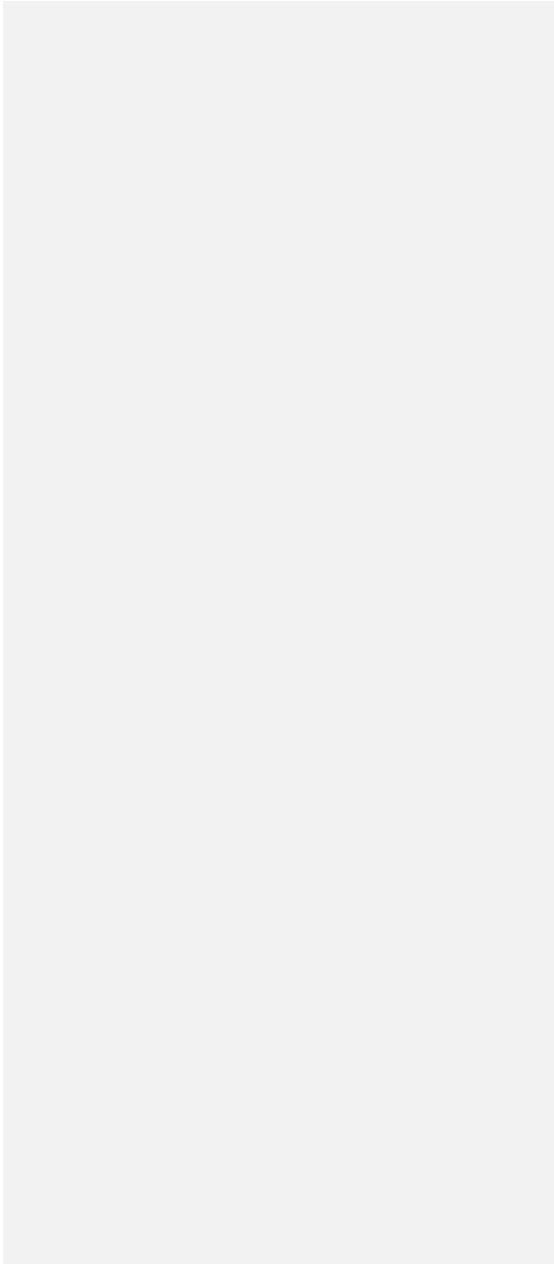
Hackney Carriage and Private Hire Offences

Where an individual has a conviction for an offence concerned with or connected to hackney carriage or private hire activity ~~(excluding vehicle use), the licensee will be automatically referred to the Licensing Sub-Committee, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.~~ the licensee will be automatically referred to the Licensing Sub-Committee.

Vehicle use offences

~~Where an applicant has a conviction for any offence which involved the use of a vehicle (including hackney carriages and private hire vehicles), a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.~~

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Part 8.15 Medical Assessment

The Licensing Authority recognises the importance of physical and mental fitness in individuals transporting members of the public.

Licensed individuals are on the road for longer hours than most other road users, may have to assist disabled passengers, handle heavy pieces of luggage and work unsociable hours.

Policy – Objective 10

Medical Assessment

The Licensing Authority requires individuals to undertake and pass a Group 2 Medical Fitness examination as recommended by the DVLA.

Group 2 Medical Fitness Standards are those applied to bus and lorry drivers and are seen as the appropriate standard for hackney carriage and private hire drivers. Group 2 medical categories include, but are not limited, to:

- Neurological Disorders
- Cardiovascular Disorders
- Diabetes Mellitus
- Psychiatric Disorders
- Drug or Alcohol Misuse or Dependency
- Visual Disorders
- Renal and Respiratory Disorders
- Miscellaneous Conditions

Individuals are required to provide a completed medical assessment, supplied by the Council, and completed ~~by~~ by their own General Practitioner (GP) on initial application.

A further medical assessment completed ~~by~~ by an individual's own GP will be conducted at 45 years of age and every five years thereafter, until 65 years of age, when they will be undertaken annually. Where recommended by the GP, an individual may be required to undergo tests on a more frequent basis.

~~In exceptional circumstances, and with prior agreement from the Licensing Authority, a~~ A medical assessment may be carried out by ~~the individual's own GP or a GP at another registered GP practice, but only if the individual's medical history has been viewed and assessed, and the GP carrying out the medical confirm that they have viewed the applicant's full medical history. The GP must be~~ approved by the Licensing Authority. A list of approved practitioners will be provided by the Authority.

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

Individuals who are required to undertake additional tests as part of the assessment, such as an Exercise ECG Treadmill Test, will be required to supply completed test results, report information and any such certificates that have been signed and administered by a registered professional.

Individuals must inform the Authority of any deterioration or other such changes in health that may affect their driving capabilities.

Part 8.16 Medical Exemptions

Licensees have a legal duty, mandated under the Equality Act 2010, to carry guide, hearing and other prescribed assistance dogs in their vehicles without additional charge.

Furthermore, the Equality Act 2010 mandates licensees of designated vehicles to carry passengers in their wheelchair, provide them with appropriate assistance and not charge them extra for doing so.

Policy – Objective 11

Exemption Certificates

The Licensing Authority requires individuals to comply with all aspects of the Equality Act 2010, and in this respect, individuals must carry guide, hearing and other prescribed assistance dogs in their vehicle, as well as, where appropriate, provide support to passengers in wheelchairs, including providing them with appropriate assistance and not charge them extra for doing so.

The Equality Act allows the Local Authority to grant exemptions from certain duties within the Act, including:

- Carrying Assistance Dogs in Taxis
- Providing Assistance to Passengers in Wheelchairs

The Licensing Authority will therefore issue exemption certificates where appropriate and in line with the provisions of the Act.

Section 169 Exemption Certificate (Assistance Dogs in Taxis)

Individuals who have a medical condition which is aggravated by exposure to dogs may apply to the Licensing Authority for an exemption, under Section 169 of the Act on the basis of medical grounds.

In order for the Authority to grant an exemption, the licensee must provide evidence from their own GP or a GP registered with the Licensing Authority.

Where the application is successful, an exemption certificate will be issued and should be exhibited in the vehicle by fixing it, facing outwards, either on the windscreen or in a prominent position on the dashboard. An exemption certificate is valid:

- In respect of a specified taxi or a specified kind of taxi
- For such a period as is specified in the certificate

Section 166 Exemption Certificate (Passengers in Wheelchairs)

Individuals can apply for an exemption to assist passengers in wheelchairs, under Section 166 of the Act on the basis of medical grounds or on the ground that the person's physical condition makes it impossible or unreasonably difficult for the person to comply with those duties.

In order for the Authority to grant an exemption, the licensee must provide evidence from their own GP or a GP registered with the Licensing Authority.



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Part 8.17 Right to Work in the UK

Individuals are required to evidence that they are legally entitled to work in the United Kingdom.

The Authority has taken direction from the Home Office on documents and processes acceptable in confirming an individual's eligibility to work in the UK.

Policy – Objective 12

Right to work Documentation

The Licensing Authority will conduct either a physical document check or an online check to establish a right to work.

Manual Right to Work Check (Physical Check)

To perform a physical check, individuals must provide original documents from a list of acceptable documents.

Examples of acceptable documents are:

- Current or expired passport
- Biometric Immigration Document
- Immigration Status Document
- Birth Certificate
- Positive Verification Notice

This list is not exhaustive and other documents may be accepted. Full guidance can be obtained from the Home Office at: [Right to work checks: an employer's guide - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/guidance/right-to-work-checks-an-employer-s-guide)

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Online Check

An online check can be undertaken for those individuals who hold any of the following documents:

- Biometric Residence Permit
- Biometric Residence Card or status issued under the EU Settlement Scheme or status issued under the points-based immigration system
- British National Overseas (BNO) visa
- Frontier Worker permit

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

Part 8.18 – Tax Conditionality Checks

Individuals are required to evidence that they have undertaken a tax check.

The Authority has taken direction from HM Revenue & Customs on the process of undertaking Tax Conditionality Checks.

Policy – Objective 13

Tax Conditionality Checks

~~Individuals will be required to meet new rules on applying for a Hackney Carriage Vehicle Licence on or after 4th April 2022.~~

Those individuals who make an application to renew a licence on or after 4th April 2022 will need to complete a tax check.

A tax check must be carried out by the individual – the Licensing Authority is unable to undertake on the individual's behalf.

The tax check asks questions about how an individual pays tax on income earned from the licensed trade.

As part of the renewal application process, individuals are required to provide the Licensing Authority with required information for a tax check to be carried out.

Failure to provide the required information will result in an incomplete application and the licence will not be renewed.

Full guidance about how to complete a tax check will be published in January 2022 and further information can be found by visiting:

[Changes for taxi, private hire or scrap metal licence applications from April 2022 – GOV.UK](#)

Part 9 – Hackney Carriage and Private Hire Driver’s Licence

The Licensing Authority requires individuals, before making an application, to have completed all the pre-requisite requirements and to have provided all necessary documents.

Policy – Objective 14

Licence

The Licensing Authority will issue a licence where fit and properness has been evidenced.

The Licensing Authority will, in normal circumstances, issue a dual licence, allowing individuals to drive both a private hire and hackney carriage vehicle.

The Licensing Authority will, in normal circumstances, issue a licence for the period applied for, this being either one, two, or three years. Where circumstances necessitate, the application may be referred to the Licensing Committee for determination.

Part 10 – Safeguarding Children and Vulnerable Adult Passengers

The Licensing Authority requires individuals, throughout the time they are licensed, to comply with the Council's Code of Good Safeguarding Conduct and to demonstrate due diligence. This involves taking reasonable steps in order to protect vulnerable passengers or avoid committing an offence. It is therefore important that vulnerable passengers are safely transported and safeguarded when using public transport, especially within private hire and hackney carriage vehicles which provide a more discrete service.

There are many reasons that a passenger may be vulnerable. A vulnerable person is a person of any age, ethnicity, gender or social class, who is at risk of harm. This includes children and young people and may include adults, for example if they are under the influence of alcohol or drugs or have other needs such as:

'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'.

Policy – Objective 15

Safeguarding Children and Vulnerable Adult Passengers

It is an expectation that individuals report their safeguarding concerns about children and vulnerable passengers to the relevant authority, such as the police or social services.

If an incident occurs involving a child or vulnerable passenger, it is expected that the individual or operator should inform the Licensing Authority as soon as possible; this may assist the individual to demonstrate due diligence in the case of a complaint being made regarding the incident.

Safeguarding complaints and breach of the Code of Good Safeguarding Conduct are regarded as a serious matter. Information about complaints and safeguarding matters will be fed into a centralised reporting and recording system in order to ensure appropriate steps are taken and may be shared with other relevant authorities.

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

- Reporting concerns about children or other 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. **Individuals 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, or radicalised language, or engage in conversations of a personal or intimate nature)
 - Behave in a way that makes a passenger feel intimidated or threatened
 - Attempt to misuse information obtained via the business, about a child/vulnerable person (for example, disclosing the confidential information of a passenger, or privately communicating with a child or vulnerable adult such as: at their address, via social media, via mobile telephone) or otherwise misusing information obtained

Part 11 - Plying for Hire

The Licensing Authority plays an integral role to the success of the night-time economy, specifically in regard to transportation services. When other forms of transport have ceased, it is the hackney carriage and private hire trade that continue to service public demand.

With private hire licensing there comes an increased chance in plying for hire activities which disrupts the lives of service users and residents.

There are key dangers to the public regarding licensed drivers illegally plying for hire. These include, but are not limited, to:

- Plying for hire can invalidate insurance
- Plying for hire reduces the chances of detecting offenders in the event of inappropriate behaviour or the committing of a crime
- Individuals that are unlicensed or licensees that have had their licence suspended are far more likely to escape enforcement action
- The charging regime of private hire operators is undermined, and licensees may demand unreasonable sums of money for relatively short journeys
- ~~The hackney carriage trade being unable to ply their trade effectively~~

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Policy – Objective 16

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 and/or complaints received by the public and licensees) use licensing officers as covert passengers, therefore enabling a greater prospect of taking legal action.

The Licensing Authority will apply the following in regard to plying for hire:

- Where a licensee is found to be plying for hire, and there is evidence to support a conviction, the licensee will be immediately suspended and referred to the Licensing Committee
- Unless there are exceptional circumstances, the licensee should expect to have any licenses immediately revoked and/or any application for a licence refused
- Where a licensee is found to be plying for hire, and there is sufficient evidence, the Licensing Authority will submit a file for legal proceedings
- The Licensing Authority will endeavour to recover the costs of prosecution from those convicted to reduce the financial burden on licensees who operate within the law

The licensee has the right of appeal to the Magistrates Court on any decision made.

Where a licensee has been convicted of plying for hire, they will normally not be granted a licence for a period of not less than ~~12 months~~ 7 years from the date of conviction/ licence revocation, whichever is the most recent.

~~Where a licensee has been convicted of plying for hire for a second time, they will normally not be granted a licence for period of not less than two years from the original date of conviction/licence revocation, whichever is the most recent.~~

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Part 12 – Byelaws

Sheffield City Council's Byelaws are made under Section 68 of the Town Police Clauses Act 1847 and Section 171 of the public Health Act 1875 and are with respect to hackney carriages and hackney carriage drivers within Sheffield.

The Byelaws can be found at Appendix [BC](#) of this policy.

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Part 13 – Hackney Carriage and Private Hire Driver’s Conditions

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 following mandatory conditions form part of all hackney carriage and private hire driver’s licenses and should be always observed; failure to do so may result in the licence being referred directly to the Licensing Committee for review.

Following the determination of an application by the Licensing Committee, additional conditions may be imposed, so long as they are reasonably necessary.

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Mandatory Conditions

Definitions

'The Council'	Refers to Sheffield City Council
'The District'	Refers to the district of Sheffield
'The Act'	Refers to the Local Government (Miscellaneous Provisions) Act 1976
'Private Hire Vehicle'	Refers to the same meaning as in The Act
'Vehicle'	Refers to a licenced vehicle
'Operator'	Refers to a person who has been granted a private hire operator's licence issued by the Council under Section 55 of The Act
'Premises'	Refers to the private hire operator's place of business for the purpose of operating vehicles
'Authorised Officer'	Refers to any officer of the Council authorised in writing by the Council for the purpose of regulating private hire legislation
'Statutory Guidance'	Statutory Taxi and Private Hire Vehicle Standards

1. Driver's Licence	
	The licensee must not assign or any way part with the benefit of the licence which is personal to the licensee to which it has been assigned.

2. Driver Conduct	
a.)	The licensee must comply with the Licensing Authority's Code of Conduct in relation to working with children and vulnerable passengers.
b.)	The licensee must take particular care with unaccompanied children and vulnerable adults. The licensee must remain alert to safeguarding matters related to children and vulnerable adults.
c.)	The licensee must at all times conduct themselves in a professional manner, and in any case provide reasonable help to any person hiring or being conveyed in the vehicle.
d.)	The licensee must afford all reasonable assistance with passenger luggage as required at the commencement and conclusion of the journey.
e.)	The licensee must afford all reasonable assistance to disabled passengers and help to load and unload wheelchairs where required.
f.)	The licensee must take all reasonable steps to ensure the safety of passengers entering or conveyed in or alighting from the vehicle, especially those passengers with a disability.
g.)	The licensee must not smoke, vape or take any other such substance in the vehicle at any time.
h.)	The licensee, whilst transporting passengers for the purposes of hire and reward, must not drink or eat in the vehicle, or play any radio or sound reproducing instrument or equipment in the vehicle other than for the sending and receiving of messages in connection with the operation of the vehicle. In any case, the licensee must conform to all road traffic regulations.
i.)	The licensee must, at all times, ensure the vehicle is maintained in a roadworthy and clean condition.
j.)	The licensee must display in the vehicle information on how a complaint to the Licensing Authority can be made.
k.)	The licensee must ensure that all required vehicle markings, signs and notices are legible and do not become concealed from public view.
l.)	The licensee must not, when driving a licensed vehicle for the purposes of hire and reward, tout or solicit on a road or other public place
m.)	The licensee must not, when driving a licensed private hire vehicle for the purposes of hire and reward, offer for immediate hire when the vehicle is on a road or other public place, other than is transmitted to them by a licensed private hire operator.
n.)	The licensee shall not cause or allow to be conveyed in a vehicle a greater number of persons, not including the driver, than that specified on the licence.
o.)	The licensee must comply with the Code of Good Safeguarding Conduct, which includes:

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	<ul style="list-style-type: none"> • 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
p.)	The licensee shall observe anti-idling legislation, local policy and byelaws.

3. Driver's Badge

a.)	The licensee must all times, when driving a licenced vehicle for the purposes of hire and reward, wear the driver's badge as issued by the Licensing Authority, in a prominent and visible place.
b.)	The licensee must at all times, when driving a licenced vehicle for the purpose of hire and reward, display in the vehicle (in clear view of the passengers) their driver identification as issued by the Licensing Authority.
c.)	The driver's badge remains the property of the Licensing Authority.
d.)	Where a licence has been suspended or revoked or where the licence becomes invalid for any other reason, the badge (and accompanying licence) must be returned to the Licensing Authority within 1 working day.

4. Convictions, Cautions and Arrests

Page 263	The licensee is required to notify the Authority within 48 hours of any arrest, charge or conviction of a sexual offence, offence involving dishonesty or violence, and any motoring offence.
	<p>Additionally, the licensee is required to notify the Authority within 48 hours of any arrest, charge or convictions involving, but not limited to:</p> <ul style="list-style-type: none"> • Crimes resulting in death • Exploitation • Offences involving violence • Possession of a weapon • Drugs • Discrimination

5. Medical Conditions

a.)	The licensee must notify the Licensing Authority in writing and without undue delay of any change in medical condition.
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b.)	The licensee must comply with the requirement to attend a medical examination at prescribed intervals and so provide the Licensing Authority with a certificate completed by a GP registered with the Licensing Authority showing that they are medically fit to DVLA Group 2 standards.
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6. Passengers	
a.)	The licensee must not cause or permit a greater number of passengers to be conveyed in the vehicle than that which is stated on the licensee.
b.)	The licensee must ensure that seatbelt legislation is complied with in respect of themselves and passengers, specifically in respect of children.
c.)	The licensee must not allow to be conveyed in the front of a licensed vehicle: <ul style="list-style-type: none"> • More than one person, unless the vehicle is manufactured to carry two front seat passengers and there are seatbelts for both passengers to use • Any passenger under the age of 10, unless there is an impairment that would mean it is safer to sit in the front seat.
d.)	The licensee must not, without the express consent of the hirer, convey or permit any other person in the vehicle.
e.)	<p>The licensee must provide all reasonable assistance to passengers and especially those with a disability. The Equality Act 2010 places specific duties on licensees which must be observed at all times:</p> <p>Duty to Assist Passengers in Wheelchairs</p> <ul style="list-style-type: none"> • To carry the passenger while in a wheelchair • Not to make any additional charge for doing so • If the passenger chooses to sit in a passenger seat, to carry the wheelchair • To take such steps as it necessary to ensure that the passenger is carried in safety and reasonable comfort • To give the passenger such mobility assistance as is reasonably required <p>Duty to Carry Guide Dogs and Assistance Dogs</p> <p>The licensee must carry guide, hearing and all other prescribed assistance dogs in their vehicle.</p>

	<p>An assistance animal belonging to or in the custody of any passenger should remain with that passenger for the duration of the journey.</p> <p>Licensees that have a medical condition which is aggravated by exposure to dogs, and where an exemption certificate from the Licensing Authority has been issued and where it is displayed in the approved manner, will be exempt from carrying assistance dogs.</p>
7. Fares and Cards	
a.)	The licensee must not, if driving a licensed vehicle fitted with a taximeter, cause the fare to be in excess to that which is displayed on the meter, and must not cause the fare recorded to be cancelled or concealed until the hirer has had the opportunity of examining it and to have paid the fare.
b.)	The licensee must not demand from the hirer of a private hire vehicle a fare in excess of any which has been previously agreed between the hirer and the operator; or, if the vehicle has been fitted with a taximeter, and there has been no previous agreement as to the fare, the fare shown on the face of the taximeter.
c.)	<p>The licensee must, if requested by the hirer, provide a written receipt for the fare paid. Such receipt should include as a minimum:</p> <ul style="list-style-type: none"> • The name of the licensee • The licence number of the licensee • The name of the Private Hire Operator • The vehicle licence details – registration and licence number • The amount paid for the journey • The pick and destination points.
8. Found Property	
	<p>The licensee must, following the completion of the journey, ascertain if any property belonging to the hirer has been left in the vehicle and if so, return such property immediately.</p> <p>Where any property is found and where it is not possible to return to the hirer, the licensee should take all reasonable steps to trace the owner of the property. Certain items of lost property are accepted at local police stations, these include:</p> <ul style="list-style-type: none"> • Items you believe may be linked to a crime that could be used as evidence • Firearms/weapons/ammunition • Chemicals and explosives • Non-UK passports • Drugs

	<ul style="list-style-type: none"> • Pornography • Mobile phones/electronic devices which may hold personal data • Items where the owner is identifiable • Unidentifiable cash
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9. Change of Address	
a.)	The licensee must notify the Licensing Authority within 7 days and in writing of any change of address.
b.)	The licensee must provide information to demonstrate that they have informed the DVLA

10. Operator Information	
a.)	The licensee is permitted to undertake bookings from only one private hire operator at any one time – use of multiple booking systems used simultaneously is not permitted.
b.)	The licensee must inform the Licensing Authority of the Private Hire Operator for which they take bookings. Where there is a change of operator, the licensee must inform the Licensing Service within 48 hours.
c.)	The licensee must display signage of the Private Hire Operator for which they undertake bookings.

11. Regulatory Matters	
a.)	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, the Town Police Clauses Act 1847 and the Statutory Taxi and Private Hire Vehicle Standards.
b.)	The licensee must at all times cooperate with an Authorised Officer of the Council or police constable.

Part 14 - Committee Referral Criteria

~~Where circumstances necessitate, individuals may be referred to the Licensing Committee.~~

Policy – Objective 17

Committee Referral Criteria

An individual may be referred to Committee for any one or more of the reasons set out below.

- Where an individual has one or more conviction and where this shows a pattern or tendency irrespective of the time since the conviction.
- Where an individual has a specified conviction, ~~as specified in the fit and proper threshold:~~
 - Crimes Resulting in Death
 - Exploitation
 - Offences Involving Violence
 - Possession of a Weapon
 - Sex and Indecency Offences
 - Dishonesty
 - Drugs
 - Discrimination
 - Motoring Convictions
 - Drink Driving/Driving Under the Influence of drugs
 - Using a hand-held telephone or hand-held device whilst driving
- Any term of imprisonment or custody, including suspended sentences.
- Any Caution, Warning, Fixed Penalty Notice, Acceptable Behaviour Contract (ABC), Civil Injunction or Criminal Behaviour Order (CBO's).
- Any failure to adhere to hackney carriage and private hire driver conditions, at the discretion of the Chief Licensing Officer.
- Any failure to adhere to legislative requirements, at the discretion of the Chief Licensing Officer.
- Any instance of plying for hire.
- Where an individual has received a series of complaints
- Any breach of the Equality Act 2010
- 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.
- Any other reason that the Chief Licensing Officer deems appropriate.

Part 15 – Compliance and Enforcement

The primary aim of the Licensing Authority is public safety, and to provide a service that businesses and individuals can depend on for reasons of health, safety, welfare, equality and consistency.

Therefore, the undertaking of compliance and enforcement checks on licensed drivers is essential in order to achieve this. Ultimately these checks are undertaken in order to ensure licensees continue to be 'fit and proper', 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
- 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 Complaints Procedure.

Part 16 - Better Regulation Delivery Office: Regulators' Code, 2014

In undertaking enforcement duties, the Licensing Authority will pay particular attention to the Regulators Code, April 2014. 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
- ensure that their approach to their regulatory activities is transparent

Part 17 - 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 judgement 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.

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.

Part 18 - 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 Chief Licensing Officer, licensees may be referred to the licensing Sub-Committee without further warning.

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 that means 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 judgement as to whether to exercise the formal warning procedure.

A formal warning will be held on the licensees' record for the entire time with which a licence is held. Where a licensee receives three formal warnings in a three year period, the licensee will be automatically referred to the Licensing Committee.

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 & 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 a 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 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 all the information at its disposal.

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
- 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 it 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
- Is it in the public interest to bring the case to court

Part 19 – Complaints

The Licensing Authority is responsible for investigating complaints in relation to drivers, vehicles and operators licensed within the city of Sheffield.

Complaints include, but are not limited, to:

- poor customer service
- poor driving standards
- overcharging
- refusal to hire
- vehicle defects
- failures to display driver/vehicle identification
- prolonging journeys
- plying for hire
- issues against an operator
- equality issues (wheelchair / guide dog issues etc.)
- non-compliance with conditions

Complaints about drivers and operators provide a source of intelligence when considering a licence renewal or to identify issues during the period of a licence. Patterns of behaviour, such as **complaints** against drivers, even when they do not result in further action in response to an individual complaint, may be indicative of characteristics that raise doubts over the suitability to hold a licence.

~~Where complaints are received, the driver will be contacted by the Licensing Authority and concerns raised, and where appropriate, the private hire operator will be made aware.~~

Making a Complaint

The Licensing Authority has guidance for passengers on how to make a complaint which is located on its website.

Ways to make a complaint are also displayed in all licensed vehicles.

The Licensing Authority will investigate complaints in line with corporate timeframes. A copy of the official complaint form can be accessed on the licensing website.

Part 20 - Consultation

In developing this policy, the Licensing Authority consulted widely and gave due consideration to the views of all those who responded to the consultation process.

The Licensing Authority is committed to consulting with as wide an audience as possible, regarding this and any future licensing policy or any amendments in accordance with this policy.

The Licensing Authority has conducted a full consultation of this policy by way of writing and/or emailing consultees, providing relevant information on the Council website, and attending meetings with interested parties.

The views of all consultees were considered and given proper weight when writing and/or reviewing this policy.

A list of consultees can be found below. This list is not exhaustive but is an example of those who have been consulted.

- Licensees
- Local Members of Parliament
- Sheffield Disability Groups
- South Yorkshire Fire Service
- Neighbouring Local Authorities
- Chambers of Commerce
- Women's Groups
- Local Traders
- Pubwatch
- Elected Members
- Sheffield City Council Transport Services
- Sheffield City Council Sheffield Safeguarding Children's Board
- South Yorkshire Police
- Institute of Licensing
- Sheffield City Council's Public Health Service
- National Association of Licensing and Enforcement Officers
- Campaign for Better Transport

Appendix A – Useful Contacts

Licensing Service		
Block C, Staniforth Road Depot Staniforth Road Sheffield S9 3HD	Telephone	0114 2734264
	Email	taxilicensing@sheffield.gov.uk
	Website	www.sheffield.gov.uk/licensing
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 CVTS 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, Morriston, Swansea SA6 7JL	Telephone	
	Email	
	Website	https://www.gov.uk/government/organisations/driver-and-vehicle-licensing-agency
Sheffield Safeguarding Children's Board		
Floor 3 South Howden House Union Street Sheffield S1 2SH	Telephone	0114 273 4934
	Email	child.protection@sheffield.gov.uk
	Website	https://sheffieldscb.proceduresonline.com/chapters/pr_contacts.html
Disclosure and Barring Service (DBS)		
DBS customer services PO Box 3961 Wootton Bassett SN4 4HF	Telephone	03000 200 190
	Email	customerservices@db.s.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

The Royal Society for the Prevention of Accidents		
RoSPA House, 28 Calthorpe Road, Edgbaston, Birmingham B15 1RP, UK	Telephone	0121 248 2000
	Email	help@rospa.com
	Website	www.rospa.com
Health and Safety Executive		
Health and Safety Executive Bld 5S.2 Redgrave Court Merton Road Bootle Merseyside L20 7HS	Telephone	0300 003 1747
	Email	
	Website	www.hse.gov.uk
Information Commissioner's Office		
Information Commissioner's Office Wycliffe House Water Lane Wilmslow Cheshire SK9 5AF	Telephone	0303 1231113
	Email	casework@ico.org.uk
	Website	www.ico.gov.uk
Disabled Persons Transport Advisory Committee		
Disabled Persons Transport Advisory Committee (DPTAC) c/o Department for Transport Great Minster House 33 Horseferry Road London SW1P 4DR	Telephone	
	Email	dptac.enquiries@dft.gsi.gov.uk
	Website	www.dptac.gov.uk

Appendix AB - 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 BA10 and BA30 must 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 use of unsuitable vehicles or using a vehicle with parts or accessories (excluding brakes, steering or tyres) in a dangerous condition	3
CU30	Using a vehicle with defective tyre(s)	3
CU40	Using a vehicle with defective steering	3
CU50	Causing or likely to cause by reason of load or passengers	3
CU80	Breach of requirements as to control of the vehicle, such as using a mobile phone	6
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 risks	6-8
IN12	Aiding, abetting, counselling or procuring using a vehicle uninsured against third party risks	6-8
IN14	Causing or permitting an uninsured driver to use a vehicle without third party cover	6-8
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 a 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
'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 BC - 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 pushchair.

Number of persons to be carried in a 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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Appendix H

SHEFFIELD CITY COUNCIL

**Hackney Carriage and Private Hire
Driver's Licence Policy**

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Frequently Used Terms

The following terms are used frequently throughout this policy document.

'The Authority'	Refers to Sheffield City Council which carries out its function as the Licensing Authority under the Town Police Clauses Act 1847 and Local Government (Miscellaneous Provisions) Act 1976 as well as other relevant legislation, policies and Statutory Standards
'The Council'	Refers to Sheffield City Council
'The Licensing Committee'	Refers to the committee of Sheffield City Council
'The Licensing Sub-Committee'	Refers to three members of the Licensing Committee with sub-delegation of functions
'Licensing Policy'	Refers to this document, Sheffield City Council's <i>Hackney Carriage and Private Hire Driver's Licence Policy</i>
'LGMPA'	Refers to the Local Government (Miscellaneous Provisions) Act 1976
'TPCA'	Refers to the Town Police Clauses Act 1847
'Statutory Guidance'	Statutory Taxi and Private Hire Vehicle Standards

Part 1 – Introduction

Sheffield City Council is responsible for the regulation of Hackney Carriage and Private Hire Drivers within the district of Sheffield.

This policy will guide the Licensing Authority in how it carries out its functions. The policy has effect from (insert date) and will be applied to new and existing licence applications applied for after this date.

The Licensing Authority reserves the right to overturn a decision previously made or refuse to renew a licence where clear errors are discovered. In addition, the Licensing Authority will undertake periodic auditing to ensure the policy is being adhered to, and such audits will be undertaken using this policy as the required standard.

The policy has been developed by the Licensing Authority after consulting with licensees, the public and other interested parties.

In addition, the Licensing Authority has paid regard to strategies, legislation and guidance as referenced throughout this policy.

The policy also incorporates the Department for Transport's recently published Statutory Taxi and Private Hire Vehicle Standards. The Licensing Authority acknowledges these standards and aims to build on them.

The standards can be found at <https://www.gov.uk/government/publications/statutory-taxi-and-private-hire-vehicle-standards>

In carrying out its functions, the Licensing Authority will have regard to this policy document; however, each case will be judged on its own merits.

The Licensing Authority will formally review this policy every five years and informally re-evaluate from time-to-time. Where changes are made, the Licensing Authority will publish a statement of such revisions, along with a revised policy.

Part 2 – Strategies and Legislation

Due regard will be given to other such strategies, policies, and guidance documents in the writing of this policy, in decision making processes, and all other work carried out within the scope of the licensing regime.

The policies, strategies and guidance referenced below are recognised as those that are integral in the current licensing regime and help to define context and content throughout this document.

- Rehabilitation of Offenders Act 1974
- Transport Act 1985, 1991 and 2000
- Human Rights Act 1988
- Crime and Disorder Act 1998
- The Office of Fair Trading “The Regulators of Licenced Taxi and PHV Services in the UK” 2003
- Road Traffic Act 2006
- Equality Act 2010
- The Department for Transport Taxi and Private Hire Vehicle Licensing: Best Practice – March 2010
- Anti-Social Behaviour, Crime and Policing Act 2014
- Guidance on the Rehabilitation of Offenders Act – March 2014
- Better Regulation Delivery Office – Regulators’ Code 2014
- Policing and Crime Act 2017
- Access for Wheelchair users to Taxis and Private Hire Vehicles – Statutory Guidance 2017
- Safeguarding Children and Vulnerable Adult Policy
- Clean Air Sheffield
- Statutory Taxi & Private Hire Vehicle Standards 2020
- Taxi and Private Hire Licensing – Councillors’ Handbook (England and Wales) 2021
- Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022
- Taxis and Private Hire Vehicles (Disabled Persons) Act 2022

Part 3 – Equality, Diversity, and Inclusion

Sheffield is a diverse city, both ethnically and culturally. We value and celebrate the diversity that exists amongst both the citizens of Sheffield and our workforce. As a Council we want to ensure that everyone can fully participate in the social, cultural, political, and economic life of the city.

The Equality Act 2010

The Equality Act 2010 and Section 149, the Public Sector Equality Duty, places a legal obligation on public authorities to have due regard to the need to eliminate unlawful discrimination, harassment, and victimisation; to advance equality of opportunity; and to foster good relations between persons with the following protected characteristics:

- Age
- Disability
- Gender Reassignment
- Pregnancy & Maternity
- Race
- Religion or Belief
- Sex
- Sexual Orientation
- Marriage & Civil Partnership

The Licensing Authority will at all times have regard to the Equality Act 2010 and Sheffield City Council's Equality, Diversity, and Inclusion Policy Statement 2017.

For further information, please see details at the following link:

<http://www.equalityhumanrights.com/private-and-public-sector-guidance/organisations-and-businesses/businesses>

Equality Impact Assessment (EIA)

An Equality Impact Assessment (EIA) is how Sheffield City Council systematically assesses the potential effects that a proposed policy or project is likely to have on different groups within the city. Policies will affect different people in different ways, and it is possible that they have the potential to discriminate against certain groups, even if this is not an intention.

EIA's are carried out within the Licensing Service to consider the equality impacts of any proposed projects, new and revised policies, strategies and budget proposals.

An EIA has been carried out throughout the formulation of this policy.

Part 4 – Delegations

Sheffield City Council, acting as the Licensing Authority, has established a Waste and Street Scene Committee. The Waste and Street Scene Committee has the authority 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 and Sub-Committee are responsible for determining individual cases.

The Chief Licensing Officer has delegated to appoint and authorise 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 licences
- Licence suspensions
- Issuing formal warnings and cautions
- Investigation and preparation of prosecution files
- Investigating complaints

The table below sets out the agreed delegation of decisions and functions to the Licensing Committee, Sub-Committees and Officers.

Matter to be dealt with	Full Committee	Sub Committee	Officers
Fee Setting	✓		
Grant of Licence		✓	✓
Refusal of licence		✓	
Revocation of licence		✓	
Suspension of licence		✓	✓
Review of licence		✓	
Formal Warnings		✓	✓
Investigation of offences and preparation of prosecution files			✓
Complaints		✓	✓

Rights of the Applicant

This policy does not preclude any individual from making an application. Each application will be considered on its own individual merits in accordance with the Town Police Clauses Act 1847, Local Government (Miscellaneous Provisions) Act 1976, statutory guidance, associated byelaws and relevant integrating legislation.

Hearings

Where Officers are unable to determine an application, a hearing will be scheduled with the Licensing Committee to consider such an application.

Each application will be judged on its own individual merits.

An individual may request a third-party, such as a friend, trade or a legal representative, to make a written representation, and attend to present their case at a sub-committee hearing.

Every determination of a licensing decision by the Licensing Committee or a Licensing Sub-Committee shall be accompanied by clear, cogent reasons for the decision. The decision and the reasons for that decision will be sent to the applicant as soon as is practicable.

Appeals against Licensing Authority Decisions

There is a right of appeal against Council and Licensing Committee decisions. Appeal applications must be made to Sheffield Magistrates Court within 21 days of the determination.

Part 5 – Information Sharing

How Information is used

Personal data is processed under contract to which licensees are party by way of an application for a licence (as per Article 6(1)(b) of the General Data Protection Regulation). In terms of special category data, including criminal records or health information, information is processed as it is necessary for the performance of a task carried out in the public interest (as per Article 9(2)(g) of the General Data Protection Regulation).

The following legislation and guidance are observed throughout the licensing regime:

- Town Police Clauses Act 1847
- Local Government (Miscellaneous Provisions) Act 1976
- Statutory Taxi and Private Hire Vehicle Standards

Who is information shared with?

Information on those organisations with which information is shared can be sought directly from the Licensing Authority.

As an example, those organisations with which information is shared is as follows:

- Driving and Vehicle Licensing Agency (DVLA)
- Disclosure and Barring Service
- South Yorkshire Police and other police organisations
- Taxi Plus
- Home Office
- NR3 National Register of Taxi Licence Refusals and Revocations
- Department for Environment, Food and Rural Affairs (DEFRA)
- Other Licensing Authorities
- Other Council Services
- Any Other Service/Organisation as Referenced in the Town Police Clauses Act 1847, Local Government (Miscellaneous Provisions) Act 1976 and the Statutory Taxi and Private Hire Vehicle Standards.

How long will Information be kept for?

The information you provide will be kept for the duration of your licence, plus six years, after which time it will be deleted.

The information will be stored either in paper form and/or electronically on a secure council database.

In the event that your licence is revoked, or an application refused, information will be uploaded to the NR3 Register and the information kept for 25 years.

Your Rights

There are rights under Data Protection law. Further details about rights, contact details of our Data Protection Officer and your initial rights to make a complaint can be found on the Council's Privacy Notice webpage: www.sheffield.gov.uk/privacy.

Part 6 – Legislative Background

The Licensing Authority, in respect of regulating (administering and enforcing) hackney carriage and private hire drivers, adheres to the regulatory framework as set out in the Local Government (Miscellaneous Provisions) Act 1976 (Part II), the Town Police Clauses Act 1847, and the Statutory Taxi and Private Hire Vehicle Standards (2020).

The legislative frameworks contained in these Acts, the requirements of the statutory guidance, policy objectives set out in this document, and all other integrating legislation and guidance documents will be used in the regulation of hackney carriage and private hire drivers.

Town Police Clauses Act 1847

The Town Police Clauses Act 1847 is used by Sheffield City Council to regulate the hackney carriage industry.

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 to regulate the private hire and hackney carriage industry. The Act was adopted by Sheffield City Council at its meeting on Wednesday 1st March 1978.

A private hire driver's licence is issued 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.”

Part 7 – Fit and Proper Person Requirement

The Licensing Authority's primary objective is to protect the public. Individuals must therefore satisfy the Authority that they are fit and proper.

The term 'fit and proper' has no legal definition; however, when deciding, the Licensing Authority will use a common-sense approach, judging each case on its own merits. The burden of proof lies with the individual proving they are 'fit and proper', not the Authority proving they are not.

All decisions on suitability are made on the balance of probabilities, meaning an individual will not be given the benefit of the doubt. The threshold used is lower than for a criminal conviction and can therefore include information that goes beyond criminal convictions and unsubstantiated complaints, and which shows a pattern of behaviour.

In determining whether an individual is to be considered fit and proper, criminal convictions and other evidence of undesirable behaviour will be considered, in addition to the individual character as a whole.

Sections 51 and 59 of the Act states:

51 Licensing of drivers of private hire vehicles.

(1) ...a district council shall, on the receipt of an application from any person for the grant to that person of a licence to drive private hire vehicles, grant to that person a driver's licence:

Provided that a district council shall not grant a licence –

(a) Unless the applicant is a fit and proper person to hold a licence

and

59 Qualifications for drivers of hackney carriages.

(1) Notwithstanding anything in the Act of 1847, a district council shall not grant a licence to drive a hackney carriage –

(a) unless they are satisfied –

(i) that the applicant is a fit and proper person to hold a driver's licence

When considering the fit and proper person requirement' the Licensing Authority will ask itself the following question:

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

If, on the balance of probabilities, the answer to the question is 'no', an individual **will not be granted a licence**

Part 8 – Examinations, Tests and Application Requirements

The overarching aim of licensing is the **protection of the public**.

Individuals are required to demonstrate the aptitude and competencies required of a professional driver, in order that they carry out their role to the highest standard and enable those who live, visit and work in Sheffield to travel safely.

Whilst examinations and tests go some way to demonstrating the fit and proper person requirement, the character of an individual is just as important and will be considered.

The Licensing Authority has established examinations, tests and requirements in order ascertain the suitability of individuals, as follows:

- Certificate in Introduction to the Role of the Professional Taxi and Private Hire Driver
- Safeguarding Training
- Disability Awareness Training
- Language Proficiency
- Knowledge Test
- Driving Test
- Age and Experience
- Enhanced DBS Check with Online Update Service
- Driver and Vehicle Licensing Agency Checks
- Medical Assessment
- Right to Work Documentation
- Tax Conditionality Check
- Checks made to the National Anti-Fraud Network database on Refusals and revocation of hackney carriage and private hire licences

Retaking Examinations, Tests and Training

Individuals that make an application for a licence between a period of one month and 12-months since the expiry of their last licence will be considered a new applicant, but will not be required to undertake further training, examinations or tests if already completed.

Individuals that make an application for a licence after a period of 12-months since the expiry of their last licence will be classed as a new applicant. They will not be required to undertake the *Certificate in the Introduction to the Role of the Professional Taxi and Private Hire Driver*, but will be required to undertake all other tests, examinations and training appropriate for new drivers.

Part 8.1 Certificate in Introduction to the Role of the Professional Taxi and Private Hire Driver

The Licensing Authority recognises the role that licensees play in Sheffield's transport provision.

Due to the nature of the role and the subsequent high demands and standards placed on licensees, the Licensing Authority requires individuals to undertake a nationally recognised qualification in respect of professional taxi and private hire driving.

Policy – Objective 1

Certificate in *Introduction to the role of the Professional Taxi and Private Hire Driver*.

The Licensing Authority requires individuals to undertake and pass a nationally recognised qualification if:

- They are a new applicant
- They have previously been licensed, but their licence expired more than 12-months ago and they have not taken the qualification before

The accepted qualification is the Certificate in *Introduction to the Role of the Professional Taxi and Private Hire Driver* and should include, as a minimum, the following modules:

- Health and Safety
- Road Safety
- Customer Service
- Vehicle Maintenance
- Regulatory Framework
- Providing Assistance
- Routes and Fares
- Luggage
- Transporting Children
- Safeguarding

The certificate must have been awarded within the last three years, and where it is not, an individual must be able to demonstrate that they have undertaken suitable refresher training, the content of which will be determined by the Licensing Authority.

Alternative qualifications may be accepted in exceptional circumstances, but they must cover, as a minimum, the mandatory modules and be to an equivalent standard and be accredited by a registered exam body, such as Edexcel. Each case will be judged on its individual merits.

Qualifications will only be accepted whereby they have been awarded by a reputable training provider and are registered and approved by Ofqual. The training provider must be able to demonstrate that they have in place an effective Quality Assurance Framework, and that the framework covers all elements of:

- Training
- Verification
- Assessment
- Certification Process

Unregulated qualifications will not be recognised, and the Authority reserves the right to refuse to accept a certificate or qualification whereby the authenticity or the quality of any part of the process that led to the certificate being issued is called in to question. Further information can be sought from Ofqual:

<https://register.ofqual.gov.uk/>

Licensees can play an important role in spotting and reporting abuse, exploitation or neglect of children and vulnerable adults.

However, this is only the case if they are aware of and alert to the signs of potential abuse and know where to turn to if they suspect that a child or vulnerable adult is at risk of harm or is in immediate danger.

Policy – Objective 2

Safeguarding Training

Individuals are required to undertake approved safeguarding training.

Training will help individuals to:

- provide a safe and suitable service to vulnerable passengers of all ages
- recognise what makes a person vulnerable
- understand how to respond, including how to report safeguarding concerns and where to get advice

As a minimum, the training will involve:

- Introduction to safeguarding: what safeguarding is and how it is relevant to the role of the taxi driver/operator
- Clarification of what the driver/operator safeguarding responsibilities are – duty of care, licensing policy requirements, code of safeguarding conduct
- Exploration of what can make a person vulnerable: including:
 - Physical
 - Sexual
 - Psychological
 - Institutional
 - Organisational
 - Financial or material
 - Discriminatory
 - Neglect / Self Neglect
 - Forced Marriages
 - Hate Crime/ Mate Crime
 - Radicalisation
 - Domestic Violence
 - Female Genital Mutilation
 - Modern Slavery
 - Honour Based Violence
 - Criminal/Sexual Exploitation
- Discussion about what criminal exploitation is and what sexual exploitation is: how it involves children and vulnerable adults and how it can involve the taxi and private hire trade
- Examples of situations when a driver/operator might recognise signs that a passenger is at risk
- Local information about how to report safeguarding concerns
- Discussions about the nature of the driver's working environment and customer behaviour
- The Code of Conduct
- Guidance about how drivers should respond to inappropriate behaviour of passengers
- Guidance about how drivers should respond to passengers who are distressed or suicidal
- Guidance about disclosures of abuse and confidentiality
- The importance of reporting concerns
- Providing transport to social care – contract work, working in partnership with residential homes

Safeguarding awareness training will also include the ways in which individuals can help to identify county lines exploitation, including:

- Children and young people travelling in taxis or private hire vehicles alone
- Travelling at unusual hours (during school time, early in the morning or late at night)
- Travelling long distances
- Unfamiliar with the local area or do not have a local accent
- Paying for journeys in cash or prepaid

New applicants are required to undertake training before making an application. A certificate confirming the undertaking and completion of training is required.

Existing licensees that have not yet undertaken training will have 12 months from the implementation of this policy to complete. A certificate or other such information confirming the undertaking and completion of the training is required.

Individuals that have undertaken the *Certificate in Introduction to the Role of the Professional Taxi and Private Hire Driver*, including the approved safeguarding module, will be exempt from undertaking the training again. A certificate proving the undertaking and completion of the training is required.

Individuals that have undertaken approved safeguarding training through an approved provider are exempt from undertaking the training again. A certificate proving the undertaking, completion and pass of this module is required.

Qualifications will only be accepted where they have been awarded by a reputable training provider and have been approved by the Sheffield Children Safeguarding Partnership and Licensing Authority. The training provider must be able to demonstrate that they have in place an effective Quality Assurance Framework, and that the framework covers all elements of:

- Training
- Verification
- Assessment
- Certification Process

Qualifications not approved by Sheffield Children Safeguarding Partnership will not be recognised and the Authority reserves the right to refuse to accept a certificate or qualification whereby the authenticity or the quality of any part of the process that lead to the certificate being issued is called in to question.

Licensees have a responsibility to ensure that passengers are transported safely and securely and that all disabled people are treated equally and fairly.

To understand the requirements and expectations placed upon them, licensees are required to undertake disability awareness training.

Policy – Objective 3

Disability Awareness Training

Individuals are required to undertake approved disability awareness training.

Training will help individuals to:

- Ensure disabled passengers are transported safely and securely
- Ensure disabled passengers are treated equally and fairly
- Develop an understanding of the types of disabilities individuals are likely to engage with
- Understand the journey from the perspective of the disabled passenger
- Understand the legal, moral, and financial responsibilities

As a minimum, the training should include:

- What are disabilities
- Definition of disabilities
- Classification of disabilities as defined by the World Health Organisation
- The law and what is expected
- Health and Safety at Work Act
- Equality Act 2010
- Passengers in wheelchairs and the correct use of equipment
- Wheelchair passport scheme
- Assisting passengers
- Non-mobility disabled passengers
- Assistance dogs
- Duty to provide a reasonable service

New applicants are required to undertake the training before making an application. A certificate confirming the undertaking and completion of the training is required.

Existing licensees that have not yet undertaken training will have 3 years from the implementation of this policy to complete. A certificate or other such information confirming the undertaking and completion of the training is required.

Individuals that have undertaken approved training through an approved provider are exempt from undertaking the training again. A certificate evidencing the undertaking, completion and pass of this module is required.

Qualifications will only be accepted where they have been awarded by a reputable training provider and have been approved by the Licensing Authority. The training provider must be able to demonstrate that they have in place an effective Quality Assurance Framework, and that the framework covers all elements of:

- Training
- Verification
- Assessment
- Certification Process

Qualifications not approved by the Licensing Authority will not be recognised and the Authority reserves the right to refuse to accept a certificate or qualification whereby the authenticity or the quality of any part of the process that lead to the certificate being issued is called in to question.

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A lack of language proficiency may impact on an individual's ability to understand written documents, such as policies and guidance, or simply the ability to communicate with passengers to discuss a route or fare.

Policy – Objective 4

Language Proficiency

The Licensing Authority requires all individuals to be able to read, write, speak, and listen to English at an appropriate level. 'Appropriate' in this sense means individuals should be able to easily:

- Read and understand policy documents
- Read and understand licensing conditions
- Read and respond to regulatory and safety information sent by the Licensing Authority
- Write to the Licensing Authority to inform of changes to health or inform of any criminal convictions etc.
- Communicate with passengers to discuss routes or fares etc.
- Ability to identify potential exploitation through communication with passengers

New applicants are required to satisfy the English language requirement.

The Required Level of English

The required level of English is that to which is equivalent to the standard expected in the early years of secondary school education, allowing understanding and the ability to deal with most situations likely to occur in the course of a job as a driver.

Evidence

Competency can be evidenced by having undertaken and passed the *Certificate in the Introduction to the Role of the Professional Taxi and Private Hire Driver* – a requirement for all new applicants.

The Licensing Authority requires individuals to have detailed knowledge of the district with which they primarily operate. They should not have to rely on electronic satellite navigation devices and should be able to navigate around the city independently.

Additionally, the Authority requires individuals to have knowledge of licensing conditions, policies, safeguarding and other such matters essential to the role.

Individuals must therefore undertake and pass a knowledge test to demonstrate their understanding and to satisfy the Authority of the fit and proper person requirement.

Policy – Objective 5

Knowledge Test

The Licensing Authority requires individuals to undertake and pass a nationally recognised qualification if:

- They are a new applicant
- They have previously been licensed, but their licence expired more than 12-months ago

The test ensures that applicants have sufficient knowledge in:

- Routes
- Places of Interest
- Highway Code
- Road Safety
- Safeguarding

It is an individual's responsibility to undertake research and ensure they have sufficient knowledge to be able to undertake the test.

A non-refundable fee, as set by the Authority, is required for each test undertaken.

The questions will be set by the Authority and will change periodically to reflect any changes in routes, legislation, safeguarding etc.

Individuals are required to achieve a minimum of 80% in each section.

Individuals that fail a test must pay a resit fee. Any applicant cancelling the test with less than 72 hours' notice will not be eligible for a refund.

Individuals must make a full application within 12 months of passing the test. Those individuals that fail to do so will be required to retake.

The Licensing Authority expects individuals to have a better than average standard of driving and to be able to transport passengers in comfort and safety.

The Authority therefore requires individuals to undertake and pass a driving test in order to demonstrate that they can drive to a prescribed standard and to satisfy the fit and proper person requirement..

Policy – Objective 6

Driving Standards Examination

Individuals 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.

The Licensing Authority therefore requires individuals to undertake and pass a driving standards test carried out by a qualified driving standards examiner at Sheffield City Council's Transport Department.

Assessments will include any three of the following manoeuvres:

- Emergency stop
- Left Hand Reverse
- Right Hand Reverse
- Turn in the Road
- Reverse Park

Individuals 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 is required for each test undertaken.

Individuals that fail a test must pay a resit fee prior to the subsequent test date and any individual cancelling the test with less than 72 hours' notice will not be eligible for a refund.

Individuals must make a full application within 12 months of passing the test. Those individuals that fail to do so will be required to retake.

Part 8.7 Age and Experience

The Licensing Authority considers age and experience as an important factor in judging suitability.

The Authority must be satisfied that individuals have appropriate experience and knowledge of driving a motorised vehicle and are able to cope with the demands of the role.

Policy – Objective 7

Age and Experience

It is expected that individuals, 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 12 months at the time of a licence being granted.

Part 8.8 Disclosure and Barring Service (DBS) Checks

A criminal record check is seen as a fundamental tool in assessing whether an individual is fit and proper.

In assessing whether an individual is fit and proper the Authority will look at any and all convictions contained within the DBS check.

Particular attention will be paid to:

- Crimes resulting in death
- Exploitation
- Offences involving violence
- Possession of a weapon
- Sex and indecency offences
- Dishonesty
- Drugs
- Discrimination
- Motoring convictions
 - Drink driving
 - Driving under the influence of drugs
 - Using a hand-held telephone or hand-held device whilst driving

Policy – Objective 8

Disclosure and Barring (DBS) Checks

Individuals are required to apply for an Enhanced Disclosure Certificate with Barred List checks through the Disclosure and Barring Service (DBS).

The disclosure will reveal any unspent convictions recorded on the Police National Computer (PNC) and identify those individuals barred from working in a regulated activity with children or adults. The Authority will consider any and all convictions detailed.

In the interests of public safety, the Authority will not issue a licence to any individual that appears on either the children's or adult's barred list, unless there are exceptional circumstances. Where the Authority consider there to be exceptional circumstances which means that, based on the balance of probabilities, they consider an individual named on the barred list to be 'fit and proper', reasons for reaching the decision will be recorded.

Licensees are required to evidence continuous registration with the DBS Update Service to enable the Authority to routinely check for new information every 6 months. Any notified changes that result in the certificate not being up to date will result in the licensee needing to apply for a new DBS certificate. Where an individual has failed to subscribe to the Update Service, they will still be subject to a check every six months.

Where the Authority is unable to routinely check for information every six months, either by way of the DBS Update Service or through an up to date (issued within 1 month of the required check) DBS certificate, the licence will be suspended until such time that a check can be undertaken.

Part 8.9 - Overseas Convictions

Where an individual has lived outside of the UK for a period of three or more continuous months, they will be required to supply a 'Certificate of Good Character' or criminal records information.

Further information on applying for overseas criminal record information or 'Certificates of Good Character' can be found in Home Office Guidance.

Where an individual is aware that they have committed an offence overseas which may be equivalent to those listed in the Fit and Proper Threshold, they should seek independent expert or legal advice to ensure they provide information that is truthful and accurate.

Part 8.10 Licensee Self-Reporting

Individuals are required to self-report relevant information to the Licensing Authority.

Policy – Objective 9

Licensee Self-Reporting

Individuals are required to notify the Licensing Authority within 48 hours of any arrest, charge or conviction of a sexual offence, offence involving dishonesty or violence, and any motoring offence.

Additionally, individuals are required to notify the Authority within 48 hours of any arrest, charge or convictions involving, but not limited to:

- Crimes resulting in death
- Exploitation
- Offences involving violence
- Possession of a weapon
- Drugs
- Discrimination

Any arrest, charge or conviction will result in a review of a licence to ascertain whether the individual continues to be 'fit and proper'.

Any failure by an individual to disclose an arrest might be seen as behaviour that questions honesty and therefore the suitability of a licence holder, regardless of the outcome of the initial allegation.

Part 8.11 Common Law Police Disclosure

Information held by the local police and which they deem to be reasonably relevant to the role of a driver, and any information or intelligence obtained from other credible sources to that which is already held on an applicant's record, will be used by the Authority in assessing fit and properness.

In disclosing information, the police will look at the reasonable basis of credibility and that which is specifically related to the occupation in question. This may include unproven allegations or charges for which an applicant or licensee has been acquitted. The information may show that an individual acted in a way that is incompatible with that of a licensee.

Complaints, and other sources of information such as those from other council services and which show a pattern of behaviour not befitting to that of a licensee, will be considered.

Part 8.12 Sharing Licensing Information with Authorities and Police

Individuals are required to disclose if they hold or have previously held a licence with another authority. Additionally, an individual is required to disclose if they have had an application for a licence refused, or a licence revoked or suspended by any other licensing authority.

The Licensing Authority will use the National Anti-Fraud Network Register (NR3) as a way to share information on a consistent basis and mitigate the risk of non-disclosure of relevant information by individuals.

Where the Licensing Authority receives information that an individual did not disclose information, for example by checking the NR3 register, the Authority will consider whether the non-disclosure represents dishonesty and will review whether the individual is fit and proper.

Any action taken by the Licensing Authority as a result of information received by the police will be fed back to them in order to aid the quality of the information available to all parties that have a safeguarding duty. Additionally, any such revocation or refusal on public safety grounds will be advised to the police.

Part 8.13 Relevance of Convictions, Cautions, Reprimands, Warnings and Complaints

In determining applications, the Authority will make a decision on the fit and proper person requirement, assessing:

- Convictions
- Cautions
- Reprimands
- Warnings
- Any other relevant information provided by the police and other relevant authorities.

Particular attention will be paid to:

- The class of the offence
- The age of the offence
- The number and frequency of the offences; and
- The apparent seriousness of the offence, as determined by the Authority

In assessing whether an individual is fit and proper the Authority will look at any and all convictions contained within the DBS check.

In reviewing offences, the Authority will pay particular attention to:

- Any term of imprisonment or custody; any conviction and/or Caution for:
 - Crimes resulting in death
 - Exploitation
 - Offences involving violence
 - Possession of a weapon
 - Sex and indecency offences
 - Dishonesty
 - Drugs
 - Discrimination
 - Motoring offences
- Any offence contrary to hackney carriage and private hire legislation.

Part 8.14 Fit and Proper

Legislation specifically includes offences including dishonesty, indecency, and violence as a determining factor when assessing the fit and proper person requirement..

In addition to specified offences, the Authority will take into account:

- Crimes Resulting in Death
- Exploitation
- Offences Involving Violence
- Possession of a Weapon
- Sex and Indecency Offences
- Dishonesty
- Drugs
- Discrimination
- Motoring Convictions
- Drink Driving/Driving Under the Influence of drugs/using a hand-held telephone or hand-held device whilst driving
- Safeguarding complaints

Where an individual has one or more conviction recorded for any of the above offences, they will be automatically referred to the Licensing Committee.

Relevant Convictions

Relevant Convictions

Crimes Resulting in Death	Where an individual has been convicted of a crime which resulted in the death of another person or was intended to cause the death or serious injury of another person, they will not be licenced.
Exploitation	Where an individual has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment of another individual irrespective of whether the victim or victims were adults or children, they will not be licenced. This includes, but is not limited to, slavery, child sex abuse, exploitation, grooming, psychological, emotional or financial abuse.
Offences Involving Violence Against the Person	Where an individual has a conviction for an offence of violence against the person, or connected with any offence of violence, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.
Possession of a Weapon	Where an individual has a conviction for possession of a weapon or any other weapon related offence, a licence will not be granted until at least 7 years has elapsed since the completion of any sentence imposed.
Sex and Indecency Offences	Where an individual has a conviction for any offence involving or connected with illegal sexual activity or any form of indecency, a licence will not be granted. In addition, a licence will not be granted to any individual who is currently on the Sex Offenders Register or on any barred list.
Dishonesty	Where an individual has a conviction for any offence of dishonesty, or any offence where dishonesty is an element of the offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.
Drugs	<p>Where an individual has any conviction for, or related to, the supply of drugs, or possession with intent to supply or connected with possession with intent to supply, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.</p> <p>Where an individual has a conviction for possession of drugs, or related to the possession of drugs, a licence will not be granted until at least 5 years have elapsed since the completion of any sentence imposed. In these circumstances, any individual may also have to undergo drugs testing for a period at their own expense to demonstrate that they are not using controlled drugs.</p>

Discrimination	Where an individual has a conviction involving or connected with discrimination in any form, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.
Motoring Convictions	<p>Individuals with multiple motoring convictions may indicate that the individual does not exhibit the behaviours of a safe road user and one that is suitable to drive professionally.</p> <p>Drink driving or driving under the influence of drugs</p> <p>The licensee will be automatically referred to the Licensing Sub-Committee.</p> <p>In the case of driving under the influence of drugs, any individual may also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.</p> <p>Driving whilst using a hand-held mobile phone or a hand-held device whilst driving</p> <p>The licensee will be automatically referred to the Licensing Sub-Committee.</p> <p>Other motoring offences</p> <p>A minor traffic or vehicle related offence is one which does not involve loss of life, driving under the influence of drink or drugs, driving whilst using a mobile phone, and has not resulted in injury to any person or damage to any property (including vehicles).</p> <p>Where an applicant has 9 or more points on their DVLA licence for minor traffic or similar offences or has committed and been convicted of three or more offences in an 18-month period or in the term of their licence, whichever is longest, the licensee will be automatically referred to the Licensing Sub-Committee.</p> <p>A major traffic or vehicle related offence is one which is not covered above and also any offence which resulted in injury to any person or damage to any property (including vehicles). It includes, but is not limited to:</p> <ul style="list-style-type: none"> • 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)

- Insurance offences (IN10, IN12, IN14)

Where an individual has a conviction for a major traffic offence or similar offence, the licensee will be automatically referred to the Licensing Sub-Committee.

Hackney Carriage and Private Hire Offences

Where an individual has a conviction for an offence concerned with or connected to hackney carriage or private hire activity, the licensee will be automatically referred to the Licensing Sub-Committee.

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Part 8.15 Medical Assessment

The Licensing Authority recognises the importance of physical and mental fitness in individuals transporting members of the public.

Licensed individuals are on the road for longer hours than most other road users, may have to assist disabled passengers, handle heavy pieces of luggage and work unsociable hours.

Policy – Objective 10

Medical Assessment

The Licensing Authority requires individuals to undertake and pass a Group 2 Medical Fitness examination as recommended by the DVLA.

Group 2 Medical Fitness Standards are those applied to bus and lorry drivers and are seen as the appropriate standard for hackney carriage and private hire drivers. Group 2 medical categories include, but are not limited, to:

- Neurological Disorders
- Cardiovascular Disorders
- Diabetes Mellitus
- Psychiatric Disorders
- Drug or Alcohol Misuse or Dependency
- Visual Disorders
- Renal and Respiratory Disorders
- Miscellaneous Conditions

Individuals are required to provide a completed medical assessment, supplied by the Council, and completed by a General Practitioner (GP) on initial application.

A further medical assessment completed by a GP will be conducted at 45 years of age and every five years thereafter, until 65 years of age, when they will be undertaken annually. Where recommended by the GP, an individual may be required to undergo tests on a more frequent basis.

A medical assessment may be carried out by the individuals own GP or a GP approved by the Licensing Authority. A list of approved practitioners will be provided by the Authority.

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

Individuals who are required to undertake additional tests as part of the assessment, such as an Exercise ECG Treadmill Test, will be required to supply completed test results, report information and any such certificates that have been signed and administered by a registered professional.

Individuals must inform the Authority of any deterioration or other such changes in health that may affect their driving capabilities.

Where the Authority is in any doubt as to the medical fitness of an individual or where the individual's health has deteriorated, the individual may be required undergo, pass, and pay for a further medical examination.

Part 8.16 Medical Exemptions

Licensees have a legal duty, mandated under the Equality Act 2010, to carry guide, hearing and other prescribed assistance dogs in their vehicles without additional charge.

Furthermore, the Equality Act 2010 mandates licensees of designated vehicles to carry passengers in their wheelchair, provide them with appropriate assistance and not charge them extra for doing so.

Policy – Objective 11

Exemption Certificates

The Licensing Authority requires individuals to comply with all aspects of the Equality Act 2010, and in this respect, individuals must carry guide, hearing and other prescribed assistance dogs in their vehicle, as well as, where appropriate, provide support to passengers in wheelchairs, including providing them with appropriate assistance and not charge them extra for doing so.

The Equality Act allows the Local Authority to grant exemptions from certain duties within the Act, including:

- Carrying Assistance Dogs in Taxis
- Providing Assistance to Passengers in Wheelchairs

The Licensing Authority will therefore issue exemption certificates where appropriate and in line with the provisions of the Act.

Section 169 Exemption Certificate (Assistance Dogs in Taxis)

Individuals who have a medical condition which is aggravated by exposure to dogs may apply to the Licensing Authority for an exemption, under Section 169 of the Act on the basis of medical grounds.

In order for the Authority to grant an exemption, the licensee must provide evidence from their own GP or a GP registered with the Licensing Authority.

Where the application is successful, an exemption certificate will be issued and should be exhibited in the vehicle by fixing it, facing outwards, either on the windscreen or in a prominent position on the dashboard. An exemption certificate is valid:

- In respect of a specified taxi or a specified kind of taxi
- For such a period as is specified in the certificate

Section 166 Exemption Certificate (Passengers in Wheelchairs)

Individuals can apply for an exemption to assist passengers in wheelchairs, under Section 166 of the Act on the basis of medical grounds or on the ground that the person's physical condition makes it impossible or unreasonably difficult for the person to comply with those duties.

In order for the Authority to grant an exemption, the licensee must provide evidence from their own GP or a GP registered with the Licensing Authority.

Where the application is successful, an exemption certificate will be issued and should be exhibited in the vehicle by fixing it, facing outwards, either on the windscreen or in a prominent position on the dashboard.

Individuals are required to evidence that they are legally entitled to work in the United Kingdom.

The Authority has taken direction from the Home Office on documents and processes acceptable in confirming an individual's eligibility to work in the UK.

Policy – Objective 12

Right to work Documentation

The Licensing Authority will conduct either a physical document check or an online check to establish a right to work.

Manual Right to Work Check (Physical Check)

To perform a physical check, individuals must provide original documents from a list of acceptable documents.

Examples of acceptable documents are:

- Current or expired passport
- Biometric Immigration Document
- Immigration Status Document
- Birth Certificate
- Positive Verification Notice

This list is not exhaustive and other documents may be accepted. Full guidance can be obtained from the Home Office at: [Right to work checks: an employer's guide - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/guidance/right-to-work-checks)

Online Check

An online check can be undertaken for those individuals who hold any of the following documents:

- Biometric Residence Permit
- Biometric Residence Card or status issued under the EU Settlement Scheme or status issued under the points-based immigration system
- British National Overseas (BNO) visa
- Frontier Worker permit

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

Part 8.18 – Tax Conditionality Checks

Individuals are required to evidence that they have undertaken a tax check.

The Authority has taken direction from HM Revenue & Customs on the process of undertaking Tax Conditionality Checks.

Policy – Objective 13

Tax Conditionality Checks

Those individuals who make an application to renew a licence on or after 4th April 2022 will need to complete a tax check.

A tax check must be carried out by the individual – the Licensing Authority is unable to undertake on the individual's behalf.

The tax check asks questions about how an individual pays tax on income earned from the licensed trade.

As part of the renewal application process, individuals are required to provide the Licensing Authority with required information for a tax check to be carried out.

Failure to provide the required information will result in an incomplete application and the licence will not be renewed.

Full guidance about how to complete a tax check will be published in January 2022 and further information can be found by visiting:

Changes for taxi, private hire or scrap metal licence applications from April 2022 - GOV.UK (www.gov.uk)

Part 9 – Hackney Carriage and Private Hire Driver’s Licence

The Licensing Authority requires individuals, before making an application, to have completed all the pre-requisite requirements and to have provided all necessary documents.

Policy – Objective 14

Licence

The Licensing Authority will issue a licence where fit and properness has been evidenced.

The Licensing Authority will, in normal circumstances, issue a dual licence, allowing individuals to drive both a private hire and hackney carriage vehicle.

The Licensing Authority will, in normal circumstances, issue a licence for the period applied for, this being either one, two, or three years. Where circumstances necessitate, the application may be referred to the Licensing Committee for determination.

Part 10 – Safeguarding Children and Vulnerable Adult Passengers

The Licensing Authority requires individuals, throughout the time they are licensed, to comply with the Council's Code of Good Safeguarding Conduct and to demonstrate due diligence. This involves taking reasonable steps in order to protect vulnerable passengers or avoid committing an offence. It is therefore important that vulnerable passengers are safely transported and safeguarded when using public transport, especially within private hire and hackney carriage vehicles which provide a more discrete service.

There are many reasons that a passenger may be vulnerable. A vulnerable person is a person of any age, ethnicity, gender or social class, who is at risk of harm. This includes children and young people and may include adults, for example if they are under the influence of alcohol or drugs or have other needs such as:

'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'.

Policy – Objective 15

Safeguarding Children and Vulnerable Adult Passengers

It is an expectation that individuals report their safeguarding concerns about children and vulnerable passengers to the relevant authority, such as the police or social services.

If an incident occurs involving a child or vulnerable passenger, it is expected that the individual or operator should inform the Licensing Authority as soon as possible; this may assist the individual to demonstrate due diligence in the case of a complaint being made regarding the incident.

Safeguarding complaints and breach of the Code of Good Safeguarding Conduct are regarded as a serious matter. Information about complaints and safeguarding matters will be fed into a centralised reporting and recording system in order to ensure appropriate steps are taken and may be shared with other relevant authorities.

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

- Reporting concerns about children or other 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. **Individuals 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, or radicalised language, or engage in conversations of a personal or intimate nature)
 - Behave in a way that makes a passenger feel intimidated or threatened
 - Attempt to misuse information obtained via the business, about a child/vulnerable person (for example, disclosing the confidential information of a passenger, or privately communicating with a child or vulnerable adult such as: at their address, via social media, via mobile telephone) or otherwise misusing information obtained as part of placing a booking, or information which was obtained by any other aspect of the business

Part 11 - Plying for Hire

The Licensing Authority plays an integral role to the success of the night-time economy, specifically in regard to transportation services. When other forms of transport have ceased, it is the hackney carriage and private hire trade that continue to service public demand.

With private hire licensing there comes an increased chance in plying for hire activities which disrupts the lives of service users and residents.

There are key dangers to the public regarding licensed drivers illegally plying for hire. These include, but are not limited, to:

- Plying for hire can invalidate insurance
- Plying for hire reduces the chances of detecting offenders in the event of inappropriate behaviour or the committing of a crime
- Individuals that are unlicensed or licensees that have had their licence suspended are far more likely to escape enforcement action
- The charging regime of private hire operators is undermined, and licensees may demand unreasonable sums of money for relatively short journeys

Policy – Objective 16

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 and/or complaints received by the public and licensees) use licensing officers as covert passengers, therefore enabling a greater prospect of taking legal action.

The Licensing Authority will apply the following in regard to plying for hire:

- Where a licensee is found to be plying for hire, and there is evidence to support a conviction, the licensee will be immediately suspended and referred to the Licensing Committee
- Unless there are exceptional circumstances, the licensee should expect to have any licenses immediately revoked and/or any application for a licence refused
- Where a licensee is found to be plying for hire, and there is sufficient evidence, the Licensing Authority will submit a file for legal proceedings
- The Licensing Authority will endeavour to recover the costs of prosecution from those convicted to reduce the financial burden on licensees who operate within the law

The licensee has the right of appeal to the Magistrates Court on any decision made.

Where a licensee has been convicted of plying for hire, they will normally not be granted a licence for a period of not less than 12 months from the date of conviction/ licence revocation, whichever is the most recent.

Where a licensee has illegally plied for hire, has been convicted and/or had their licence revoked, and wish to make a new application, they will be treated as a new applicant and will be required to retake all tests and examinations as identified in part 8 of this policy.

Part 12 – Byelaws

Sheffield City Council's Byelaws are made under Section 68 of the Town Police Clauses Act 1847 and Section 171 of the public Health Act 1875 and are with respect to hackney carriages and hackney carriage drivers within Sheffield.

The Byelaws can be found at Appendix B of this policy.

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Part 13 – Hackney Carriage and Private Hire Driver’s Conditions

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 following mandatory conditions form part of all hackney carriage and private hire driver’s licenses and should be always observed; failure to do so may result in the licence being referred directly to the Licensing Committee for review.

Following the determination of an application by the Licensing Committee, additional conditions may be imposed, so long as they are reasonably necessary.

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Mandatory Conditions

Definitions

‘The Council’	Refers to Sheffield City Council
‘The District’	Refers to the district of Sheffield
‘The Act’	Refers to the Local Government (Miscellaneous Provisions) Act 1976
‘Private Hire Vehicle’	Refers to the same meaning as in The Act
‘Vehicle’	Refers to a licenced vehicle
‘Operator’	Refers to a person who has been granted a private hire operator’s licence issued by the Council under Section 55 of The Act
‘Premises’	Refers to the private hire operator’s place of business for the purpose of operating vehicles
‘Authorised Officer’	Refers to any officer of the Council authorised in writing by the Council for the purpose of regulating private hire legislation
‘Statutory Guidance’	Statutory Taxi and Private Hire Vehicle Standards

1. Driver's Licence

The licensee must not assign or any way part with the benefit of the licence which is personal to the licensee to which it has been assigned.

2. Driver Conduct

- | | |
|-----|---|
| a.) | The licensee must comply with the Licensing Authority's Code of Conduct in relation to working with children and vulnerable passengers. |
| b.) | The licensee must take particular care with unaccompanied children and vulnerable adults. The licensee must remain alert to safeguarding matters related to children and vulnerable adults. |
| c.) | The licensee must at all times conduct themselves in a professional manner, and in any case provide reasonable help to any person hiring or being conveyed in the vehicle. |
| d.) | The licensee must afford all reasonable assistance with passenger luggage as required at the commencement and conclusion of the journey. |
| e.) | The licensee must afford all reasonable assistance to disabled passengers and help to load and unload wheelchairs where required. |
| f.) | The licensee must take all reasonable steps to ensure the safety of passengers entering or conveyed in or alighting from the vehicle, especially those passengers with a disability. |
| g.) | The licensee must not smoke, vape or take any other such substance in the vehicle at any time. |
| h.) | The licensee, whilst transporting passengers for the purposes of hire and reward, must not drink or eat in the vehicle. The licensee must conform to all road traffic regulations. |
| i.) | The licensee must, at all times, ensure the vehicle is maintained in a roadworthy and clean condition. |
| j.) | The licensee must display in the vehicle information on how a complaint to the Licensing Authority can be made. |
| k.) | The licensee must ensure that all required vehicle markings, signs and notices are legible and do not become concealed from public view. |
| l.) | The licensee must not, when driving a licensed vehicle for the purposes of hire and reward, tout or solicit on a road or other public place |
| m.) | The licensee must not, when driving a licensed private hire vehicle for the purposes of hire and reward, offer for immediate hire when the vehicle is on a road or other public place, other than is transmitted to them by a licensed private hire operator. |
| n.) | The licensee shall not cause or allow to be conveyed in a vehicle a greater number of persons, not including the driver, than that specified on the licence. |
| o.) | The licensee must comply with the Code of Good Safeguarding Conduct, which includes: <ul style="list-style-type: none">• Reporting concerns about children or vulnerable passengers who may be at risk, or about persons who may pose a risk |

	<ul style="list-style-type: none"> • 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
p.)	The licensee shall observe anti-idling legislation, local policy and byelaws.

3. Driver's Badge

a.)	The licensee must all times, when driving a licenced vehicle for the purposes of hire and reward, wear the driver's badge as issued by the Licensing Authority, in a prominent and visible place.
b.)	The licensee must at all times, when driving a licenced vehicle for the purpose of hire and reward, display in the vehicle (in clear view of the passengers) their driver identification as issued by the Licensing Authority.
c.)	The driver's badge remains the property of the Licensing Authority.
d.)	Where a licence has been suspended or revoked or where the licence becomes invalid for any other reason, the badge (and accompanying licence) must be returned to the Licensing Authority within 1 working day.

4. Convictions, Cautions and Arrests

	<p>The licensee is required to notify the Authority within 48 hours of any arrest, charge or conviction of a sexual offence, offence involving dishonesty or violence, and any motoring offence.</p> <p>Additionally, the licensee is required to notify the Authority within 48 hours of any arrest, charge or convictions involving, but not limited to:</p> <ul style="list-style-type: none"> • Crimes resulting in death • Exploitation • Offences involving violence • Possession of a weapon • Drugs • Discrimination
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5. Medical Conditions

a.)	The licensee must notify the Licensing Authority in writing and without undue delay of any change in medical condition.
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b.)	The licensee must comply with the requirement to attend a medical examination at prescribed intervals and so provide the Licensing Authority with a certificate completed by a GP registered with the Licensing Authority showing that they are medically fit to DVLA Group 2 standards.
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6. Passengers

a.)	The licensee must not cause or permit a greater number of passengers to be conveyed in the vehicle than that which is stated on the licence.
b.)	The licensee must ensure that seatbelt legislation is complied with in respect of themselves and passengers, specifically in respect of children.
c.)	<p>The licensee must not allow to be conveyed in the front of a licensed vehicle:</p> <ul style="list-style-type: none"> • More than one person, unless the vehicle is manufactured to carry two front seat passengers and there are seatbelts for both passengers to use • Any passenger under the age of 10, unless there is an impairment that would mean it is safer to sit in the front seat.
d.)	The licensee must not, without the express consent of the hirer, convey or permit any other person in the vehicle.
e.)	<p>The licensee must provide all reasonable assistance to passengers and especially those with a disability. The Equality Act 2010 places specific duties on licensees which must be observed at all times:</p> <p>Duty to Assist Passengers in Wheelchairs</p> <ul style="list-style-type: none"> • To carry the passenger while in a wheelchair • Not to make any additional charge for doing so • If the passenger chooses to sit in a passenger seat, to carry the wheelchair • To take such steps as it necessary to ensure that the passenger is carried in safety and reasonable comfort • To give the passenger such mobility assistance as is reasonably required <p>Duty to Carry Guide Dogs and Assistance Dogs</p> <p>The licensee must carry guide, hearing and all other prescribed assistance dogs in their vehicle.</p>

	<p>An assistance animal belonging to or in the custody of any passenger should remain with that passenger for the duration of the journey.</p> <p>Licensees that have a medical condition which is aggravated by exposure to dogs, and where an exemption certificate from the Licensing Authority has been issued and where it is displayed in the approved manner, will be exempt from carrying assistance dogs.</p>
7. Fares and Cards	
a.)	The licensee must not, if driving a licensed vehicle fitted with a taximeter, cause the fare to be in excess to that which is displayed on the meter, and must not cause the fare recorded to be cancelled or concealed until the hirer has had the opportunity of examining it and to have paid the fare.
b.)	The licensee must not demand from the hirer of a private hire vehicle a fare in excess of any which has been previously agreed between the hirer and the operator; or, if the vehicle has been fitted with a taximeter, and there has been no previous agreement as to the fare, the fare shown on the face of the taximeter.
c.)	<p>The licensee must, if requested by the hirer, provide a written receipt for the fare paid. Such receipt should include as a minimum:</p> <ul style="list-style-type: none"> • The name of the licensee • The licence number of the licensee • The name of the Private Hire Operator • The vehicle licence details – registration and licence number • The amount paid for the journey • The pick and destination points.
8. Found Property	
	<p>The licensee must, following the completion of the journey, ascertain if any property belonging to the hirer has been left in the vehicle and if so, return such property immediately.</p> <p>Where any property is found and where it is not possible to return to the hirer, the licensee should take all reasonable steps to trace the owner of the property. Certain items of lost property are accepted at local police stations, these include:</p> <ul style="list-style-type: none"> • Items you believe may be linked to a crime that could be used as evidence • Firearms/weapons/ammunition • Chemicals and explosives • Non-UK passports • Drugs

	<ul style="list-style-type: none"> • Pornography • Mobile phones/electronic devices which may hold personal data • Items where the owner is identifiable • Unidentifiable cash
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9. Change of Address

a.)	The licensee must notify the Licensing Authority within 7 days and in writing of any change of address.
b.)	The licensee must provide information to demonstrate that they have informed the DVLA

10. Operator Information

a.)	The licensee is permitted to undertake bookings from only one private hire operator at any one time – use of multiple booking systems used simultaneously is not permitted.
b.)	The licensee must inform the Licensing Authority of the Private Hire Operator for which they take bookings. Where there is a change of operator, the licensee must inform the Licensing Service within 48 hours.
c.)	The licensee must display signage of the Private Hire Operator for which they undertake bookings.

11. Regulatory Matters

a.)	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, the Town Police Clauses Act 1847 and the Statutory Taxi and Private Hire Vehicle Standards.
b.)	The licensee must at all times cooperate with an Authorised Officer of the Council or police constable.

Policy – Objective 17

Committee Referral Criteria

An individual may be referred to Committee for any one or more of the reasons set out below.

- Where an individual has one or more conviction and where this shows a pattern or tendency irrespective of the time since the conviction.
- Where an individual has a specified conviction:
 - Crimes Resulting in Death
 - Exploitation
 - Offences Involving Violence
 - Possession of a Weapon
 - Sex and Indecency Offences
 - Dishonesty
 - Drugs
 - Discrimination
 - Motoring Convictions
 - Drink Driving/Driving Under the Influence of drugs
 - Using a hand-held telephone or hand-held device whilst driving
- Any term of imprisonment or custody, including suspended sentences.
- Any Caution, Warning, Fixed Penalty Notice, Acceptable Behaviour Contract (ABC), Civil Injunction or Criminal Behaviour Order (CBO's).
- Any failure to adhere to hackney carriage and private hire driver conditions, at the discretion of the Chief Licensing Officer.
- Any failure to adhere to legislative requirements, at the discretion of the Chief Licensing Officer.
- Any instance of plying for hire.
- Where an individual has received a series of complaints
- Any breach of the Equality Act 2010
- 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.
- Any other reason that the Chief Licensing Officer deems appropriate.

Part 15 – Compliance and Enforcement

The primary aim of the Licensing Authority is public safety, and to provide a service that businesses and individuals can depend on for reasons of health, safety, welfare, equality and consistency.

Therefore, the undertaking of compliance and enforcement checks on licensed drivers is essential in order to achieve this. Ultimately these checks are undertaken in order to ensure licensees continue to be 'fit and proper', 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
- 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 Complaints Procedure.

Part 16 - Better Regulation Delivery Office: Regulators' Code, 2014

In undertaking enforcement duties, the Licensing Authority will pay particular attention to the Regulators Code, April 2014. 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
- ensure that their approach to their regulatory activities is transparent

Part 17 - 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 judgement 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.

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.

Part 18 - 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 Chief Licensing Officer, licensees may be referred to the licensing Sub-Committee without further warning.

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 that means 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 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 judgement as to whether to exercise the formal warning procedure.

A formal warning will be held on the licensees' record for the entire time with which a licence is held. Where a licensee receives three formal warnings in a three year period, the licensee will be automatically referred to the Licensing Committee.

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.. 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 & 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 a 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 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 all the information at its disposal.

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
- 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 it 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 in 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
- Is it in the public interest to bring the case to court

Part 19 – Complaints

The Licensing Authority is responsible for investigating complaints in relation to drivers, vehicles and operators licensed within the city of Sheffield.

Complaints include, but are not limited, to:

- poor customer service
- poor driving standards
- overcharging
- refusal to hire
- vehicle defects
- failures to display driver/vehicle identification
- prolonging journeys
- plying for hire
- issues against an operator
- equality issues (wheelchair / guide dog issues etc.)
- non-compliance with conditions

Complaints about drivers and operators provide a source of intelligence when considering a licence renewal or to identify issues during the period of a licence. Patterns of behaviour, such as against drivers, even when they do not result in further action in response to an individual complaint, may be indicative of characteristics that raise doubts over the suitability to hold a licence.

Making a Complaint

The Licensing Authority has guidance for passengers on how to make a complaint which is located on its website.

Ways to make a complaint are also displayed in all licensed vehicles.

The Licensing Authority will investigate complaints in line with corporate timeframes. A copy of the official complaint form can be accessed on the licensing website.

Part 20 - Consultation

In developing this policy, the Licensing Authority consulted widely and gave due consideration to the views of all those who responded to the consultation process.

The Licensing Authority is committed to consulting with as wide an audience as possible, regarding this and any future licensing policy or any amendments in accordance with this policy.

The Licensing Authority has conducted a full consultation of this policy by way of writing and/or emailing consultees, providing relevant information on the Council website, and attending meetings with interested parties.

The views of all consultees were considered and given proper weight when writing and/or reviewing this policy.

A list of consultees can be found below. This list is not exhaustive but is an example of those who have been consulted.

- Licensees
- Local Members of Parliament
- Sheffield Disability Groups
- South Yorkshire Fire Service
- Neighbouring Local Authorities
- Chambers of Commerce
- Women's Groups
- Local Traders
- Pubwatch
- Elected Members
- Sheffield City Council Transport Services
- Sheffield City Council Sheffield Safeguarding Children's Board
- South Yorkshire Police
- Institute of Licensing
- Sheffield City Council's Public Health Service
- National Association of Licensing and Enforcement Officers
- Campaign for Better Transport

Appendix A - 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 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 use of unsuitable vehicles or using a vehicle with parts or accessories (excluding brakes, steering or tyres) in a dangerous condition	3
CU30	Using a vehicle with defective tyre(s)	3
CU40	Using a vehicle with defective steering	3
CU50	Causing or likely to cause by reason of load or passengers	3
CU80	Breach of requirements as to control of the vehicle, such as using a mobile phone	6
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 risks	6-8
IN12	Aiding, abetting, counselling or procuring using a vehicle uninsured against third party risks	6-8
IN14	Causing or permitting an uninsured driver to use a vehicle without third party cover	6-8
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 a 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
'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 B - 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 pushchair.

Number of persons to be carried in a 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 re0delivered 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.

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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Report to Policy Committee

Author/Lead Officer of Report: Ryan Keyworth,
Director of Finance and Commercial Services

Tel: +44 114 474 1438

Report of: *Ryan Keyworth*
Report to: *Waste & Street Scene Committee*
Date of Decision: *28 September 2022*
Subject: *Month 4 Monitoring*

Has an Equality Impact Assessment (EIA) been undertaken?	Yes		No	X	
Has appropriate consultation taken place?	Yes		No	X	
Has a Climate Impact Assessment (CIA) been undertaken?	Yes		No	X	
Does the report contain confidential or exempt information?	Yes		No	X	

Purpose of Report:

This report brings the Committee up to date with the Council's financial position as at Month 4 2022/23.

Recommendations:

The Committee is recommended to:

1. Note the Council's challenging financial position as at the end of July 2022 (month 4).

Background Papers:

[2022/23 Revenue Budget](#)

Lead Officer to complete: -							
1	<table border="1"> <tr> <td rowspan="4">I have consulted the relevant departments in respect of any relevant implications indicated on the Statutory and Council Policy Checklist, and comments have been incorporated / additional forms completed / EIA completed, where required.</td> <td>Finance: <i>Ryan Keyworth, Director of Finance and Commercial Services</i></td> </tr> <tr> <td>Legal: <i>David Hollis, Assistant Director, Legal and Governance</i></td> </tr> <tr> <td>Equalities & Consultation: <i>James Henderson, Director of Policy, Performance and Communications</i></td> </tr> <tr> <td>Climate: <i>n/a</i></td> </tr> </table>	I have consulted the relevant departments in respect of any relevant implications indicated on the Statutory and Council Policy Checklist, and comments have been incorporated / additional forms completed / EIA completed, where required.	Finance: <i>Ryan Keyworth, Director of Finance and Commercial Services</i>	Legal: <i>David Hollis, Assistant Director, Legal and Governance</i>	Equalities & Consultation: <i>James Henderson, Director of Policy, Performance and Communications</i>	Climate: <i>n/a</i>	
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	Equalities & Consultation: <i>James Henderson, Director of Policy, Performance and Communications</i>						
	Climate: <i>n/a</i>						
<i>Legal, financial/commercial and equalities implications must be included within the report and the name of the officer consulted must be included above.</i>							
2	<table border="1"> <tr> <td>SLB member who approved submission:</td> <td><i>Ryan Keyworth</i></td> </tr> </table>	SLB member who approved submission:	<i>Ryan Keyworth</i>				
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Lead Officer Name: <i>Ryan Keyworth</i>	Job Title: <i>Director of Finance and Commercial Services</i>						
Date: <i>1st September 2022</i>							

1. PROPOSAL

1.1 This report brings the 22/23 M4 monitoring information for each committee. Executive directors and Directors will be required to develop plans to mitigate the in-year forecast overspends.

1.2 Council Portfolio Month 4 2022/23

1.2.1 The Council is forecasting a £21.7m overspend against the 2022/23 budget as at month 4.

Full Year £m	Outturn	Budget	Variance
Corporate	(462.0)	(461.2)	(0.8)
City Futures	47.1	46.6	0.5
Operational Services	115.0	114.9	0.1
People	313.2	293.7	19.5
Policy, Performance Comms	3.2	2.9	0.3
Resources	5.2	3.1	2.1
Total	21.7	0	21.7

1.2.2 This overspend is due to a combination of agreed Budget Implementation Plans ("BIPs") not being fully implemented and ongoing cost / demand pressures that are partially offset by one-off savings.

Full Year £m	One-off	BIPs	Trend	Total Variance
Corporate	0.0	0.0	(0.8)	(0.8)
City Futures	0.0	0.0	0.5	0.5
Operational Services	(5.0)	2.4	2.7	0.1
People	0.1	15.3	4.0	19.4
Policy, Performance Comms	(0.1)	0.3	0.1	0.3
Resources	(0.3)	1.7	0.7	2.1
Total	(5.3)	19.7	7.2	21.7

1.3 Committee Financial Position

1.3.1 Overall Position - £21.7m overspend at Month 4

There is a £12.4m overspend in the Adult Health and Social Care Committee and a £7.5m overspend in the Education, Children and Families Committee	Full Year Forecast £m	Outturn	Budget	Variance
	Month			
	Adult Health & Social Care	163.1	150.8	12.4
	Education, Children & Families	136.1	128.6	7.5
	Strategy & Resources	(440.1)	(442.3)	2.1
	Economic Development & Skills	11.0	10.9	0.1
	Housing	8.8	8.8	(0.0)
	Waste & Street Scene	56.2	56.2	(0.0)
	Transport, Regeneration & Climate	41.8	41.9	(0.1)
	Communities Parks and Leisure	44.9	45.2	(0.3)
	Total	21.7	(0.0)	21.7

The 22/23 pay award proposal affected the outturn in the General Fund by £3.3m The proposed pay award of £1,925 flat rate per employee has been factored into forecasts in M4. Within the outturn at M3, an increase of £4.2m had already been accounted at service level, £5.6m had been provisioned corporately meaning an additional pressure of £3.3m has now been forecast in the M4 outturn, broken down into committees as follows:

£000s	Increase (inc on costs)	Pay Pressures covered	Corporate Funding	Remainin g Pressure
Committee				
Education, Children & Families	3,882	1,181	1,655	1,046
Strategy And Resources	2,817	1,209	1,201	407
Adult Health And Social Care	2,658	815	1,133	709
Communities, Parks, And Leisure	1,570	483	670	418
Waste And Street Scene	820	255	350	215
Transport, Regen & Climate	546	227	233	86
Economic Development & Skills	410	27	175	208
Housing	396	-	169	227
Grand Total	13,100	4,197	5,586	3,317

The overall position worsened by £1.4m from M3 to M4, improvements elsewhere have offset the full impact of the pay award. The £3.3m pressure for pay was offset in M4 by improvements totalling over £2m across the organisation:

- Transport, regen & climate committee budget position improved by £1.2m due to a release of a one-off provision to mitigate the loss of income from the delayed go live date for the clean air zone
- Education, children's & families improved by £700k due a combination of better-quality forecasting in services and slippage in recruitment
- Strategy & resources improved overall by £270k mainly due to higher investment returns in the market

Most of the full year forecast overspend is attributable to shortfalls in Budget Implementation Plans (BIPs) delivery	Variance Analysis £m	One-off	BIPs	Trend	Total Variance
	Month 4				
	Adult Health & Social Care	(0.3)	8.5	4.1	12.4
	Education, Children & Families	0.7	6.8	0.0	7.5
	Strategy & Resources	(0.3)	1.9	0.6	2.1
	Economic Development & Skills	(0.0)	0.0	0.1	0.1
	Housing	0.0	0.0	(0.0)	(0.0)
	Waste & Street Scene	(3.0)	0.2	2.8	(0.0)
	Transport, Regeneration & Climate	(2.1)	2.1	(0.1)	(0.1)
	Communities Parks and Leisure	(0.3)	0.2	(0.1)	(0.3)
	Total		(5.3)	19.7	7.3
				7.3	21.7

£5.3m of one-off savings are mitigating part of Contributions from provisions for energy and waste inflation mitigate the in-year impact of rising baseline costs. These are one-off contributions that will not help our position in 23/24 as the trend continues.

the ongoing overspend

Balancing the 22/23 budget was only possible with £53m of BIPs, £33m are reported as deliverable in year	£m Portfolio	Total Savings 22/23	Deliverable in year	FY Variance
	People	37.7	22.4	15.3
	Operational Services	7.1	4.7	2.4
	PPC	1.2	0.9	0.3
	Resources	6.7	5.1	1.6
	Total	52.7	33.1	19.7
Focus must be on delivering BIPs in 22/23 and preventing the budget gap from widening	Of the £33.1m BIPs forecast as being deliverable, £10.1m are rated red, which indicates considerable risk of increased overspending. Of the £19.6m savings that are forecast to be undelivered this year, some can be delivered next financial year. It is estimated that £10m of this year's undelivered savings will still be unachievable in 23/24 and form part of the baseline pressures captured in the draft medium term financial analysis presented to the Strategy and Resources Committee on 5 th July 2022.			
Adult Health and Social Care are forecast to overspend by £12.4m	The high cost of packages of care put in place during covid has increased our baseline costs into 22/23. Work is underway as part of an investment plan with additional resource to tackle the underlying issues although recruitment issues are impacting our ability to deliver.			
Education, Children and Families are forecast to overspend by £7.5m	Forecast under-delivery of budget implementation plans in the service are the main cause of overspends; plans to reduce staffing and increase income from Health are looking unlikely and the residential children's home strategy looks unlikely to deliver financial benefits. The service needs to provide mitigations to bring overspends back in line with budgets.			

The following section provides further detail for the Waste & Street Scene Committee.

1.4.1 **Waste & Street Scene Committee is balanced at Month 4**

The Waste & Street scene committee is forecasting to balance at M4	Full Year Forecast £m @ Month 4	Outturn	Budget	Variance
	Street scene & Regulation <i>City Centre Management; Director of Street Scene; Environmental Regulations; Highway Maintenance; Highways Contract; Licensing; City Markets; Waste Management; Emergency Planning; Parking Services; Covid Hub)</i>	56.2	56.2	(0.0)
	Total	56.2	56.2	(0.0)
Underlying inflationary pressures on energy and waste management present a significant issue for the 23-24 business plans.	Variance Analysis £m @ Month 4	One-off	BIPs	Trend
	Street scene & Regulation	(3.0)	0.2	2.8
	Total	(3.0)	0.2	2.8
	<p>The Waste contract provides for an uplift in costs at RPIX which was re-based at 8% for 22/23. This was £1.2m higher than the budget level for the contract. Similarly, energy cost increases of 100% on street lighting are resulting in a £1.8m issue in 22/23.</p> <p>Both these pressures are being mitigated in 2022/23 through one-off provisions / reserves, which will be exhausted for the 2023/24 budget.</p> <p>So given It is highly likely inflation will remain high into 23/24 the Committee will need to identify ongoing mitigations for both the 22-23 and 23-24 inflationary pressures.</p>			
The impact of the proposed pay offer creates an additional £0.2m pressure to the committee	<p>The proposed pay award of £1,925 flat rate per employee has been factored into forecasts in M4. The proposal leaves an additional pressure of £0.2m for the Committee.</p> <p>It should be noted that the pay offer cost is an initial indicative estimate which will require further work to fully understand the actual impact on each service.</p>			

2. HOW DOES THIS DECISION CONTRIBUTE?

- 2.1 The recommendations in this report are that each Policy Committee undertakes any work required to both balance their 2022/23 budget and prepare for the 2023/24 budget.

3. HAS THERE BEEN ANY CONSULTATION?

- 3.1 There has been no consultation on this report, however, it is anticipated that the budget process itself will involve significant consultation as the Policy Committees develop their budget proposals

4. RISK ANALYSIS AND IMPLICATIONS OF THE DECISION

4.1 Equality Implications

- 4.1.1 There are no direct equality implications arising from this report. It is expected that individual Committees will use equality impact analyses as a basis for the development of their budget proposals in due course.

4.2 Financial and Commercial Implications

- 4.2.1 There are no direct financial implications from this report.

4.3 Legal Implications

- 4.3.1 Under section 25 of the Local Government Act 2003, the Chief Finance Officer of an authority is required to report on the following matters:

- the robustness of the estimates made for the purposes of determining its budget requirement for the forthcoming year; and
- the adequacy of the proposed financial reserves.

- 4.3.2 There is also a requirement for the authority to have regard to the report of the Chief Finance Officer when making decisions on its budget requirement and level of financial reserves.

- 4.3.3 By the law, the Council must set and deliver a balanced budget, which is a financial plan based on sound assumptions which shows how income will equal spend over the short- and medium-term. This can take into account deliverable cost savings and/or local income growth strategies as well as useable reserves. However, a budget will not be balanced where it reduces reserves to unacceptably low levels and regard must be had to any report of the Chief Finance Officer on the required level of reserves under section 25 of the Local Government Act 2003, which sets obligations of adequacy on controlled reserves.

4.4 Climate Implications

- 4.4.1 There are no direct equality implications arising from this report. It is expected that individual Committees will consider climate implications as they develop their budget proposals in due course.

4.4 Other Implications

- 4.4.1 No direct implication

5. ALTERNATIVE OPTIONS CONSIDERED

- 5.1 The Council is required to both set a balance budget and to ensure that in-year income and expenditure are balanced. No other alternatives were considered.