

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.

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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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