

**SHEFFIELD CITY COUNCIL**

**Hackney Carriage Vehicle Licence  
Policy**

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## Frequently Used Terms

The following terms are used frequently throughout this policy document.

<b>‘LGMPA’</b>	Refers to the Local Government (Miscellaneous Provisions) Act 1976
<b>‘TPCA’</b>	Refers to the Town Police Clauses Act 1847
<b>‘The Council’</b>	Refers to Sheffield City Council.
<b>‘The Licensing Committee’</b>	Refers to the Licensing Committee of Sheffield City Council.
<b>‘The Licensing Sub-Committee’</b>	Refers to members of the Licensing Committee with sub-delegation of functions.
<b>‘The Licensing Authority’</b>	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 and other relevant legislation.
<b>‘Licensing Policy’</b>	Refers to this document, Sheffield City Council's Hackney Carriage Vehicle Policy
<b>‘Statutory Guidance’</b>	Statutory Taxi and Private Hire Vehicle Standards

## Part 1 - Introduction

Sheffield City Council is responsible for the regulation of hackney carriage vehicles in the district of Sheffield.

The policy builds on the experience and knowledge we have gained by administering and enforcing the legislation for many years, particularly when addressing issues that may impact on the safety and well-being of our residents, visitors to the city and those working in the city.

This policy, related procedures and processes, and the Statutory Taxi and Private Hire Vehicle Standards, which have been embedded within the policy, will guide the work of Sheffield City Council in the way in which it carries out its licensing functions.

The policy has effect from 1<sup>st</sup> March 2023 and will be applied to existing licences and new applications.

The Council reserves the right to overturn a decision that has previously been made. In addition, the Council will undertake periodic auditing of currently licensed vehicles to ensure that perverse or wrong decisions are discovered and corrected. Such audits will be conducted using this policy as the required standard.

The policy has been developed by Sheffield City Council after consulting with the public at large and those recommended in the Statutory Standards. In developing this policy, we have also taken into consideration other strategies, policies and guidance as referenced in Part 2.

This policy sets out the requirements and standards that individuals must adhere to. In exercising its discretion in carrying out its regulatory functions, the Council will have regard to this policy document. However, each application or enforcement action will be considered on its own merits.

The Council will review the policy at least every three years and informally re-evaluate it from time to time.

## 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 and strategies referenced below are recognised as those that are integral in the current licensing regime and will help to define the context and content within:

- 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
- Taxi and Private Hire Licensing – Councillors’ Handbook (England and Wales) 2017
- Access for Wheelchair users to Taxis and Private Hire Vehicles – Statutory Guidance 2017
- Safeguarding Children and Vulnerable Adult Policy
- Clean Air Sheffield
- A 10 Point Plan for Climate Action (Working Draft)
- Statutory Taxi & Private Hire Vehicle Standards 2020
- Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022
- Taxis and Private Hire Vehicles (Disabled Persons) Act 2022

## Part 3 – Equality, Diversity, and Inclusion

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

### The Equality Act 2010

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

- age
- disability
- gender reassignment
- pregnancy & maternity
- race
- religion or belief
- sex
- sexual orientation
- Marriage & Civil Partnership.

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

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

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

## Part 4 – Delegations

Sheffield City Council, acting as the Licensing Authority, has established a Waste and Street Scene Policy Committee. The Committee has the authority, amongst other licensing matters, to discharge non-executive regulatory functions in respect of hackney carriage and private hire licensing and to formulate and review licensing policies in this regard.

The Licensing Sub-Committee is responsible for determining individual cases.

In addition, the Chief Licensing Officer has delegated to appoint and authorise Officers to investigate and discharge statutory duties under the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976. Some of these authorised powers include, but are not limited to:

- Accepting applications
- Granting licences
- Suspending licences
- Issuing formal warnings and cautions
- Investigating and preparing 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	Licensing Sub Committee	Officers
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 person 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, associated byelaws, and relevant integrating legislation.

## Hearings

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

Each application will be judged on its own individual merits.

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

Every decision made by the Licensing Sub-Committee shall be followed with a written determination notice.

## Appeals against Licensing Authority Decisions

There are rights of appeal against Council and Licensing Committee decisions:

- Most appeal applications must be made to Sheffield Magistrates Court, within 21 days of the determination.
- An appeal against a refusal to grant a Hackney Carriage proprietors' licence must be made directly to the Crown Court.

There is no right of appeal against a decision to suspend a vehicle licence under Section 68 of the '76 Act



## 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).

All applications will be processed in accordance with:

- 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
- Home Office
- NR3 National Register of Taxi Licence Refusals and Revocations
- Department for Environment, Food and Rural Affairs (DEFRA)
- Other Local Authorities
- Other Council Services
- Any Other Service/Organisation as Referenced in the Town Police Clauses Act 1847 and Local Government (Miscellaneous Provisions) Act 1976

We are required to maintain and publish [Public Registers](#), which includes data of licence holders.

We will also share data with the Cabinet Office for the purposes of a data matching exercise called the National Fraud Initiative. The purpose of the exercise is to detect fraud and error. The Council is legally required to participate in this exercise.

### 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 Data Protection webpage: [www.sheffield.gov.uk/privacy](http://www.sheffield.gov.uk/privacy).

## Part 6 - Legislative Background

In regulating the hackney carriage trade, the Council shall adhere to the regulatory frameworks as set out in the Town Police Clauses Act 1847, Local Government (Miscellaneous Provisions) Act 1976, local bylaws and any relevant integrating legislation and statutory guidance.

The legislative frameworks contained in these Acts, as well as the objectives set out in this policy will be used in relation to all issues pertaining to the regulation, administration and enforcement of hackney carriage vehicles.

### Town Police Clauses Act 1847

The Town Police Clauses Act 1847 is the primary legislative framework used to regulate the hackney carriage vehicle trade.

Section 38 of the Town Police Clauses Act 1847 states:

- 38 *Every wheeled carriage, whatever may be its form or construction, used in standing or plying for hire in any street within the prescribed distance, and every carriage standing upon any street within the prescribed distance, having thereon any numbered plate required by this or the special Act to be fixed upon a hackney carriage, or having thereon any plate resembling or intended to resemble any such plate as aforesaid, shall be deemed to be a hackney carriage within the meaning of this Act; and in all proceedings at law or otherwise the term "hackney carriage" shall be sufficient to describe any such carriage:*

*Provision always, that no stage coach used for the purpose of standing or plying for passengers to be carried for hire at separate fares, and duly Licenced for that purpose, and having thereon the proper numbered plates required by law to be placed on such stage coaches, shall be deemed to be a hackney carriage within the meaning of this Act.*

Further information can be found at <http://www.legislation.gov.uk/ukpga/Vict/10-11/89>

### Local Government (Miscellaneous Provisions) Act 1976

The Local Government (Miscellaneous Provisions) Act 1976 is also used to regulate the hackney carriage vehicle trade. It was adopted by Sheffield City Council at its meeting on Wednesday 1<sup>st</sup> March 1978.

Section 47 of the Local Government (Miscellaneous Provisions) Act 1976 states:

- 47(1) *A district council may attach to the grant of a licence of a hackney carriage under the Act of 1847 such conditions as the district council may consider reasonably necessary*
- 47(2) *Without prejudice to the generality of the foregoing subsection, a district council may require any hackney carriage Licenced by them under the Act of 1847 to be such design or appearance or bear such distinguishing marks as shall clearly identify it as a hackney carriage.*
- 47(3) *Any person aggrieved by any conditions attached to such a licence may appeal to a magistrates' court.*

Further information can be found at <http://www.legislation.gov.uk/ukpga/1976/57>

## Part 7 - Application Process

The Authority will licence hackney carriage vehicles that meet the requirements as set out in the vehicle specification, and that adhere to all other policy requirements.

### Applying to licence a Hackney Carriage Vehicle

Before making an application, applicants are expected to have read this policy, specifically the vehicle specification, in order that they purchase a vehicle that is suitable and conforms to all necessary requirements.

#### Policy – Objective 1

##### Application Process

Applying for a licence generally involves three stages.

1. **Applying** - Completion of an application form by applicant
2. **Processing** - Receipt and handling of application by licensing officers
3. **Determining** - Deciding on the outcome of the application

##### Applying

The following information must be supplied when submitting an application:

- Application form, completed on the prescribed form as supplied by the Authority
- Basic Disclosure
- The original V5C registration certificate (logbook), or the new keeper's supplement of the V5C if the vehicle has been recently purchased
- The original certificate of insurance or, in the case of newly purchased vehicle, the insurance cover note
- Compliance Certificate as issued by Sheffield City Council's Testing Station
- The appropriate fee



##### Processing

The Authority will process the application on receipt and ensure its compliance with policy.



##### Determining

Where an application conforms to legislation, statutory guidance and this policy, a licence will be granted for a period not exceeding 12 months.

Where an application does not conform to legislation, statutory guidance and this policy, the individual will be informed.

## Part 8 - Disclosure and Barring Service (DBS) Checks

Vehicle proprietors, unlike drivers, are not eligible for standard or enhanced criminal record checks; the Authority will therefore accept a criminal conviction certificate (Basic Disclosure) from the Disclosure and Barring Service (DBS) to assess the fit and proper requirement

In assessing whether an individual is fit and proper the Authority will look at any and all convictions contained within the Basic Disclosure check.

Particular attention will be paid to:

- Crimes resulting in death
- Exploitation
- Offences involving violence
- Possession of a weapon
- Sex and indecency offences
- Dishonesty
- Drugs
- Discrimination

### Policy – Objective 2

#### Basic Disclosure

An individual who is not already licensed as a driver is required to apply for a Basic Disclosure Certificate through the Disclosure and Barring Service (DBS).

The Basic Disclosure will disclose any unspent convictions recorded on the Police National Computer (PNC). The Authority will look at all convictions contained within the certificate.

Where it is a company or a partnership applying for a licence, all named directors and partners within the company will be required to apply for a Basic Disclosure.

Where there is a change to the named directors and partners, the Licensing Authority must be informed of such, and must be provided with a Basic Disclosure within 24 hours.

All applicants, directors, and partners must apply for a Basic Disclosure on an annual basis.

Where a person has lived outside of the UK for a period not less than three continuous months, they will be required to supply a Certificate of Good Character. Up to date information in relation to this type of information can be found on the Home Office website.

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, they should seek independent expert or legal advice to ensure they provide information that is truthful and accurate.

In addition to carrying out a Basic Disclosure, for which only unspent convictions and cautions are identified, the Authority requires licensees to inform within 48 hours of an arrest and release, charge or conviction of any offence involving dishonesty, indecency, or violence.

## **Part 8.1      Relevance of Convictions, Cautions, Reprimands and Warnings**

In determining applications, the Authority will make a decision on a person's fit and properness, assessing, if any, convictions, cautions, reprimands, warnings, and 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
- The apparent seriousness of the offence, as determined using the Authority's Fit and Proper Threshold

In assessing whether an individual is fit and proper the Authority will look at any and all convictions contained within the DBS check.

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
- Any offence contrary to hackney carriage and private hire legislation.

Additional information held by the local police and which they deem to be reasonably relevant to the role of an operator, and any information or intelligence obtained from other credible sources to that which is already held on the applicants 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 a person acted in a way that is incompatible with that of a licensee – not fit and proper.

Complaints, and other sources of information such as those from other council departments 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 8.2     Fit and Proper**

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

The Authority will take into account those offences, as well as:

- Crimes Resulting in Death
- Exploitation
- Offences Involving Violence
- Possession of a Weapon
- Sex and Indecency Offences
- Dishonesty
- Drugs
- Discrimination

Where an individual has one or more conviction recorded for any of the above offences, they will be automatically referred to the Licensing Committee.

## Relevant Convictions

Relevant Convictions	
<b>Crimes Resulting in Death</b>	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.
<b>Exploitation</b>	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.
<b>Offences Involving Violence</b>	Where an individual has a conviction for an offence of violence, or connected with any offence of violence, a licence will not be granted until at least 5 years has elapsed since the completion of any sentence imposed.
<b>Possession of a Weapon</b>	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 5 years has elapsed since the completion of any sentence imposed.
<b>Sex and Indecency Offences</b>	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.
<b>Dishonesty</b>	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 5 years have elapsed since the completion of any sentence imposed.
<b>Drugs</b>	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 5 years have elapsed since the completion of any sentence imposed.
	Where an individual has a conviction for possession of drugs, or related to the possession of drugs, a licence will not be granted until at least 5 years have elapsed since the completion of any sentence imposed.
<b>Discrimination</b>	Where an individual has a conviction involving or connected with discrimination in any form, a licence will not be granted until at least 5 years have elapsed since the completion of any sentence imposed.



## **Part 9 - Hackney Carriage Vehicle Specification**

The vehicle specification is an aid to help guide applicants in choosing an appropriate vehicle type. Applications for vehicles that do not fully comply with the vehicle specification will be automatically referred to the Licensing Sub-Committee for determination.

<b>Part 1</b>	<b>Definition</b>
<b>Part 2</b>	<b>General Construction</b>
<b>Part 3</b>	<b>Type of vehicle</b>
<b>Part 4</b>	<b>Age criteria</b>
<b>Part 5</b>	<b>Fuel Systems</b>
<b>Part 6</b>	<b>Body</b>
<b>Part 7</b>	<b>Driver's Compartment</b>
<b>Part 8</b>	<b>Passenger Compartment</b>
<b>Part 9</b>	<b>Doors</b>
<b>Part 10</b>	<b>Door Fittings</b>
<b>Part 11</b>	<b>Seats</b>
<b>Part 12</b>	<b>Facilities for the Disabled</b>
<b>Part 13</b>	<b>Windows</b>
<b>Part 14</b>	<b>Tyres</b>
<b>Part 15</b>	<b>Electrical Equipment</b>
<b>Part 16</b>	<b>Image and Sound Recording Equipment</b>
<b>Part 17</b>	<b>Radio Apparatus and Communication Systems</b>
<b>Part 18</b>	<b>Taxi Sign</b>
<b>Part 19</b>	<b>Taximeter</b>
<b>Part 20</b>	<b>Table of Fares</b>
<b>Part 21</b>	<b>Licence Plates</b>

## **1.0 Definition**

Vehicles must be constructed so as to facilitate the carriage of disabled persons and be capable of accommodating a disabled person in a wheelchair in the passenger compartment, provided that the wheelchair is no larger than a DFT Reference wheelchair, as specified in the Public Service Accessibility Regulations 2000.

Side and rear-loading type vehicles are permitted.

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## **2.0 General Construction**

At the time of its first registration, a vehicle must be covered by one of the following type approvals as a category M1 vehicle:

- An EC Whole Vehicle Type Approval
- A UK Low Volume Type Approval
- A UK National Small Series Type Approval
- A Provisional GB Type Approval
- A GB Whole Vehicle Type Approval
- A GB Medium Series Type Approval
- A UK (NI) Small Series Type Approval
- A GB Small Series Type Approval
- A UK (NI) Type Approval

In all cases, documentary evidence of compliance with one of the above approval regimes, will be required for licensing.

In addition, vehicle proprietors are reminded of their legal obligations to comply with the Road Vehicles (Construction and Use) Regulations 1986 (as amended) and the Road Vehicle Lighting Regulations 1989 (as amended) – both of which apply at all times to any vehicle used on a public road in the UK.

The vehicle must be righthand drive.

Where retrofit emissions technology is installed, such as liquefied petroleum gas, the technology must have been approved as part of the Clean Vehicle Retrofit Accreditation Scheme (CVRAS).

No vehicle first being licensed will have been written off in any category and will not be renewed if written off during its licensable period.

### 3.0 Type of vehicle

Vehicles will only be licensed if they satisfy the definition of a wheelchair accessible vehicle, as described in section 1, and the general vehicle details outlined in section 2.

Once licensed, the vehicle will appear on the council's approved list of designated vehicles, in accordance with the Taxis and Private Hire Vehicles (Disabled Persons) Act 2022.

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### 4.0 Age criteria

The date of first registration will be used to determine the age of the vehicle.

**Diesel and Petrol** vehicles must be at least Euro 6 compliant and under seven years and six months of age when granted their first licence.

**Zero Emission Capable** vehicles must be under seven years and six months of age when granted their first licence.

#### Licensable Period

**Diesel and Petrol** vehicles will be licensed up to 15 years of age.

**Zero Emission Capable** vehicles will be licensed up to 20 years of age.

As of 1st January 2027, all newly licensed vehicles must be Zero Emission Capable (ZEC)

Existing licensed vehicles will continue to be licensed for the periods stated above.

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### 5.0 Fuel Systems

#### Retrofit Emissions Technology

If retrofit emissions technology is installed in a vehicle, the technology must have been approved as part of the Clean Vehicle Retrofit Accreditation Scheme (CVRAS).

## **Zero Emission Vehicles**

A Zero Emission Capable (ZEC) vehicle refers to:

- Battery Electric Vehicles (BEVs), or 'pure electric' where the use of a battery is the only power source
  - Plug-in Hybrid Electric Vehicles (PHEVs), which switch between a battery and an internal combustion engine (ICE)
  - Hybrid Electric Vehicles (HEVs), or 'full hybrids' which do not plug into the electricity grid but recharge while driving
  - Fuel Cell Electric Vehicles (FCEVs), which use onboard hydrogen fuel cells to generate electricity
- 

## **6.0 Body**

The body must be of a fixed head type.

### **Rear-Loading Wheelchair Access Vehicles**

Where the vehicle is constructed so as to accommodate a disabled person in a wheelchair, and that wheelchair is loaded from the rear, there is no requirement to have a partition installed and the use of one front passenger seat is permitted.

Where such a partition is fitted, it will confirm to the technical specification set out in this condition.

The partition shall incorporate a means by which a fare may be paid without leaving the vehicle.

The partition shall extend the full width and height of the vehicle interior at the point where it is fitted.

The upper portion of the partition may be glazed, but without tint and, in any event, must allow the occupants of the rear seats to see the meter.

Where a partition is installed, use of the front passenger seat is not permitted.

### **All other vehicle types**

The vehicle shall be designed and constructed so as to contain a partition separating the rear passenger(s) from the driver.

The partition shall incorporate a means by which a fare may be paid without leaving the vehicle.

The partition shall extend the full width and height of the vehicle interior at the point where it is fitted.

The upper portion of the partition may be glazed, but without tint and, in any event, must allow the occupants of the rear seats to see the meter

Where a partition is installed, use of the front passenger seat is not permitted.

### **Running Boards**

Running boards are allowed where they are fitted by the manufacturer. All running boards must not increase the width of the vehicle at its widest part. The boards must be five inches in width, all of which must be available as a step.

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## **7.0 Driver's Compartment**

Vehicles that have a partition installed must be fitted with an intercom system to permit the driver and passenger(s) to communicate verbally and must have appropriate signage in place in the passenger compartment to indicate such.

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## **8.0 Passenger Compartment**

### **General**

The vertical distance between the highest part of the floor and the roof must not be less than 1200mm.

Suitable provision must be made for the seating of no more than 8 passengers.

### **Doorways**

#### **Rear-Loading Wheelchair Access Vehicles**

The clear height of the wheelchair accessible doorway must not be less than 1200mm.

The nearside door and doorway must be constructed to permit an unrestricted opening across the centre of the doorway of at least 600mm.

Grab handles must be placed at door entrances, to aid passenger ingress and egress from the vehicle. These should be of a high visibility colour contrasting with their immediate surroundings.

The top tread for any entrance of the passenger compartment must not exceed 460mm above ground level when the vehicle is unladen.

Where the top tread for the entrance exceeds 460mm and the vehicle is not fitted with approved running boards, a moveable intermediate step must be provided at each entrance into the passenger compartment.

The intermediate step shall be encased beneath the vehicle and be electrically operated to extend outwards. When not in use and whenever the vehicle is in motion, the step must not extend outwards beyond the vertical line of the bodywork. The step must be operated from within the driver's compartment and must have an inhibitor device to prevent the possibility of the vehicle being driven while the step is extended.

Such features may include (but are not restricted to): devices linked either to the handbrake mechanism, ABS sensors or taximeter feed. The step must be covered with a suitable non-slip surface with the edges of the step highlighted in a high visibility colour, which is different from the colour scheme of the immediate vehicle surroundings.

### **All other vehicle types**

The clear height of the wheelchair accessible doorway must not be less than 1200mm .

The nearside door and doorway must be constructed to permit an unrestricted opening across the centre of the doorway of at least 750mm.

Grab handles must be placed at door entrances, to aid passenger ingress and egress from the vehicle. These should be of a high visibility colour contrasting with their immediate surroundings.

The outer edge of the floor at each entrance must be fitted with non-slip treads and have a band of colour across the entire width of the edge that shall contrast with the remainder of the tread and floor covering.

The top tread for any entrance must be at floor level of the passenger compartment and must not exceed 460mm above ground level when the vehicle is unladen.

Where the top tread for the entrance exceeds 460mm and the vehicle is not fitted with approved running boards, a moveable intermediate step must be provided at each entrance into the passenger compartment.

The intermediate step shall be encased beneath the vehicle and be electrically operated to extend outwards. When not in use and whenever the vehicle is in motion, the step must not extend outwards beyond the vertical line of the bodywork. The step must be operated from within the driver's compartment and must have an inhibitor device to prevent the possibility of the vehicle being driven while the step is extended.

Such features may include (but are not restricted to): devices linked either to the handbrake mechanism, ABS sensors or taximeter feed. The step must be covered with a suitable non-slip surface with the edges of the step highlighted in a high visibility colour, which is different from the colour scheme of the immediate vehicle surroundings.

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## **9.0 Doors**

### **Hinged Doors**

The door and doorway must be so constructed in order to allow an unrestricted opening across the doorway.

### **Sliding Doors**

The interior door handle must be clearly visible and easily accessible to passengers when the door is in the fully open position.

There must be reflective strips on the inside of both the front and rear edges of the door.

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## **10.0 Door Fittings**

### **Rear-Loading Wheelchair Access Vehicles**

Where a vehicle is constructed so as to accommodate a wheelchair from the rear, there is no requirement for any such automatic door locking device to be fitted to passenger doors.

### **All other vehicle types**

An approved type of automatic door locking device must be fitted to passenger doors to prevent them from being opened when the vehicle is in motion.

When the vehicle is stationary, the passenger doors must be capable of being readily opened from the inside and from the outside of the vehicle by one operation of the latch mechanism. However, the system may also incorporate features to prevent the use of the interior door handles of the passenger doors in other circumstances, such as the vehicle being stationary with the footbrake applied, or by use of the vehicle indicators to prevent egress from a passenger door on the side of the vehicle where traffic might be passing. The interior door handle must be clearly identified, to prevent it being mistaken for any other control.

## **11.0 Seats**

All seats must be at least 400mm in width. The minimum distance from the back of the upholstery to the front edge of the seat must be 350mm.

Occasional seats must be so arranged as to rise automatically when not in use.

Where seats are placed facing each other, there must be a minimum space of 420mm between any part of the two seats.

The minimum leg room available to any passenger shall be 600mm. The measurement will be taken from the base of the seat to the rear of the seat in front when the front seat is at its full, rearwards extension. Where there is no seat in front the measurement will be taken from the base of the seat to the nearest obstruction in front.

Where the rear seat is of the bench type, the overall width of the seat must not be less than 1190mm at its narrowest point.

Where seat covers are used, they must be properly affixed to the seat so as not to become loose during use. They must be clean and devoid of damage of any kind.

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## **12.0 Facilities for the Disabled**

Every vehicle must be equipped in order that wheelchair passengers may be transported.

It shall be possible to board a reference wheelchair and once in the vehicle, manoeuvre the chair into the prescribed position for travelling in safety and without lifting any of the wheelchair's wheels from the floor.

Occupied wheelchairs must only be transported either forward or rearward facing.

The minimum headroom over the centre of the wheelchair space must be 1350mm.

The vehicle must be fitted with either a ramp or lift to assist wheelchair occupants.

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



## **Ramps**

The ramp must provide a continuous surface at least 700mm wide and should not exceed 1900mm in length when deployed.

The ramp surface should be covered with non-slip material. Side edges of the ramp shall be provided with flanges at least 25mm high to prevent the wheelchair rolling off.

The edges of the ramp surface shall be marked in a high-contrast colour scheme.

The ramp shall have a minimum safe working load of 250kg

When in use the ramp must be securely located at the point of wheelchair entry.

Ramps must be stowed in a way which does not obstruct any handle or other opening device for any exit and such that in the event of an accident it could not cause injury to either passengers or the driver. If the ramp obstructs an exit, it must also be capable of being manually pushed or pulled out of the way from the inside and outside when the door is open so as to leave the doorway clear for use in an emergency.

## **Lifts**

Lift platforms shall be of sufficient size to accommodate an occupant in the reference wheelchair. The lift surface should be covered with non-slip material. Side edges of the lift platform shall be provided with flanges at least 25mm high to prevent the wheelchair rolling off. The rear edge shall incorporate a device at least 100mm high to prevent rolling off which becomes effective when the lift leaves the ground.

The edges of the lift surface shall be marked in a high contrast colour scheme.

If power operated, the lift shall have a manual means of operation in the event of a power failure.

Lifts must be stowed in a way which does not obstruct any handle or other opening device for any exit and such that in the event of an accident it could not cause injury to either passengers or the driver. If the lift obstructs an exit, it must also be capable of being manually pushed or pulled out of the way from the inside and outside when the door is open so as to leave the doorway clear for use in an emergency.

Any controls for the operation of a lift must be inhibited while the vehicle is in motion and may only be operated at the point where the boarding device is fitted either by the driver or by an individual under their supervision.

The lift shall have a minimum safe working load of 300kg.

Where a vehicle is fitted with a power operated lift, the proprietor of the vehicle shall produce to the council's vehicle inspector on each occasion that the vehicle is presented for testing by the council, a valid test certificate for such lift in accordance with the requirements of the Lifting Operations and Lifting Regulations 1998 (LOLER). These regulations require that the passenger lifts are tested and certified as fit by a competent person every six months.

## **Securing the Wheelchair**

### **Requirements for a rearward-facing wheelchair**

The wheelchair must be secured completely independently of the occupant.

The vehicle shall be fitted with a wheelchair tie down system situated symmetrically about the longitudinal centreline of the wheelchair space.

A tie down system shall incorporate at least two straps, with end fittings capable of attaching to the rear securement points on to the wheelchair. The attachment points shall be approximately symmetrically arranged about the longitudinal centreline of the wheelchair.

The tie-down system must be able to withstand a force of 8.2kN applied horizontally towards the rear of the vehicle via a wheeled loading apparatus designed to represent the reference wheelchair.

### **Requirements for tie-downs in the case of a forward-facing wheelchair**

The wheelchair must be secured completely independently of the occupant.

The vehicle shall be fitted with a 4-point tie-down wheelchair system situated symmetrically about the longitudinal centreline of the wheelchair space.

The tie-down equipment must satisfy the requirements of ISO 10542-1:2012 or any subsequent amendment.

The tie-down system anchorages in the vehicle structure must be able to withstand a force of 24.5kN applied horizontally towards the rear of the vehicle via a wheeled loading apparatus designed to represent the reference wheelchair. Surrogate tie-down straps may be used for the test.

The tie-down system must be able to withstand a force of 8.2kN applied horizontally towards the rear of the vehicle via a wheeled loading apparatus designed to represent the reference wheelchair.

## **Securing the Wheelchair Occupant**

### **Requirements for a rearward-facing wheelchair**

Any wheelchair occupant travelling rear facing should be afforded similar levels of protection to any other rear facing occupant in the same vehicle.

As a minimum, a three-point belt complying with UN ECE Regulation 16 or ISO 10542-1:2012 (or any subsequent amendment), shall be provided for each wheelchair occupant.

### **Requirements for occupant restraints in the case of a forward-facing wheelchair**

Any wheelchair occupant travelling forward facing should be afforded similar levels of protection to any other forward-facing occupant in the same vehicle. As a minimum, a three-point belt complying with ISO 10542-1 : 2012 or any subsequent amendment, shall be provided for each wheelchair occupant. Provision should be made for the belt to be worn in contact with the wearer's pelvis rather than the arms or other rigid parts of the wheelchair.

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## **13.0 Windows**

Windows must be provided at the sides and rear area of the passenger compartment.

A window on either side of the passenger compartment must be capable of being opened by manual or electronic means by passengers when seated. The control for opening a window must be clearly marked.

Front windscreen and front side door glass must comply with Road Vehicles (Construction and Use) Regulations 1986, Section 32 in regard to the level of tints. Therefore, light transmission must meet the following criteria:

- Front windscreen - minimum 75% light transmission
- Front side door glass - minimum 70% light ingress transmission
- Remaining glass – Factory fitted as standard

Tinted films applied to any window, and any other aftermarket alterations are not permitted.

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## **14.0 Tyres**

Vehicles must adhere to the following in respect of wheels and tyres:

- The vehicle must be fitted with four road wheels
- All tyres, including the spare (if supplied), must have at least 2.0mm tread depth throughout the continuous band in the centre 3/4 of the tread and around the entire circumference of the tyre

- All tyres fitted must be fit for purpose and free from any defects.
  - The vehicle must come equipped with a serviceable wheel brace and jack of suitable capacity for the maximum axle weight shown on the vehicle.
  - Remoulded or part worn tyres are not permitted
  - Tyres must not be more than 10-years old
- 

## **15.0 Electrical Equipment**

Any additional electrical installation to the original equipment must be adequately insulated and be protected by suitable fuses. It must meet the requirements of the relevant Automotive Electro Magnetic Compatibility (EMC) Directive, (or equivalent United Nations ECE regulation) as amended, and be marked accordingly.

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## **16.0 Image and Sound Recording Equipment**

See Image and Sound Recording Equipment requirements

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## **17.0 Radio Apparatus and Communication Systems**

Where apparatus for the operation of a two-way radio system is fitted to a vehicle, no part of the apparatus may be fixed in the passenger compartment or in the rear boot compartment if LPG or CNG tanks or equipment are situated therein.

Any radio apparatus shall be so positioned and properly secured so as not to interfere with the safe operation of the vehicle.

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## **18.0 Taxi Sign**

A roof mounted “Taxi” sign that must be amber and of an approved pattern, which is clearly visible both by day and by night when the vehicle is available for hire, must be fitted.

## **19.0 Taximeter**

A taximeter must be fitted within the driver's compartment in such a position that the face of the meter is clearly visible in the passenger compartment and it does not interfere with the safe operation of the vehicle.

The taximeter shall be fitted with an approved form of sealing which will prevent non-approved, accidental, or deliberate alteration to the calibration of the meter.

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## **20.0 Table of Fares**

A facility must be provided to display of the table of fares in such a position that the full table of fares is clearly visible to the passengers.

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## **21.0 Licence plates**

Information bearing the licence number of the vehicle shall be displayed within the vehicle in such a position that it is clearly visible to the passengers.

Provision shall be made for the display of the exterior licence plate on the rear of the vehicle in an approved position.

## Part 10 - Image and Sound Recording Equipment

Vehicles may be fitted with an approved image and sound recording system.

The importance of image recording equipment is widely understood in helping to protect the driver and the wider public.

### Benefits

The benefits of CCTV include:

- Deterring and preventing the occurrence of crime
- Reducing fear of crime
- Assisting the Police in investigating incidents of crime
- Assisting insurance companies in investigating motor vehicle accidents
- Assisting the Licensing Authority in investigating complaints.

### Downloads

Data will only be downloaded in the following circumstances:

- Where a crime has been reported involving the specific vehicle and the Police have formally requested data
- When a written complaint has been made to the Council regarding a specific vehicle/driver
- Where a data request is received from an applicant e.g. police or social services, that has a legitimate requirement to have access to the data requested to assist them in an investigation that involves a licenced vehicle or driver
- Subject Access Request compliant with the Data Protection Act

### Retention

Data retained by the Council will only be retained for the following periods:

Reason	Retention Period
Cases leading to prosecution	10 years from date of trial
Formal Caution	3 years from date of caution
Written Warning or no formal action	3 years from date of decision
Subject Access Request	6 years from date of request

## **Policy – Objective 3**

### **Closed-Circuit Television (CCTV)**

A vehicle may be fitted with an approved CCTV system capable of storing both audio recordings and visual images.

For the purposes of this policy, a CCTV system will include any electronic recording device attached to the inside of the vehicle having the technical capability of capturing and retaining visual images and audio recording from inside or outside of the vehicle.

### **General Requirements**

The system must be of an approved standard as designated by the Council and be operational at all times that the vehicle is being used for licensable purposes. Where the vehicle is being used for domestic purposes, there is no requirement for the equipment to be operational.

All CCTV equipment must conform to the Council's specification, and in any case adhere to Data Protection legislation. CCTV systems that do not meet the specification will not be approved for use.

CCTV system installs will be inspected as part of the compliance test to ensure that they do not pose a risk to the safety of the driver or passengers, and to ensure that they have been safely and securely installed. Design, construction, and installation must be in such a way that materials present no danger the driver or passengers, including impact with the equipment or danger from the electrical components being breached through vandalism, misuse or wear and tear.

The installation and operation of CCTV must comply with the requirements of the Information Commissioner's Officers CCTV Code of Practice. Detailed information can be found on the Information Commissioner's Office website: [www.ico.gov.uk](http://www.ico.gov.uk).

All equipment must meet all requirements regarding safety, technical acceptability and operational/data integrity.

### **Signage**

Signage must be strategically displayed in the vehicle, informing passengers that they may be recorded. Notices shall be placed on the security screen that separates the driver from the passenger.

The notices must include information informing that visual and audio recordings take place within the vehicle.

### **Camera Activation Methods**

Video recording must be active at all times that the vehicle is being used for licensable purposes, without exception.

## **Audio Recording Methods**

Where installed, audio recording must be active in the following circumstances:

- Where an unaccompanied child or vulnerable adult is being transported in the vehicle
- Where the driver and the customer are involved in a dispute or the driver feels threatened by the behaviour of the passenger or any other such method that warrants audio recording

Activation of audio recording must be able to be triggered by the driver pressing a switch, and the recording will continue until such time that the switch is pressed again. No deactivation of the audio recording will be enabled by the passenger's audio switch – they will be independent of each other.

Activation of audio recording must be able to be triggered by the passenger pressing a switch, and the recording will continue until such time that the switch is pressed again. No deactivation of the audio recording will be enabled by the driver's audio switch – they will be independent of each other.

There must be an indicator located in the vehicle that is in clear and uninterrupted view of the passenger and that indicates that audio recording is taking place.

At the conclusion of a journey, when the passenger leaves the vehicle, audio recording must cease before another passenger enters and the journey commences. However, there should be a method of reactivating the audio recording should any of the above situations arise in relation to the new journey.

## **Automotive Electromagnetic Compatibility Requirements (EMC)**

The CCTV system must not interfere with the safety, control, electrical, computer, navigation, satellite, or radio system located within the vehicle.

CCTV equipment must be CE-marked.

## **Image Security**

Captured images must remain secure at all times.

Captured images must be protected and designed to guard against the compromise of the stored data. The Information Commissioner's Office has published guidance on how to keep personal data (including personal data contained in CCTV images) secure: <https://ico.org.uk/for-organisations/guide-to-data-protection/principle-7-security/>

## **Registering with the Information Commissioner's Office**

The ICO is the UK's independent body set up to uphold information rights

The Data Protection (Charges and Information) Regulations 2018 requires every organisation that processes personal information to pay a fee to the Information Commissioner's Office (ICO), unless they are exempt. Therefore, all hackney carriage vehicle proprietors must register with the ICO and obtain documented evidence of such registration. Further information can be found on the ICO's website: <https://ico.org.uk/about-the-ico/what-we-do/register-of-data-controllers/>



## **Technical Specification and System Requirements**

To be considered suitable for installation, the CCTV system must meet stringent requirements. These requirements are set out in Appendix A.

## **Part 11 – Vehicle Inspections and Testing**

Vehicles will be tested according to their age. Older vehicles will be tested more frequently than younger vehicles in order to ensure their fitness and suitability.

### **Policy – Objective 4**

#### **Vehicle Inspections and Testing**

The vehicle must be licenced for use within one month from the date of application and within 14 days of it being tested.

#### **Frequency of Tests**

Vehicles must undergo and pass a vehicle compliance test at Sheffield City Council's Testing Station.

#### **New Vehicles**

Applications for a new vehicle licence require the vehicle to undergo and pass a vehicle compliance test, even where the vehicle would not normally require an MOT test (less than three years of age).

#### **Currently Licenced Vehicles**

Licenced vehicles must undergo a compliance test no more than four weeks prior to the renewal of their licence.

The number and frequency of tests depends on the vehicle age as outlined below:

- Vehicle under nine years of age – Every 12 months
- Vehicle over nine years of age – Every 6 months

Where a vehicle fails several consecutive tests, the Authority may require that vehicle to undergo further tests in its licenced period. Reasons for additional tests will be provided by the Authority. The expense of these tests will be borne by the licensee (up to a maximum a 3).

## Testing Criteria

A compliance test goes above and beyond the criteria as used by the Ministry of Transport (MOT) test. Due to the nature of work that is undertaken by hackney carriage vehicles, it is important that all aspects of the vehicle are checked for mechanical safety and that it is aesthetically suitable.

Further information on the testing procedures and standards for MOT tests can be found by visiting: <https://www.gov.uk/government/publications/mot-inspection-manual-for-class-3-4-5-and-7-vehicles>

Information in regard to inspection and compliance standards can be found at Appendix C.

## Testing Station

A licenced vehicle is required to undergo and pass a vehicle compliance test at Sheffield City Council's testing station. Compliance and MOT certificates provided by other testing stations will not be accepted.

The Sheffield City Council testing station carries out its functions in line with best practices from the Department for Transport (DFT), Drivers and Vehicles Standards Agency (DVSA), The Technical Officer Group of the Public Authority Transport Network and the current standards required by Sheffield City Council for its licenced vehicles.

## Part 12 - Exceptional Vehicle Criteria

In circumstances where a vehicle is to be licenced beyond its permitted age, it will be considered as an 'exceptional vehicle'.

An exceptional vehicle is one that meets the exceptional vehicle criteria as set out below.

### Policy – Objective 5

#### Exceptional Vehicle Criteria

Where a vehicle is to be licenced beyond its permitted age, the following criteria must be adhered to. Consideration will not be given to those vehicles that do not adhere to the criteria.

A vehicle will be considered in 'exceptional condition' where:

- It has never failed a vehicle compliance test
- It has never failed to attend a pre-arranged vehicle Compliance Test, unless in exceptional circumstances
- All bodywork is in A1 condition with no signs of rust, dents, scratches, stone chips or any other defects that may detract from the overall appearance
- The paint condition is in A1 condition, showing no signs of fading, discoloration or mismatching that may detract from the overall appearance
- The interior of the vehicle is in A1 condition, including carpets, mats and upholstery
- All luggage compartments are in A1 condition, clean and free from any signs of damage
- There is a complete service record, showing it has been properly serviced in line with manufacturer's guidelines. All receipts in relation to servicing must be available
- The vehicle has not been suspended at any time due to the mechanical and/or physical condition
- The vehicle is Zero Emission Capable (ZEC)

The decision to grant a licence beyond the normal term can only be taken by the Licensing Committee. The proprietor must be able to demonstrate that the vehicle meets all of the criteria as set out above, as well as exhibiting valid reasons why an extension should be granted.

## Part 13 - Limitation

The Licensing Authority has discretionary powers to issue hackney carriage vehicle licences. The Licensing Authority can refuse to issue a licence where they would normally do so (where the applicant is suitable, and the vehicle meets specifications and any other conditions) if there is significant demand that has been met.

### Policy – Objective 6

#### Limitation

The Licensing Authority does not operate a Limitation Policy.

Where the Licensing Authority wishes to implement a limitation on the number of vehicle licences, an Unmet Demand Survey will be undertaken at the initial stage and then every three years, as suggested as best practice by the Department for Transport:

*“If a local authority does nonetheless take the view that a quantity restriction can be justified in principle, there remains the question of the level at which it should be set, bearing in mind the need to demonstrate that there is no significant unmet demand. This issue is usually addressed by means of a survey; it will be necessary for the local licensing authority to carry out a survey sufficiently frequently to be able to respond to any challenge to the satisfaction of a court. An interval of three years is commonly regarded as the maximum reasonable period between surveys.”*

## Part 14 - Access for Wheelchair Users

The Equality Act 2010 legally protects people from discrimination. The Act covers all provisions from the 1995 Disability Discrimination Act and includes new duties for licensees.

Sections 165 and 167 of the Equality Act 2010 came into force in April 2017, making it a criminal offence for drivers of 'designated vehicles' to refuse to carry passengers in wheelchairs, to fail to provide them with appropriate assistance or to charge them extra.

A 'designated vehicle' is such that it conforms to the Council's accessibility requirements, as outlined in the vehicle specification contained in this policy. Such vehicles should be able to carry passengers in their wheelchairs. Government recommends that vehicles must be capable of carrying some – but not necessarily all – types of occupied wheelchairs; it must be possible for a vehicle to carry a 'reference wheelchair' as defined in schedule 1 of the [Public Service Vehicle Accessibility Regulations 2000](#).

The Act sets out the requirements under two specific sections:

**Section 167** of the Act provides the Council with the power to list all wheelchair accessible vehicles, these will be known as 'designated vehicles'. Due to the nature of the fleet in Sheffield, all Hackney Carriage vehicles are designated as such. The list of accessible vehicles can be viewed on the Council's Public Register.

**Section 165** of the Act requires drivers of such designated vehicles to carry passengers in wheelchairs, assist passengers in wheelchairs and to not charge extra to passengers who travel in wheelchairs.

### Policy – Objective 7

#### Access for Wheelchair Users

##### Vehicle Exemptions

The Council will publish a designated list of wheelchair accessible hackney carriage vehicles, as instructed by the Act. A vehicle will be included on the list whereby it conforms to such accessibility requirements as outlined in the vehicle specification – all such hackney carriage vehicles will be wheelchair accessible by default.

The Act enables vehicle owners to appeal against the decision of the Council to include their vehicle on the designated list. The appeal should be made to the Magistrate's Court and must be made within 28 days of the vehicle in question being included in the Council's published list.

## Part 15 - Advertising

Advertising is permitted on both the inside and outside of a vehicle. All advertising will be subject to Licensing Authority approval and must adhere to the advertising policy.

### Policy – Objective 8

#### Advertising

A request to advertise must be made to the Licensing Authority prior to any such advertisement being used.

The vehicle proprietor must provide to the Licensing Authority such details of the proposed advertisement in order to determine that it:

- does not promote, either directly or indirectly, smoking (including tobacco and/or vaping), alcohol, and gambling
- is not of a sexual, religious or political nature
- is not likely to cause offence.

The contract for the advertisement must comply with the following requirements:

- Advertisements should be submitted by the proprietor of the vehicle
- The contract for advertisement must have a facility to state the vehicle details and the termination of the contract
- The contract must contain a condition that the advertisement must be removed at the end of the contract term

Advertisements are permitted, as follows:

- As a door sign
- On the rear window (must use contra vision or similar technology)
- On the tip seats
- As half or full livery
- On a digital screen
- As illuminated exterior media

Where full livery advertisements are applied to the vehicle, the V5C Document (logbook) must be updated – colour of vehicle must state 'full livery'.

Any advertisements fitted to a vehicle must not obscure notices, signs or plates that form part of the vehicle licence conditions. Additionally, should any approved advertisement come to be in such a condition that, in the opinion of an Authorised Officer, it adversely affects the safety or the appearance of the vehicle then the vehicle licence will be suspended with immediate effect and until such time that the defect has been rectified.

## Part 16 - Insurance

A licenced vehicles must have in place valid and appropriate insurance for the purposes of carrying passengers for hire and reward.

### Policy – Objective 9

#### Vehicle Insurance

Hackney carriage vehicles are required to have in place valid and appropriate insurance, enabling them to operate legally.

As a minimum, the Licensing Authority requires:

- A valid insurance certificate or cover note confirming the persons insured to drive the vehicle and the purposes for which the vehicle can be used, i.e. *Social, domestic and pleasure including commuting by the insured to a permanent place of work. For the carriage of passengers or goods for hire and reward (hackney carriage/public hire) provided such use complies with the laws and regulations of the appropriate licensing authorities.*

The Licensing Authority will undertake monthly auditing to ensure insurance requirements are adhered to.



## Part 17 - Accidents

Where a hackney carriage vehicle is involved in an accident or has been damaged by another such cause, it is the responsibility of the vehicle proprietor to report as such to the Licensing Authority. Section 50 (3) of the Local Government (Miscellaneous Provisions) Act 1976 states:

*‘...the proprietor of a Hackney Carriage or Private Hire Vehicle, Licenced by a district council shall report to them as soon as reasonably practicable, and in any case within seventy two hours of the occurrence thereof, any accident to such Hackney Carriage or Private Hire Vehicle causing damage materially affecting the safety, performance or appearance of the Hackney Carriage or Private Hire Vehicle or the comfort or convenience of persons carried therein.’*

The statutory duty contained in the above legislation does not affect in any way the liability placed upon a person under Section 170 of the Road Traffic Act 1988 in relation to the reporting of certain accidents to the police. Further information in this respect can be found at <http://www.legislation.gov.uk/ukpga/1988/52/contents>.

### Policy – Objective 10

#### Accidents

Where a hackney carriage vehicle has been involved in an accident affecting the safety, performance or appearance, it is the responsibility of the proprietor to inform the Licensing Authority within 72 hours of the accident occurring.

The proprietor will be required to complete an Accident Damage Report Form detailing the events of the accident and any damage suffered to the vehicle. An Authorised Officer will inspect the vehicle to ascertain the damage and where appropriate (vehicle fitness has not been satisfied) suspend the vehicle licence until such time that the vehicle has been repaired and passed a compliance test at Sheffield City Council's testing station. A suspension notice will not be issued where an inspection is not possible.

Where a vehicle is damaged to such an extent that it can no longer be driven, the proprietor must inform the Licensing Authority as such. The proprietor will be required to provide the Licensing Authority with photographic evidence as to the vehicle's condition, specifically showing the parts of the vehicle that have been most severely damaged. The vehicle must be presented to Sheffield City Council's testing station, as soon as is practicable in order to assess its fitness following repairs – the appointment will be arranged by the Licensing Authority at a mutually agreeable time with the proprietor.

Where the vehicle is damaged to such an extent that it is categorised by an insurance company as an A, B, S or N insurance write off it will not be re-licensed, in line with the vehicle specification.

## **Part 18 - Transfer of Vehicle Licence**

A vehicle proprietor may at any time transfer their interest, or part interest, in a vehicle to another person.

### **Policy – Objective 11**

#### **Transfer of vehicle licence**

Where a proprietor wishes to relinquish their interest and transfer that interest to another person/licensee they must inform the Licensing Authority within 14 days of doing so, paying the appropriate fee.

In notifying the Licensing Authority, the proprietor must specify the name(s), date of birth and address of the person(s) to whom the vehicle has been transferred.

The proprietor must also provide a current insurance certificate or valid cover note relating to the vehicle and its intended use as a hackney carriage vehicle. Insurance must be in the name of the new owner(s). If new owner is not a licenced driver, the insurance certificate must state a named licenced driver.

## Part 19 - Fares

The Licensing Authority has the power to set fares for hackney carriage vehicles and does so under section 65 of the Local Government (Miscellaneous Provisions) Act 1976:

*“(1)A district council may fix the rates or fares within the district as well for time as distance, and all other charges in connection with the hire of a vehicle or with the arrangements for the hire of a vehicle, to be paid in respect of the hire of hackney carriages by means of a table (hereafter in this section referred to as a “table of fares”) made or varied in accordance with the provisions of this section.”*

A fares tariff is enforceable as a byelaw, and it is an offence for a driver to charge more than the metered fare.

The current table of fares must be displayed in the vehicle so that it is easily visible to all passengers. Licensees must, if requested by the passenger, provide written receipts for fares paid.

### Policy – Objective 12

#### Table of Fares

The Licensing Authority will usually review hackney carriage fares periodically and in line with any policy review. Where requested, additional reviews will be undertaken at the discretion of the Licensing Committee.

In considering a review, the Licensing Committee will pay attention to the following pieces of information. This list is not exhaustive, but an example of what will be taken in account when making a decision:

- Any change in vehicle running costs since the last review
- Changes to the Consumer Index rate since the last review
- The Service Provider Index rate since the last review
- Any changes to the National Living Wage since the last review
- Any change to licensing fees since the last review
- Hackney Carriage fares in neighbouring authorities
- The cost of alternative transport – bus, tram, private hire etc.
- Any other information that may be deemed relevant

Any information presented must be from reputable sources and in an easy-to-read format.

The Licensing Committee will also consider information supplied by licensees, stakeholders, and other interested parties as part of the review process.

A notice of any variation to the maximum fare shall be advertised by the Licensing Authority.

## Part 20 - Hackney Carriage (Taxi) Ranks

A unique feature of a hackney carriage vehicle is that it can legally rank up at a hackney carriage rank and ply for hire, waiting for a hirer to make a booking.

The Council creates hackney carriage ranks under the Local Government (Miscellaneous Provisions) Act 1976, section 63. Under the Act, the Council can appoint ranks for hackney carriage vehicles either on public highways or private land and the stands can be for either continual or part-time use.

There are a number of ranks within the district of Sheffield, and these are outlined in the table below. A list of current hackney carriage vehicle ranks can also be found on the Council's website: <http://www.sheffield.gov.uk/home/parking/taxi-ranks.html>

## Part 21 - Conditions

Attached to a hackney carriage vehicle licence is a set of mandatory conditions in accordance with Section 47 Local Government (Miscellaneous Provisions) Act 1976:

“A district council may attach to the grant of a licence of a hackney carriage under the Act of 1847 such conditions as the district council may consider reasonably necessary”.

The following mandatory conditions form part of all hackney carriage vehicle licences and should be observed at all times; failure to do so may result in the licence being referred directly to the Licensing Committee for review.

Following determination of an application by the Licensing Sub-Committee, additional conditions may be imposed.

## Mandatory Conditions

Definitions	
<b>‘Authorised Officer’</b>	Any officer of the Council authorised in writing by the Chief Licensing Officer and Head of Licensing of the Council for the purposes of these conditions
<b>‘The Council’</b>	Sheffield City Council
<b>‘Licence Plate’</b>	The plate issued by the Council for the purpose of identifying the vehicle as a hackney carriage vehicle duly Licenced by the Council.
<b>‘Interior Licence Plate’</b>	The plate issued by the Council for the purpose of identifying the vehicle as a private hire vehicle duly Licenced by the Council.
<b>‘Interior Driver Identification Plate’</b>	The card which provides a photograph of a driver, driver licence number and the date of expiry of the licence. At all times it remains the property of the Council.
<b>‘Proprietor’</b>	The person or persons or body named in this licence as the proprietor of the vehicle and includes a part proprietor.
<b>‘The Vehicle’</b>	The hackney carriage hire vehicle in respect of which this licence is issued.

<b>1. General Maintenance and standards</b>	
<b>a.)</b>	The proprietor or driver must ensure that the vehicle undergoes a daily safety check. As a minimum, this must be a visual check on the lights, tyres, mirrors, and seat belts. Where faults are discovered, they must be rectified immediately and in any case before the commencement of the next journey.
<b>b.)</b>	No material alteration or change in the specification, design, condition, or appearance of the vehicle shall be made without the approval of the Council at any time while the licence is in force.
<b>c.)</b>	The proprietor must notify the Council in writing if their vehicle has been fitted with an LPG system during the currency of the licence. The notification must be made within five working days and include the provision of certification.
<b>2. Identification Plate and Signs</b>	
<b>a.)</b>	The licence plate must be securely and permanently affixed to the rear of the vehicle at all times. It shall be displayed so as not to obscure the vehicle's registration mark and must be clearly visible by daylight.
<b>b.)</b>	The licensee must at all times display the interior driver identification in such a position within the vehicle so that it is easily identifiable by all passengers in the vehicle and in a position that is acceptable to the Council.
<b>c.)</b>	The licensee must at all times display the interior vehicle identification number in such a position within the vehicle so that it is easily identifiable by all passengers in the vehicle and in a position that is acceptable to the Council.
<b>d.)</b>	The proprietor shall not display or suffer or permit to be displayed on or from the vehicle any other signs, notices, advertisements, plates, marks, numbers, letters, figures, symbols, emblems, or devices whatsoever, except as may be required by any statutory provisions (including byelaws) or required by these conditions.
<b>e.)</b>	The Council will permit a deviation from these conditions in certain circumstances. A request for deviation will need to be made in writing to the Council, with a decision made by the Licensing Committee.
Signage, licence plates and notices as referred to above will be issued or approved for use by the Council.	
Signage, licence plates and notices must be fixed to the vehicle in accordance with the requirements set out by the Council, and in any case must be securely affixed at all times.	
<b>3. Cleanliness and Appearance of Vehicle</b>	
<b>a.)</b>	All relevant statutory requirements, in particular those contained in the Road Vehicles (Construction and Use) Regulations 1986 must be fully complied with at all times.
<b>b.)</b>	The vehicle must be maintained in a safe and clean condition at all times. The Council can inspect a vehicle at any time it sees fit and at the request of an authorised officer or police constable, the licensee shall arrange for any reasonably necessary cleaning of the vehicle to be carried out.
<b>c.)</b>	Storage areas must be kept free from obstruction at all times in order to allow the safe storage of passenger luggage.
<b>d.)</b>	Bodywork must be maintained to a high standard, with no signs of corrosion, rust, inferior spray work or temporary repairs.
<b>e.)</b>	Seats must be in full working order, free of stains, tears, cigarette burns or repair, and not threadbare. Floor coverings must not be unduly worn and present no trip hazards. Household carpeting or similar is not acceptable and must not be used in any part of the vehicle. Headlining and side panel coverings must be free of ingrained grime, fractures and maintained to the manufacturer's original style.

f.)	<p>If the vehicle is involved in an accident, affecting the safety, performance or appearance, the proprietor/driver must inform the Council as soon as possible and in any case within 72 hours. An Accident Report Form, available from the Council, must be completed, detailing the circumstances of the accident and any damage to the vehicle.</p> <p>The vehicle must be presented to the Council for inspection by an authorised officer. If the vehicle cannot be presented to the Council for inspection due to damage caused, the proprietor must send photographic evidence as to the vehicle's condition. All repairs to the vehicle must be carried out without undue delay and once repaired may be subject to a compliance test at Sheffield City Council's testing station.</p>
<b>4. Equipment and Fittings</b>	
a.)	All fittings and auxiliary equipment must be kept tidy and safe and relevant statutory requirements fully complied with.
b.)	No additional amplifiers, speakers, or sub-woofers are to be fitted and connected to the vehicle.
c.)	Where a fire extinguisher is fitted, it must be of a type suitable for use on a motor vehicle and approved by the Council. It must be securely fitted in the driver's compartment and in easy reach of the driver and not obstruct or interfere with the safe operation of the vehicle. It must comply with requirements of BS EN3 1996 and have a minimum rating of 5a and 34b. It must not contain less than 0.9 litres AFFF foam or 1kg dry powder and must have a seal or gauge mechanism. The registration number of the vehicle must be permanently and legibly marked on the extinguisher.
<b>5. Closed-Circuit Television (CCTV)</b>	
	A secure Closed-Circuit Television (CCTV) system approved by the Council shall be fitted to the vehicle prior to the grant of the licence and maintained in the vehicle thereafter for the duration of the licence to the satisfaction of the Council.
	The requirement will be effective immediately on the grant of a new licence (other than by way of renewal) or on the replacement of a licenced vehicle.
<b>6. Meter and Table of Fares</b>	
a.)	A taximeter of an approved type must be fitted within the driver's compartment in such a position that the face of the meter is clearly visible in the passenger compartment and it does not interfere with the safe operation of the vehicle.
b.)	The taximeter shall be fitted with an approved form of sealing which will prevent non-approved, accidental or deliberate alteration to the calibration of the meter.
c.)	A facility must be provided to display the table of fares in such a position that it is clearly visible to the passengers.
d.)	The vehicle must have a functioning cashless payment facility available for passengers to pay any fare due. This facility must be connected and working at all times to ensure customers are able to pay by card. Proprietors must issue a receipt if requested.
	<p>Additional costs as a result of cashless payments must not be passed onto the passenger.</p> <p>Where a fault in the cashless payment system is identified, the proprietor must notify the Licensing Service within 24 hours and make provisions for a replacement system as soon as practicable.</p>



7. Advertisements	
	Advertisements may be displayed where they are in accordance with the Council's policy in relation to advertisements and where the Council has provided written approval for the advertisement.
8. Insurance	
a.)	At all times the proprietor shall have in place a policy of insurance in relation to the use of a hackney carriage vehicle that complies with the requirements of the Road Traffic Act 1988 Part VI.
b.)	The proprietor shall produce to the Council within five days of such request the certificate of insurance issued by an insurance company or broker in respect of the vehicle.
9. Seats and Passengers	
a.)	The proprietor shall not cause or permit to be conveyed in the vehicle a greater number of persons exclusive of the driver than the number of persons specified on the licence.
b.)	Once a vehicle has passed a compliance test, the seating layout must not be changed.
c.)	Where it is possible to change the seating layout, the proprietor must ensure that no more seats than are stated on the licence are fitted.
d.)	All passengers must have access to at least two side doors, one of which must be on the nearside of the vehicle.
10. Drivers	
a.)	<p>The proprietor must keep a written record showing the following particulars in respect of every driver (for hackney carriage purposes) of the hackney carriage vehicle detailed on this licence:</p> <ul style="list-style-type: none"> <li>• The name, address and date of birth of the driver of the vehicle</li> <li>• The number and date of expiry of every licence issued in respect of the driver under Section 51 of the Local Government (Miscellaneous Provisions) Act 1976 and in force during such time as the driver is driving the vehicle</li> <li>• The date on which the driver commenced driving the vehicle</li> <li>• The date on which the driver ceased driving the vehicle</li> </ul> <p>The proprietor must keep the records for a period of two years from the date on which the driver first commenced driving the vehicle. These records must be made available upon request to any police officer or authorised officer of the Council.</p>
b.)	Any person who drives a hackney carriage vehicle must have in place a <i>Hackney Carriage and Private Hire Driver's Licence</i> .
c.)	All drivers must be fully aware of the need to provide assistance to passengers, especially those with a disability.
d.)	<p>A driver must not fail or refuse to carry out a booking by or on behalf of a disabled person accompanied by an assistance dog, unless the driver has a medical exemption certificate as issued by the Council.</p> <p>Proprietors must ensure that all drivers of the hackney carriage are fully acquainted with the need to provide all reasonable assistance to passengers, especially those with a disability.</p>
11. Convictions	
	The proprietor or driver of a hackney carriage vehicle must notify the Council within 14 days of any conviction, binding over, caution, warning, reprimand for any matter imposed on them during the term of a licence.

<b>12. Transfer of Licence</b>	
	A proprietor, in transferring the hackney carriage vehicle to another person, must notify the Council within 14 days of doing so, stating the name and address of the person to whom the hackney carriage has been transferred.
<b>13. Change of Address</b>	
	The proprietor of a hackney carriage vehicle must notify the Council in writing of a change of address within 14 days of such change.
<b>14. Operator</b>	
<b>a.)</b>	Where a hackney carriage vehicle receives job bookings from a private hire operator, the proprietor or such driver of the vehicle must notify the Council of all such companies for which they are working and must immediately notify the Council if they cease to work for any company. The vehicle must display sole relevant door signage for each booking undertaken.
<b>b.)</b>	Equipment used for the purposes of receiving and accepting information related to bookings must be fitted securely and in a manner that does not obstruct the view of the driver through the windscreen. Wires used for connection of equipment must not be left in a dangerous manner.
<b>15. Inspections</b>	
<b>a.)</b>	The proprietor must permit an authorised officer or a police constable to inspect the vehicle at all reasonable times.
<b>b.)</b>	Where an authorised officer or police constable is not satisfied as to the condition of a vehicle for use as a hackney carriage, the proprietor must, after being notified in writing, present the vehicle for inspection at such time at Sheffield City Council's testing station.
<b>c.)</b>	If an authorised officer or police constable is not satisfied as to the condition of the vehicle for use as a hackney carriage upon completion of an inspection as stated above, the authorised officer may suspend the licence. The suspension will not be lifted until such time the vehicle has passed a compliance test at Sheffield City Council's testing station.
<b>16. Information and Guidance</b>	
<b>a.)</b>	The proprietor or driver of the vehicle must at all times carry within the driver's compartment of the vehicle the <i>Safe Loading and Unloading of Manual Wheelchair passengers in a hackney carriage 2010</i> and the <i>Safe loading and unloading of powered wheelchair passengers in a hackney carriage</i> guidance booklet as provided by the Council. The booklets should be made available for inspection on the request of an authorised officer, police constable or passenger on request.
<b>b.)</b>	The proprietor or driver of the vehicle must at all times carry within the driver's compartment of the vehicle a copy of the <i>Hackney Carriage Byelaws</i> as provided by the Council. The booklet should be made available for inspection on the request of an authorised officer, police constable or passenger on request.
<b>17. Equalities Act 2010</b>	
<b>a.)</b>	<p>The Council has a duty under the Equalities Act 2010 to exercise its functions, and have due regard to the need to:</p> <ul style="list-style-type: none"> <li>• Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.</li> <li>• Advance equality of opportunity between people who share a protected characteristic and those who do not.</li> <li>• Foster good relations between people who share a protected characteristic and those who do not.</li> </ul>

	In discharging the duty, the Council will take a serious view of any judgement under the Equality Act 2010 against any applicant for the grant, renewal or transfer of any licence as issued by the Council.
<b>b.)</b>	Drivers of a hackney carriage vehicle must not refuse to carry out a booking by or on behalf of a disabled person accompanied by an assistance dog unless the driver has a medical exemption certificate in the approved manner or in the vehicle.
<b>c.)</b>	Drivers of a hackney carriage vehicle must not refuse to carry out a booking by or on behalf of disabled person in a wheelchair, fail to provide them with appropriate assistance, or to charge them extra unless the driver has a medical exemption certificate in the approved manner of the vehicle.

## Part 22 – 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 licenced private hire vehicles is essential in order to achieve this. Ultimately these checks are undertaken in order to ensure vehicles are fit for purpose, are complying with the law and licence conditions and to ensure the safety of passengers, pedestrians, and other road users.

The Licensing Authority ensures that licenced private hire vehicles are complying with statutory requirements and licensing conditions by undertaking regular enforcement and compliance checks, whether it be independently or with partners such as South Yorkshire Police and the Driver and Vehicle and Standards Agency (DVSA).

A broad range of tools and powers are available to the Licensing Authority should breaches of compliance be found. The following options, which will be discussed in more detail throughout this section include, but are not limited to:

- No Action
- Informal Warning
- Formal Warning
- Review
- Suspension
- Revocation
- Simple Caution
- Prosecution

Where appropriate and where there are causes for concern the Licensing Authority will pass on information to partner organisations such as the police and Sheffield City Council Transport Services.

Equally, the Licensing Authority will act on information received from those and other partner organisations and deal with complaints in line with the Licensing Authority's Complaints Procedure. A copy of the complaints procedure can be obtained by contacting the Licensing Authority.

## **Part 23 - 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 24 - 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 25 - Enforcement and Non-Compliance Options**

In line with the Regulators' Code and Enforcement Concordat the Licensing Authority will choose the most appropriate form of enforcement under the circumstances. The Licensing Authority has at its disposal a range of enforcement and non-compliance options.

Where there have been several instances of non-compliance and at the discretion of the Licensing Authority, licensees (vehicle proprietors) may be referred to the Licensing Sub-Committee without further warning where a decision will be made as to the future of their private hire vehicle licence.

### **Stage 1 - No Action**

A decision of no action may be taken where formal enforcement is deemed inappropriate under the circumstances. In such cases the offender, and where necessary, the complainant, will be informed of the reasons for the decision.

The Licensing Authority will look at all the evidence before making a determination on how to proceed following enforcement and compliance checks. It may be that evidence comes to light after the checks, indicating no action is required.

### **Stage 2 - Informal Warning/Words of Advice**

Where there is a minor contravention and where the degree of risk from a given situation is minor, an informal warning may be deemed the most appropriate form of action.

An informal warning may come in the form of a verbal notice and recorded as such on the record. A culmination of verbal notices may result in a more serious form of action; this will be reviewed on a case-by-case basis.

This type of warning may be used where there is little or no impact on licensees (vehicle proprietors), service users and members of the public and where all other forms of enforcement action are viewed as inappropriate and/or disproportionate.

### **Stage 3 - Formal Warning**

A formal warning is a tool that is available for more serious breaches of licence conditions. Each event is viewed on a case-by-case basis and enforcement officers will use their judgment as to whether to exercise the formal warning procedure.

A formal warning will be held on the licensees' record for a set period of time, not exceeding three years. Should the licensee be referred to the Licensing Sub-Committee while the warning is live, the Licensing Sub-Committee will be made aware of it.

### **Suspension of licence**

Where there has been a serious breach of licence, non-compliance, or any other reasonable cause it may be deemed appropriate to issue a suspension notice.

The power to suspend a vehicle licence is contained in Section 60 of the Local Government (Miscellaneous Provisions) Act 1976. Further information on these suspensions can be obtained from the Acts themselves.

A suspension may be issued where the vehicle is deemed to be unfit for purpose, in terms of the mechanical condition, safety and/or comfort. A suspension notice may also be issued for 'any other reasonable cause'.

Upon the suspension of a licence the licence holder may appeal the decision to the Magistrates Court; there is no other recourse available.

## **Revocation**

In circumstances of more serious breaches of conditions, such as the private hire vehicle being unfit for purpose, non-compliance with the provisions of the Act of 1847 or the Act of 1976 or for any other reasonable cause, a revocation of the licence may be deemed necessary.

The power to revoke a licence is retained by the Licensing Committee and will be implemented where there is considered to be an immediate and on-going risk to public safety.

If a decision is reached whereby the licence is revoked, they will have the opportunity to appeal the decision to Magistrates Court.

## **Refusal to Renew**

Reasons for non-renewal of a licence may be due to information received at renewal stage, such as the private hire vehicle being unfit for purpose, non-compliance with the provisions of the Act of 1847 or the Act of 1976 or for any other reasonable cause.

In making a decision on whether to refuse to renew a licence the Licensing Sub-Committee will take into account information received from the Licensing Authority and any supporting documents that are supplied by the applicant.

If a decision is reached whereby the licensee is refused, they will have the opportunity to appeal the decision to Magistrates Court.

## **Caution**

Where a serious breach of conditions or non-compliance has been evidenced, but where a prosecution would not be in the public interest, a formal caution may be issued.

Guidance as issued by the Health and Safety Executive provides practical advice and sets out certain preconditions that must be adhered to in order for a formal caution to be used:

- The offender making a clear and reliable admission of the offence before a simple caution may 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 on licensees, information will be discharged, subject to appropriate Data Protection Act provisions.



## Prosecution

A prosecution will be implemented in cases where there has been a flagrant breach of licence conditions and where other options have been considered and deemed unsuitable, or where serious issues of public safety have arisen.

In order for a prosecution to be initiated there must be enough evidence to provide a realistic prospect of a conviction and it is the public interest to do so. In determining whether a prosecution should be initiated the Code for Crown Prosecutors should be considered:

- Is there enough evidence against the defendant
- Is it in the public interest to bring the case to court

## Part 26 - 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.

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	Elected Members
Local Members of Parliament	Sheffield City Council Transport Services
Transport4All	Sheffield City Council Sheffield Safeguarding Children's Board
Sheffield City Council Highways Service	South Yorkshire Police
South Yorkshire Fire Service	Sheffield City Council's Equality Team
Neighbouring Local Authorities	Sheffield City Council's Public Health Service
Sheffield City Council's Parking Services	National Association of Licensing and Enforcement Officers
Institute of Licensing	Sheffield Disability Hub
Sheffield City Council Strategy and Policy Service	Campaign for Better Transport
Chambers of Commerce	Local Traders
Women's Groups	Pubwatch

## Appendix A

### Sheffield City Council Licenced Hackney Carriage Taxi CCTV - Technical Specification and System Requirements

In order to be considered suitable for installation in a licensed Hackney Carriage vehicle, the system must meet the following requirements.

Reference	Specification	Details
<b>1.0 Operational Technical Specifications</b>		
<b>1.1</b>	100% solid state design or a proven vibration and shock resistant system	The system should not have any fan and the recording should be vibration and shock proof, i.e. <ul style="list-style-type: none"> <li>Flash-based SSD (100% industrial grade)</li> <li>Hard disk with both mechanical anti-vibration and anti-shock mechanism and self-recovery and self-check file writing system</li> <li>SD cards will be accepted</li> </ul>
<b>1.2</b>	8 to 36 Volts DC	Operational between 8 and 36 volts DC
<b>1.3</b>	Reverse polarity protected	System to be protected against reverse voltage
<b>1.4</b>	Short circuit prevention	System to be protected against short circuits
<b>1.5</b>	Over voltage protection	System to be protected against high voltage transients likely to be encountered in the vehicle electrical system
<b>1.6</b>	Automotive Electromagnetic Compatibility Requirements	The camera equipment should be CE-marked with confirmation by the equipment manufacturer as being non-immunity related and suitable for use in motor vehicles
<b>1.7</b>	System override switch to be located in a position where it is not accessible from inside the vehicle (i.e. in the boot/engine compartment). The override switch must be illuminated when switched on.	The system is required to be active at all times that the vehicle is being used as a licenced vehicle. This will allow the system to be deactivated during times when the vehicle is being used for domestic use. The switch that deactivates the system must be located within the vehicles boot or engine compartment (i.e. it must only be possible to deactivate the system from outside of the vehicle)
<b>1.8</b>	First-in/first-out buffer recording principle	The system must automatically overwrite to create a constant cycle recording
<b>1.9</b>	Access Record	A service log must be kept and maintained by the approved installer and the local authority
<b>1.10</b>	Security, duration and auto-clearing of log files	
<b>1.11</b>	Image export formats and media	Images must be encrypted to a minimum of FIPS 140/2
<b>1.12</b>	Image protection during power disruption	Images must be preserved in the event of loss of power. Battery back-up will not be permitted
<b>1.13</b>	Unit must operate without the ignition being turned on	The Unit must have the ability to operate for at least 1 hour without power from the ignition. The device must be hardwired to both constant and ignition supply

<b>1.14</b>	Image and audio data shall be recorded and stored in a unit separate from the camera head.	Self-contained storage cards within the camera head will not be accepted.
<b>1.15</b>	GPS capability	System must have GPS capability
<b>1.16</b>	The system shall not record audio except when audio recording is activated by means of an approved trigger switch	The system should have the ability to start recording audio data by means of a trigger switch.
<b>1.17</b>	The system must be capable of recording audio time synchronised to the recorded images	<p>If activated, the audio must record within the video file. The system should have the ability to start recording audio data by means of at least two trigger buttons.</p> <p>One trigger button must be capable of being activated by the driver.</p> <p>A separate independent trigger button must be located on each passenger row of seating within the vehicle and be capable of being activated by any passenger occupying that row.</p>
<b>1.18</b>	The audio playback, when triggered, shall be in 'real time' and synchronised with the images that are captured	All audio files must be simply added to the video files as a voiceover, not in separate files
<b>1.19</b>	Audio data and image data must be stored together, not in separate files, and must be protected against unauthorised access or tampering.	
<b>1.20</b>	The system must support testing of the audio function for installation and inspection purposes.	
<b>1.21</b>	Images recorded by the system shall not be displayed within the vehicle	Any monitors may only display live images as clearly visible by having a glance around as per ICO specifications, it must not display recorded images.
<b>1.22</b>	The system must have at least two trigger switches for audio activation	<p>If activated, the audio must record within the video file.</p> <p>The system should have the ability to start recording audio data by means of at least two trigger buttons.</p> <p>One trigger button must be capable of being activated by the driver.</p> <p>A separate independent trigger button must be located on each passenger row of seating within the vehicle and be capable of being activated by any passenger occupying that row.</p>

1.23	The system must include a visual indicator that will clearly show when audio recording is taking place. This indicator must be visible to all passengers within the vehicle.	This may take the form of an indicator LED built into the audio switch, or a remote LED that can clearly be seen by passengers.
<b>2.0 Storage Capacity Technical Specifications</b>		
2.1	Minimum of 28 days i.e. (28x24 hours) of recording capacity	The camera system must be capable of recording and storing a minimum of 28 days of images of HD1 (720/288) size or better
2.2	Images must be clear in all lighting conditions	System to provide clear images in bright sunshine, shade, dark, total darkness, and when strong backlight is present without the need for additional components
<b>3.0 Camera Head Technical Specifications</b>		
3.1	Camera installation non-obstructive	The camera and all system components shall be installed in a manner that does not interfere with the driver's vision or view of mirrors or otherwise normal operation of the vehicle.
3.2	Protected camera disconnect	The camera head shall be designed to disconnect for ease of removal and replacement by maintenance personnel
3.3	Special tools for adjustment/removal	To prevent inappropriate interference, only tools supplied to authorised fitters should be capable of carrying out adjustments or removal
3.4	Field of view to capture all passengers in the vehicle	The lens of the camera must be of a type that captures the driver and all passengers of the vehicle on the recorded image. The lens must be of a style not to create a 'fishbowl' effect
3.5	Compatible for use in vehicles with a partition (shield)	The camera system must be adaptable to provide clear images when a vehicle is equipped with a shield. This may be accomplished with the use of multiple camera heads.
3.6	Multiple cameras	The unit shall be capable of supporting up to four cameras. Four cameras may be required to provide adequate coverage in larger vehicles and/or certain purpose built vehicles.
<b>4.0 Storage Device (Recorder) –Technical Specifications</b>		
4.1	Impact and shock resistance	The recorder shall be impact resistant, sufficient to withstand a typical car accident, or striking with a large, heavy object such as a suitcase.
4.2	Controller in concealed location	The storage unit shall be concealed from view and effectively inaccessible except by authorised personnel.
4.3	Download port provision	The recorder shall be equipped with a communication port within the hard drive housing for downloading by an authorised officer.
4.4	Download port cable length – 300 millimetres minimum	When required, any download port shall be at least one foot in length for ease of download
4.5	Recorder to be securely affixed to the vehicle	
4.6	Log register camera system parameter modifications	
4.7	Log to register each user access	
4.8	Log to register each image download session	

<b>4.9</b>	Log to register modification/manipulation of download images	
<b>4.10</b>	Log to register exporting of download images	
<b>4.11</b>	Log to register exporting of download images	
<b>4.12</b>	Log file protected against unauthorised access	
<b>4.13</b>	Time/date stamp	All stored images must be time and date stamped
<b>4.14</b>	Vehicle ID number stamp	All stored images must have vehicle identification (VIN & or number plate
<b>4.15</b>	Controller non-modifiable ID code stamp	Each recorded image shall be automatically stamped with a unique and non-modifiable code that identifies the controller that was used to record the image
<b>4.16</b>	Controller (Storage Recorder)	Manufacturer to supply Sheffield City Council with a supply of specialised tools to allow for the removal of the controller and download of data when required.
<b>5.0 Specifications for Video and Audio Recording Rate</b>		
<b>5.1</b>	Video image recording on system activation (when audio is not activated)	The system shall record images at a minimum rate of twenty-five images per second
<b>5.2</b>	Video image recording when audio is activated	The system shall record images at the rate of twenty-five images per second during periods when audio recording is activated (either due to time requirement, or through activation by the driver trigger switch or passenger audio button)
<b>5.3</b>	When activated, audio recording must be in real time and synchronised with the video recording	When activated, audio recording must be in real time and synchronised with the video recording
<b>5.4</b>	System to continue to record images (and audio when applicable) when engine is off	System must continue to record images (and audio when applicable) for 1 hour after engine/ignition is switched off
<b>6.0 Specification for activation via driver or passenger trigger/audio button</b>		
<b>6.1</b>	The activation of a trigger button when activated by driver or passenger	The system must be fitted with at least two trigger buttons that once activated will trigger the recording of audio and video
<b>7.0 Downloading Technical Specification</b>		
<b>7.1</b>	Provision of necessary software, cables, security keys to Sheffield City Council Licensing Service	
<b>7.2</b>	Windows compatible	Once downloaded and converted
<b>7.3</b>	Downloaded images stored in non-volatile media	
<b>7.4</b>	Downloaded images stored in secure format	
<b>7.5</b>	Verifiable image authenticity	Each image shall be watermarked with vehicle ID, and time and date, and be tamperproof.
<b>7.6</b>	Provision of technical support to Sheffield City Council Licensing Service when necessary	To assist in accessing system in case of damage to the vehicle or to the system in case of accident within a reasonable time frame

<b>7.7</b>	Wireless download prohibited	Unit must not allow for wireless downloads. Wireless diagnostic may be used.
<b>7.8</b>	Filter the specific images for events and times for the approximate time of the crime committed	The playback software must list the files in date and time slot order for ease of location of required file.
<b>8.0 Requirements in Relation to System Information</b>		
<b>8.1</b>	Provision of service log	The unit manufacturer shall have a service log. . The manufacturer shall also enclose detailed instructions for the drivers with each unit shipped.
<b>8.2</b>	Serial number indication	The unit will be marked with a serial number
<b>8.3</b>	Installation date indication on service log	A certificate of installation must be provided which will indicate the installation date
<b>8.4</b>	Clarity of operating instructions	The system shall be provided with clear and concise operation instructions which are written or presented with due consideration to varying levels of literacy.
<b>8.5</b>	Installation by authorised agents	The unit shall only be installed by manufacturer's authorised agents
<b>8.6</b>	Provision of authorised agents list to the Council Licensing Service	The manufacturer or supplier shall provide a list of all authorised agents to the Council Licensing Service.
<b>8.7</b>	Documentation	The manufacturer must provide clear and concise operating instructions which are written or presented in layman's terms
<b>8.8</b>	Image Protection	All captured images must be protected using encryption software that meets or exceeds the current FIPS 14-2 (level 2) standard or equivalent.
<b>9.0 System Requirements in Relation to Vehicle Inspection Facility - Inspections</b>		
<b>9.1</b>	Provision of system status/health indicator	The driver shall have an indicator showing when the system is operational and when there is a malfunction. This shall include the images as shown to verify the status of each camera.
<b>9.2</b>	Mounting location of system status/health indicator to be seen.	The indicators shall be mounted in such a way so as to allow for ease of view
<b>9.3</b>	Design and or installed to be testable by Sheffield City Council Licensing Service, or persons acting on behalf of the Council, such as vehicle inspectors	The system shall be designed and installed such that the system may be easily tested by Sheffield City Council Licensing Service.
<b>10. General System Requirements</b>		
<b>10.1</b>	Vandal and tamper resistance	All component parts must be securely mounted, hard wired and small and discreet enough to remove the risk of tampering.
<b>10.2</b>	Provision of statement of compliance	In addition to a formal test of all aspects of this requirement specification, a statement of compliance shall be provided and signed by an officer of the company
<b>10.3</b>	Reliability in operational and environmental conditions	The system shall provide reliable and full functionality in all operational and environmental conditions encountered in the operation of licensed vehicles.

<b>10.4</b>	Programmability of image timing parameters	It shall be possible to change timing and parameters without the requirement to change components
<b>10.5</b>	Training and Technical support and Equipment	Manufacturer must provide Sheffield City Council Licensing Service with a Training and Technical Support
<b>10.6</b>	Software and Hardware	Manufacturer to supply Sheffield City Council Licensing Service with supply of cables and software to be installed under the supervision of the Council's authorised staff
<b>10.7</b>	Agreement between the camera manufacturer and Sheffield City Council	Agreement to allow Sheffield City Council access to the relevant software from the supplier so that in the event the manufacturer goes out of business, Council will be able to support the system



## **Appendix B- Sheffield City Council Hackney Carriage Byelaws**

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

### **Interpretation**

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

### **Hackney carriage to display number of licence**

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

### **Notices Etc. prohibited on hackney carriage**

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

### **Punctual attendance when previously hired**

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

### **Conduct of drivers**

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

### **Driver not to smoke whilst carriage is occupied by passengers**

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

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

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

### **Canvassing prohibited**

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

### **Provision and wearing of badges**

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

### **Carriage of personal luggage and animals**

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

### **Number of persons to be carried in hackney carriage**

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

### **Occupation of stands**

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

### **Fares and charges for hackney carriages**

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

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

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

### **Drivers of hackney carriage not to demand more than authorised fare**

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

### **Statement of fares to be exhibited in hackney carriage**

15. (a) The proprietor of a hackney carriage shall:

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

### **Furnishing of hackney carriage**

16. (a) The proprietor of a hackney carriage shall:

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

### **Search for and disposal of property accidentally left in hackney carriage**

17. Every proprietor or driver of a hackney carriage shall:

- (a) Immediately after the termination of any hiring or as soon as practicable thereafter, carefully search the carriage for any property which may have been accidentally left therein;
- (b) If any property accidentally left therein by any person who may have been conveyed in the carriage be found by or handed to him;

- (i) Carry it as soon as possible and in any event within twenty four hours, if not sooner claimed by or on behalf of its owner, to the South Yorkshire Police Lost Property Office, Sheffield, and leave it in custody of the officer in charge on his giving receipt for it;
- (ii) Be entitled to receive from any person to whom the property shall be 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 or the seals affixed thereto.

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

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

#### **Interior lighting of hackney carriage**

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

#### **Driver to produce copy of byelaws**

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

## Penalty

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

## Repeal

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