

SHEFFIELD CITY COUNCIL

**Private Hire Operator and Vehicle
Licence Policy**

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Frequently Used Terms

The following terms are used frequently throughout this policy document.

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

Part 1 – Introduction

Sheffield City Council is responsible for the regulation of private hire operators and private hire 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 1st February 2023 and will be applied to existing licences and new applications received after the date that the policy is adopted by the Council.

The Council reserves the right to overturn a decision that has previously been made. 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 context and content:

- 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:

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 a Waste and Street Scene Committee. The Committee has the authority, amongst other licensing matters, to discharge non-executive regulatory functions in respect to hackney carriage and private hire licensing and to help formulate and review licensing policies in this regard.

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

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

- Accepting applications
- Granting licences
- Licence suspensions
- Issuing formal warnings and cautions
- Investigation and preparation of prosecution files
- Investigating complaints

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

Matter to be dealt with	Full Committee	Sub Committee	Officers
Applications		✓	✓
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 legislation.

Hearings

Where Officers are unable to determine an application, a report will be submitted the Licensing Sub-Committee for determination.

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

Appeals against Licensing Authority Decisions

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

Part 5 – Information Sharing

How Information is used

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

The following legislation is observed throughout the licensing regime:

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

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 includes but is not limited to:

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

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.

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

Your Rights

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

SHEFFIELD CITY COUNCIL

Private Hire Operator Policy

Part 1– Legislative Background

The Licensing Authority, in respect of regulating (administering and enforcing) private hire operators, adheres to the regulatory framework as set out in the Local Government (Miscellaneous Provisions) Act 1976 (Part II).

The legislative framework contained in the Act, the policy objectives set out in this document, and all other legislation and guidance documents will be used in the regulation of private hire operators.

Local Government (Miscellaneous Provisions) Act 1976

The Local Government (Miscellaneous Provisions) Act 1976 is used to regulate the private hire industry. The Act was adopted by Sheffield City Council at its meeting on Wednesday 1st March 1978.

A private hire operator's licence is issued in accordance with the Local Government (Miscellaneous Provisions) Act 1976, Section 55. It states:

“Subject to the provisions of this Part of this Act, a district council shall, on receipt of an application from any person for the grant to that person of a licence to operate private hire vehicles grant to that person an operator's licence”

“Operate” is defined in the Local Government (Miscellaneous Provisions) Act 1976, Section 80, as follows:

“ Operate” means in the course of business to make provision for the invitation or acceptance of bookings for a private hire vehicle’

A private hire vehicle means:

“a motor vehicle constructed or adapted to seat, other than a hackney carriage or public service vehicle, which is provided for hire with the services of a driver for the purpose of carrying passengers”

Part 2 – Fit and Proper Person Requirement

The role of a private hire operator is akin to that of a licenced driver, and it is the Licensing Authority's objective in licensing such operators, to trust that they are dispatching vehicles and drivers that are appropriately licenced.

In applying for a licence, individuals must satisfy the fit and proper requirement, and also demonstrate that all ancillary staff have been properly vetted and suitable records maintained.

Section 55 of the 1976 Act states, in relation to fit and properness:

“Subject to the provisions of this Part of this Act, a district council shall, on receipt of an application from any person for the grant to that person of a licence to operate private hire vehicles grant to that person an operator's licence:

“Provided that a district council shall not grant a licence unless they are satisfied that the applicant is a fit and proper person to hold an operator's licence”.

The term 'fit and proper' has no legal definition; however, the Licensing Authority will use a common-sense approach, judging each case on its own merits.

The following question will be considered:

“Without any prejudice, and based on the information before you, would you feel comfortable providing sensitive information such as travel plans, movements of family members or other sensitive information to this Private Hire Operator?”

Part 3 – Background Checks

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

In licensing a Private Hire Operator, the Authority must be satisfied, through the checks it undertakes at the outset of an application, that an individual will pose no threat to public safety and has no links to serious criminal activity – the applicant must satisfy fit and proper requirement and demonstrate that they are safe and suitable.

In assessing the fit and proper requirement, the Authority will undertake such checks as it deems necessary. The mandatory checks cited in this section form the basis of an application, and any failure in fulfilling these will result in the application being referred directly to the Licensing Sub-Committee for determination.

Part 3.1 Disclosure and Barring Service (DBS) Checks

A criminal record check is seen as a fundamental tool in assessing whether a person is fit and proper.

The Authority therefore requires a criminal conviction certificate (Basic Disclosure) from the Disclosure and Barring Service (DBS) for the purpose of private hire operator licensing.

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

Particular attention will be paid to:

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

Policy – Objective 1

Basic Disclosure

An applicant 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 pay attention to all convictions contained within the check.

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 ensure all necessary disclosure checks have been undertaken.

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.

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 3.2 Booking and Dispatch Staff

The Licensing Authority must be satisfied that an Operator can demonstrate that all staff who have contact with the public and/or oversee the dispatching of vehicles do not pose a risk.

Policy – Objective 2

Booking and Dispatch Staff

A Private Hire Operator is required to maintain a register of all individuals that take bookings and/or dispatch vehicles.

Operators are required to evidence that they have had sight of a Basic DBS check for all such individuals listed on their register. They must ensure that Basic DBS checks are conducted on any individuals added to the register and that this is compatible with their policy on employing ex-offenders. Individuals are required to advise the operator of any convictions while they are employed in the role.

A Basic DBS check must be undertaken annually for all individuals listed on the register.

A record of all individuals employed in the role should be kept for the same duration as booking records are required (see conditions). Additionally, a record that the operator has had sight of a Basic DBS check certificate should be retained for the same duration that the individual remains on the register.

Where an operator outsources its booking and dispatch functions, it should ensure and be able to evidence that comparable protections are applied by the company to which they outsource these functions.

As referenced above, operators are required to provide a policy on employing ex-offenders as booking and/or dispatch staff. Those with certain convictions may not be suitable to hold a role.

Part 3.3 Relevance of Convictions, Cautions, Reprimands and Warnings

In determining applications, the Authority will make a decision based on the fit and proper requirement, assessing, 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; and
- The apparent seriousness of the offence, as determined by the Authority

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

In reviewing the 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 referenced in 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.

Part 3.4 Relevant Convictions

Legislation specifically includes offences including, dishonesty, indecency and violence as a factor when assessing the fit and proper requirement.

The Authority will consider 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 Sub-Committee.

Relevant Convictions

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

Part 3.5 Right to Work Documentation

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

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

Policy – Objective 2

Right to work Documentation

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

Manual Right to Work Check (Physical Check)

In order to perform a physical check, individuals must provide original documents from a list of acceptable documents.

Examples of acceptable documents are:

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

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

Online Check

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

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

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

Part 3.6 – Tax Conditionality Checks

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

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

Policy – Objective 3

Tax Conditionality Checks

Individuals and companies who have not previously held a licence must confirm that they are aware their tax registration obligations, such as:

- PAYE information
- Registering for Self-Assessment
- Corporation Tax Information

Individuals and companies who make an application to **renew a licence** on or after 4th April 2022 will need to complete a tax check.

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

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

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

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

Part 3.7 Insurance Requirements

Appropriate insurance, for the services provided, must be in place. This may include, depending on the type of operation, public and employers' liability insurance.

Policy – Objective 4

Insurance Requirements

Applicants must have in place suitable insurance in respect of the business operation. This may include the following:

- Public Liability Insurance
- Employers Liability Compulsory Insurance

Public Liability Insurance

Public Liability Insurance must be in place in respect of premises that are publicly accessible. Where there is no public access and where no people are employed and work from the premises, Public Liability Insurance is not required.

Public Liability Insurance, where required, must be to a minimum of £2,000,000 in respect of any one incident.

Employers' Liability Compulsory Insurance

Employers' Liability Compulsory Insurance must be in place in respect of businesses that employ staff. Details of such insurance must be available for staff to view and a copy supplied to the Licensing Authority at the outset.

The insurance must cover, as a minimum, death or personal injury arising out of any incident during the course of a person's employment.

Part 3.8 Planning Permission

A suitable premises in which to operate from must be established at the outset. Enquiries relating to planning permission and consents can be sought from the Planning Service by request.

Policy – Objective 5

Planning Permission

The premises used must be suitable for the business purpose and, where required, have in place relevant planning consent.

Applicants must present as part of the application process, written proof from Sheffield City Council's Planning Service that the premises to be used is suitable and has in place the correct planning permission, if required. Where planning permission is not required, a letter from the Planning Department stating this must be presented.

Part 3.9 Registering with the Information Commissioner's Office

The Data Protection Regulations 2018 requires every organisation that processes personal information to register with the Information Commissioner's Office (ICO) unless they are exempt. Failure to register may result in a fixed penalty.

Policy – Objective 6

Registering with the Information Commissioner's Office

All private hire operators must register with the Information Commissioner's Office.

Applicants must ensure that they adhere to the principles of the General Data Protection Regulations and understand best practice for managing information. To help ensure compliance, there are a range of training materials including practical toolkits, training videos and more available on the ICO website: www.ico.org.uk

Part 3.10 Operator name

A Private Hire Operator must operate under a company name. The company name must be unique, in that it cannot be the same or similar to that used by another company within the same district.

Policy - Objective 7

Operator name

An operator name must not be the same or similar to one that is already in use by another operator within the district.

Where an operator's licence is revoked, or where it has lapsed, the name, or one that is similar to that name, cannot be used by another operator until such time that at least 12 months has lapsed or until such time that all matters relating to an appeal have been exhausted, whichever is longer.

Similarly, if an operator licence is relinquished or where the company is amalgamated with another company, the company name cannot be used by another operator until such time that 12 months has passed.

An operator must not use the words "taxi", "Hackney Carriage", "cab" or any word of similar meaning or appearance to any words in any advertising of the operator's company. Private Hire Vehicles must not display any such words related to "taxi".

Part 3.11 Supporting Documents

Individuals applying for a licence must be able to demonstrate that they understand the qualities expected of them and the complexities of operating such a business.

The Authority will require applicants to supply such information as it sees fit, with application judged on its own merits.

Policy – Objective 8

Supporting Documents

In helping to demonstrate fit and properness, applicants are required to complete a set of questions showing that they possess the knowledge and aptitude required of an operator.

A copy of the current questions can be found at Appendix B. The Authority reserves the right to alter these questions at any time it sees fit.

Part 4 – Licence

In ensuring that individuals are of the highest possible standard – are fit and proper and safe and suitable – an application process has been established that allows the Authority to make an informed decision, helping to answer the simple question of:

“Would I be comfortable providing sensitive information such as holiday plans, movements of my family or other information to this person, and feel safe in the knowledge that such information will not be used or passed on for criminal or unacceptable purposes?”

It is vital that private hire operators are, above all, trustworthy. Although not directly responsible for transporting passengers, they are trusted with collecting and storing large amounts personal information.

Undertaking appropriate checks, including those in section 3, are seen as fundamental in assessing fit and properness, and it is only when the Authority is satisfied that it has all the necessary information at its disposal that an informed decision is made.

Duration of Licence

Section 55 (2) of the Local Government (Miscellaneous Provisions) Act 1976 (as amended by Section 10 (3) of the Deregulation Act 2015), states that:

‘Every licence granted under this section shall remain in force for five years or for such lesser period, specified in the licence, as the district council think appropriate in the circumstances of the case.’

Policy – Objective 8

Duration of Licence

Where the applicant satisfies the Authority of their fit and properness, a licence will be issued as applied for, and will in any case not exceed 5 years.

Those applicants who do not satisfy fit and properness will have their application referred directly to the Licensing Committee for determination.

Existing licensees are expected to fulfil the same criteria as new applicants, demonstrating their fit and properness at renewal stage and throughout the licensable period.

Part 5 – Private Hire Operator Conditions

Section 55 (3) of the Local Government (Miscellaneous Provisions) Act 1976 states that:

'A district council may attach to the grant of a licence under this section such conditions as they may consider reasonably necessary.'

The following mandatory conditions form part of all private hire operator licences and should be observed; 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 Committee, additional conditions may be imposed, so long as they are reasonably necessary.

Mandatory Conditions

Definitions	
'The Council'	Refers to Sheffield City Council
'The District'	Refers to the district of Sheffield
'The Act'	Refers to the Local Government (Miscellaneous Provisions) Act 1976
'Private Hire Vehicle'	Refers to the same meaning as in The Act
'Vehicle'	Refers to a licenced vehicle
'Operator'	Refers to a person who has been granted a private hire operator's licence issued by the Council under Section 55 of The Act
'Premises'	Refers to the private hire operator's place of business for the purpose of operating vehicles
'Authorised Officer'	Refers to any officer of the Council authorised in writing by the Council for the purpose of regulating private hire legislation

1. Operator Licence

a.)	Operators will adhere to statutory legislation, guidance, Sheffield City Council's Private Hire Operator's Licence Policy document and information contained in these conditions. Operators must also adhere to health, safety, welfare, environmental and equalities legislation as appropriate.
b.)	The licence shall be displayed in a prominent position at each business premises recorded on the licence. Exceptions to this will be where the licence is to be presented to the Licensing Authority for amendment and/or inspection.
c.)	A separate licence will be issued, where applicable, to each approved secondary booking office.
d.)	The operator licence is non-transferable. The licence is a personal or company licence and is not transferable between individuals. Any change of operating address within the district must be notified to the Licensing Authority at least 7 days before the date of the change, and a new licence showing the new address will be issued and a charge will be made in accordance with our fees and charges
e.)	Any intended change of business premises must be notified to the Licensing Authority and approval obtained before being so used.
f.)	The operator must not at any time operate more vehicles than is specified on the licence. A proposed increase in the number of vehicles to be operated must be made in writing to the Licensing Authority and consent given before being implemented.
g.)	If the person as named on the operator licence is to be absent from the day to day running of the business for a period of not less than two consecutive months, they shall inform the Licensing Authority of such. In doing so, the operator must name a person who will be responsible for running the business on their behalf.
h.)	The operator shall ensure that the Licensing Authority has their most up to date contact details, including a mobile telephone number and email address. There should be a generic email address for the company and a confidential email address for the operator in order that sensitive information can be properly handled and held confidentially by the operator.
i.)	The operator, in line with statutory legislation and as a condition on this licence, will only operate from a premises within the district of the Authority. The Licensing Authority will not grant any operator's licence where the operating base is outside the boundary of the district. This is to ensure both compliance with legislation and so that proper regulation and enforcement measures may be taken.
j.)	The operator shall maintain a register of all staff that take bookings and/or dispatch vehicles and are required to evidence that they have had sight of a Basic DBS check for all such individuals listed on their register and to ensure that the Basic DBS checks are conducted on any individuals added to the register and that this is compatible with their policy on employing ex-offenders.
k.)	The operator is required to provide the Licensing Authority with their policy on employing ex-offenders in booking and/or dispatch roles.
l.)	All staff that take bookings and/or dispatch vehicles must be appropriately trained, including understanding different accessibility needs and requests.

2. Premises

a.)	The operator shall only conduct business from the address named on the operator licence. The Licensing Authority reserves the right for an Authorised Officer to inspect the premises for suitability and compliance with the requirements of these Conditions.
b.)	The operator shall only employ or utilise persons to conduct their business that have been properly vetted. A register of all staff that take bookings or dispatch vehicles should be kept. The operator shall evidence, upon request, a copy of the register and show that persons therein have undergone a Basic Disclosure check.
c.)	If additional persons are employed at the business premises, then the premises must be kept clean, adequately lit, heated and ventilated and must conform to all other legal requirements, such as no smoking to be allowed on the premises (Health Act 2006), the requirements of the Regulatory Reform (Fire Safety) Order 2005 which requires that a fire safety risk assessment is in place at the premises and Health and Safety at Work Regulations are adhered to.

3. Record of Bookings

<p>a.)</p>	<p>The Operator must keep an accurate record of every booking of a private hire or hackney carriage vehicle that is invited and accepted. The loss of records must be reported to the Licensing Authority within 24 hours and immediately to the police. Separate records must be kept at each premises from which the operator conducts business. The records must be kept at the business address/addresses. All records must be in English and be permanent. Records must be kept for a period of not less than 12 months from the date of last entry.</p>
<p>b.)</p>	<p>The operator shall, before the commencement of each journey, record in a manner prescribed by the Licensing Authority, the following details of each booking:</p> <ul style="list-style-type: none"> (i) The full name of the passenger (ii) The time and date the booking was received and, if required, any subsequent cancellation (iii) The method by which the booking was received (e.g., telephone, email, electronic application etc.) (iv) The name of the individual taking and the booking (or in the case of a computer system, the identity, including the site/location of where the booking was received) (v) The name of the individual that dispatched the vehicle (or in the case of a computer system, the identity, including the site/location of where the booking was dispatched) (vi) The time and date of the journey (vii) The address/premises from which the journey will commence and the address/premises of the destination (viii) The vehicle registration number and licence plate number of the hackney carriage or private hire vehicle that is to be used for the booking (ix) The name, licence number and call-sign of the driver to be used for the booking (x) Remarks, including details of any subcontracting to another licenced operator
<p>c.)</p>	<p>Where bookings are sub-contracted either by the operator to another licenced operator or are accepted by the operator from another licenced operator, a full record of the booking (in line with 3b above) and notes must be included; including the name of the sub-contractor, what time the job was sub-contracted and any contact information.</p>
<p>d.)</p>	<p>Records of all bookings, whether accepted or rejected, must be maintained and kept up to date and must be made available for inspection at all reasonable times without notice by an Authorised Officer or Police Officer. Officers must be permitted to photograph and/or remove such records and to remove from the premises if so required.</p>
<p>e.)</p>	<p>Records of bookings must not be retrospectively altered after the completion of a journey.</p>

4. Details of Vehicles

a.)	<p>The operator shall keep at the main business address a detailed list in writing of all the vehicles they operate. This will include:</p> <ul style="list-style-type: none">(i) The registration mark issued in respect of the vehicle under the Vehicles (Excise) Acts(ii) A copy of the current private hire or hackney carriage vehicle licence as issued by the Licensing Authority(iii) A copy of the current insurance certificate for the vehicle, clearly stating the permitted drivers and permitted use of the vehicle(iv) The date on which the vehicle commenced to be operated by the licensee(v) The date on which the vehicle ceased to be operated by the licensee(vi) Any radio/computer call-sign/number allocated to the vehicle by the licensee
b.)	<p>The operator shall only operate private hire and hackney carriage vehicles where the vehicle and driver are licenced by Sheffield City Council. The operator must check and keep a copy of all driver and vehicle licence documents.</p>
c.)	<p>When the operator ceases to operate any licenced vehicle, the operator shall notify the Licensing Authority within 72 hours.</p>
d.)	<p>The operator shall ensure, as well as is reasonably practical, that all vehicles operated by them display correct vehicle and driver signage.</p>

5. Details of Drivers

a.)	<p>The operator shall keep at the main business address a detailed list in writing showing the following particulars in respect of every driver of every private hire and hackney carriage vehicle operated:</p> <ul style="list-style-type: none">(i) The name, address, and date of birth of the driver of the vehicle(ii) A copy of the Hackney Carriage and Private Hire Driver's Licence as issued by the Licensing Authority(iii) The date in which the driver commenced driving each vehicle(iv) The date on which the driver ceased driving each vehicle
b.)	<p>The operator shall keep the records in alphabetical order, by surname, for a period of two years from the date on which the driver ceased driving for them.</p>
c.)	<p>The Hackney Carriage and Private Hire Driver's Licence shall be available for inspection by an Authorised Officer of the Council or Police Officer. The licence may be taken away from the premises if so required.</p>
d.)	<p>The operator shall take all reasonable steps to ensure that drivers of vehicles employed, used, or controlled by them observe and perform the conditions attached to their Hackney Carriage and Private Hire Driver's Licence, the vehicle licence, and all other statutory requirements, including road traffic regulations.</p>
e.)	<p>The operator shall take all reasonable steps to ensure that drivers and vehicles, employed, used, or controlled by them observe anti-idling legislation, local policy, and byelaws.</p>

6. Public Complaints

a.)	The operator must maintain a register of complaints that are made by the public, either in hard copy or computer format.
b.)	The operator shall provide complainants with the information on how to make a complaint to the Licensing Authority.
c.)	<p>The operator shall, upon receiving a 'specified complaint', notify the Licensing Authority within 72 hours in writing.</p> <p>A specified complaint is considered as any allegation of criminal behaviour whilst acting as a private hire or hackney carriage driver; these may include:</p> <ul style="list-style-type: none"> • Sexual misconduct, sexual harassment, or inappropriate sexual attention • Racist behaviour • Violence • Dishonesty • Exploitation • Discrimination, • Drugs offences • Breaches of equality
d.)	<p>The operator shall, upon receiving a 'low level complaint', maintain such a register for inspection by the Licensing Authority. Complaints of this nature shall be kept for a minimum period of 12 months.</p> <p>Low Level complaints are those that are indicative of a professional development need, of concealing some potential significant offending or allegations of unsafe behaviour.</p>
e.)	The operator must ensure that customers can speak to a person in the event of a complaint or problem with the journey. Licensing Officers and the Police must also be able to access information immediately on request.

7. Acceptance of Bookings

a.)	The operator shall only operate private hire and hackney carriage vehicles where the vehicle and driver are licenced by Sheffield City Council. The operator must check all driver and vehicle licence documents.
b.)	<p>Where the operator sub-contracts a job booking and/or accepts a sub-contracted job booking to/from another operator they must ensure that:</p> <ul style="list-style-type: none"> (i) The operator is licenced under the Act (ii) The operator, vehicle and driver are all licenced by the same authority (iii) The vehicle is appropriately insured
c.)	Every contract for the hire of a private hire vehicle (or hackney carriage for such purpose) shall be deemed to be made with the licenced operator who accepted the booking, even if that operator does not subsequently provide the vehicle.
d.)	Where bookings are sub-contracted either by the operator to another licenced operator or are accepted by the operator from another licenced operator a full record of the booking and notes must be included; including the name of the sub-contractor, what time the job was sub-contracted and any contact information.
e.)	The operator shall provide a prompt, efficient and reliable service to members of the public, unless delayed or prevented by sufficient cause.
f.)	The operator will be responsible for a booking that has been transferred to another operator and will therefore remain accountable for that service delivery.
g.)	The operator is responsible for ensuring that their system, where possible, identifies job bookings with specific requirements and that only vehicles and drivers who can fulfil the booking are identified as appropriate to undertake
h.)	Where a driver accepts a job booking and then subsequently cancels, the reason for cancellation must identified and logged

8. Fares

Where a request for hiring is received and the vehicle to be used for hiring is not fitted with a meter (private hire vehicle), the operator must inform the person making the booking, if so requested, the basis of the hire charge. If requested, the information must be put in writing.

9. Lost Property

The operator shall keep a record of all lost property retained by them.

10. Criminal convictions, cautions, reprimands, warnings, fixed penalty notices, or restorative justice.

Any person, company director, partner etc. named on the licence shall, within 48 hours of the date of receiving or having imposed on them any criminal convictions, cautions, reprimands, warnings, fixed penalty notices, or if they have been made subject to a restorative justice disposal, disclose to the Licensing Authority in writing, details of the criminal convictions, cautions, reprimands, warnings, fixed penalty notices, and/or restorative justice disposal during the period of the licence.

11. Compliance with other Legislation

a.)	The operator must bring to the attention of all drivers their legal obligations regarding the use of seatbelts by both adults and children less than 14 years of age.
b.)	The operator must bring to the attention of all drivers their legal obligation regarding no smoking in vehicles under the Health Act 2006.
c.)	The operator must ensure that all drivers are aware of their obligations under any other legislation relevant to the work of a private hire, or a hackney vehicle carriage used for private hire purposes.
d.)	The operator must register, where applicable, with the Information Commissioner's Office (ICO).
e.)	The operator must ensure, as far is reasonably practicable, that all drivers wear their licence badges when working.
f.)	The operator must ensure, as far is reasonably practicable, that vehicles display the correct vehicle signage as provided by the Licensing Authority.
g.)	The operator must not fail or refuse to accept a booking by or on behalf of a disabled person accompanied by an 'assistance dog' when the reason for failure or refusal is that the disabled person will be accompanied by an 'assistance dog'.

Part 6 – 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.

The undertaking of compliance and enforcement checks on private hire operators is essential in order to achieve this. Ultimately these checks are undertaken in order to ensure fit and properness, compliance with the law, compliance with licence conditions and to ensure the safety of the general public.

In order to achieve this objective, the Licensing Authority ensures that private hire operators are complying with statutory requirements and licensing conditions by undertaking regular enforcement and compliance checks.

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

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

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

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

Part 7 - Better Regulation Delivery Office: Regulators' Code, 2014

In undertaking enforcement duties, the Licensing Authority will pay particular attention to the Regulators Code. This sets out the standards that the Licensing Authority should follow when undertaking compliance and enforcement checks. Therefore, the Licensing Authority will:

- carry out their activities in a way that supports those they regulate to comply and grow
- provide simple and straightforward ways to engage with those they regulate and hear their views
- base their regulatory framework activities on risk
- share information about compliance and risk
- ensure clear information, guidance and advice is available to help those they regulate meet their responsibilities to comply
- ensure that their approach to their regulatory activities is transparent

Part 8 - 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.
- **Consistent:** The Licensing Authority will carry out all duties in a fair, equitable and consistent manner. Licensing officers will exercise judgment in all cases and arrangements will be put in place to promote consistency.

The Licensing Authority will also provide a well-publicised, effective, and timely complaints procedure that is easily accessible to licensees and members of the public alike.

Advice given by licensing officers on behalf of the Licensing Authority will be put clearly and simply and confirmed in writing.

The Licensing Authority will also ensure that before action is taken because of enforcement or compliance checks, an opportunity to discuss the circumstances will be provided 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 9 - Enforcement and Non-Compliance Options

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

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

Stage 1 - No Action

A decision of no action may be taken where formal enforcement is deemed inappropriate under the circumstances. In such cases the licensee, and where necessary, the complainant, will be informed of the reason(s) for such a decision.

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

Stage 2 - Informal Warning/Words of Advice

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

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

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

Stage 3 - Formal Warning

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

A formal warning will be held on the licensee's record. Should the licensee be referred to the Licensing Sub-Committee, the Licensing Sub-Committee will be made aware of it.

Suspension of licence

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

The power to suspend a licence is contained in the Local Government (Miscellaneous Provisions) Act 1976, Section 62. It states:

Notwithstanding anything in this Part of this Act a district council may suspend or revoke, or (on application therefor under section 55 of this Act) refuse to renew an operator's licence on any of the following grounds-

- (a) *any offence under, or non-compliance with, the provisions of this Part of this Act*
- (b) *any conduct on the part of the operator which appears to the district council to render him unfit to hold an operator's licence*
- (c) *any material change since the licence was granted in any of the circumstances of the operator on the basis of which the licence was granted; or*
- (d) *any other reasonable cause*

Where the Licensing Sub-Committee, as part of a review of the licence, is satisfied that one of more of the above grounds has not been adhered to, they may suspend the licence for any specified period as they see fit.

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

Revocation

In circumstances of more serious breaches of conditions, such as those stated above (Local Government ((Miscellaneous Provisions)) Act 1976, Section 62) or where there have been repeated contraventions or convictions, a revocation of the licence may be deemed necessary.

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

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

Refusal to Renew

Reasons to refuse an application may be due to information received at renewal stage, such as background checks as referred to in section 4, or where the applicant has failed to comply with the provisions of the Act.

In making a decision on whether to refuse to renew a licence the Licensing Sub-Committee will take into account the fit and proper test, the provisions of the Act and any supporting documents that are supplied by the applicant and the Licensing Authority.

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

Caution

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

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

- The offender making a clear and reliable admission of the offence before a simple caution can be offered
- A realistic prospect of conviction if the offender were to be prosecuted in line with the Code for Crown Prosecutors
- The offender agreeing to receive a simple caution; and
- A full explanation of the ramifications of accepting a caution.

In addition, a formal caution may be issued where the offender has no previous history in relation to the offence and has done everything in their power to make amends. If a formal caution was offered and refused by the offender, the matter would then proceed to court. In any event, a decision to offer a caution will rest solely with the Licensing Authority.

A formal caution issued by the Licensing Authority will not be passed on to third party organisations automatically. However, if internal services or neighbouring authorities seek information on licensees information will be discharged, subject to appropriate Data Protection Act provisions.

Prosecution

A prosecution will be instigated 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.

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

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

Part 17 – Complaints

The Licensing Authority is responsible for investigating complaints in relation to drivers, vehicles and operators licensed within the city of Sheffield.

Complaints include, but are not limited, to:

- poor customer service
- poor standards of driving
- overcharging
- refusal to hire
- vehicle defects
- failures to display driver/vehicle identification
- prolonging journeys
- plying for hire
- issues against an operator
- equality issues (wheelchair / guide dog issues etc.)
- non-compliance with conditions

Complaints about drivers and operators provide a source of intelligence when considering a licence renewal or to identify issues during the period of a licence. Patterns of behaviour, such as complaints against drivers, even when they do not result in further action in response to an individual complaint, may be indicative of characteristics that raise doubts over the suitability to hold a licence.

Making a Complaint

The Licensing Authority has guidance for passengers on how to make a complaint which is located on its website.

Ways to make a complaint are also displayed in all licensed vehicles.

The Licensing Authority will investigate complaints in line with corporate timeframes. A copy of the official complaint form can be accessed here:

<https://www.sheffield.gov.uk/home/business/licences-permits-registrations/taxi-driver-complaint>

SHEFFIELD CITY COUNCIL

Private Hire Vehicle Policy

Part 1 – Legislative Background

The Licensing Authority, in respect of regulating (administering and enforcing) private hire vehicles, adheres to the regulatory framework as set out in the Local Government (Miscellaneous Provisions) Act 1976 (Part II).

The legislative framework contained in the Act, the policy objectives set out in this document, and all other legislation and guidance documents will be used in the regulation of private hire vehicles.

Local Government (Miscellaneous Provisions) Act 1976

The Local Government (Miscellaneous Provisions) Act 1976 is used to regulate the private hire industry. The Act was adopted by Sheffield City Council at its meeting on Wednesday 1st March 1978.

A private hire vehicle licence is issued under the Local Government (Miscellaneous Provisions) Act 1976, Section 48. It states:

(1) Subject to the provisions of this Part of this Act, a district council shall, on receipt of an application from the proprietor of any vehicle for the grant in respect of such vehicle of a licence to use the vehicle as a private hire vehicle, grant in respect thereof a vehicle licence:

Provided that a district council shall not grant such a licence unless they are satisfied –

(a) that the vehicle is-

- (i) suitable in type, size and design for use as a private hire vehicle*
- (ii) not of such design and appearance as to lead any person to believe that the vehicle is a hackney carriage*
- (iii) in a suitable mechanical condition*
- (iv) safe*
- (v) comfortable*

(b) that there is in force in relation to the use of the vehicle a policy of insurance or such security as complies with the requirements of [Part VI of the Road Traffic Act 1988], and shall not refuse such a licence for the purpose of limiting the number of vehicles in respect of which such licences are granted by the council.

(2) A district council may attach to the grant of a licence under this section such conditions as they may consider reasonably necessary including, without prejudice to the generality of the foregoing provisions of this subsection, conditions requiring or prohibiting the display of signs on or from the vehicle to which the licence relates.

Part 2 – Application Process

The Authority will licence private hire vehicles that are of a high standard, meet the requirements as set in the vehicle specification, and that adhere to all other policy requirements.

Private Hire Vehicle Application

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

Policy – Objective 1

Application Process

Applying for a licence under the Act 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 keepers 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 ensure compliance with legislation, statutory guidance and this 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 3 - 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).

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

Particular attention will be paid to:

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

Policy – Objective 3

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 pay attention to all convictions contained within the DBS Check.

Where a company or a partnership is 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, 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 3.1 Relevance of Convictions, Cautions, Reprimands and Warnings

In determining applications, the Authority will assess, 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; and
- The apparent seriousness of the offence, as determined by the Fit and Proper Person Requirement

In reviewing the 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 legislation and statutory guidance

Additional information held by the local police and which they deem to be relevant to the role of an operator, and any information or intelligence obtained from other sources to that which is already held on the applicants record, will be used by the Authority in assessing whether an applicant is 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 that of a licensee, will be considered.

Part 3.2 Relevant Convictions

Legislation specifically makes reference to offences relating to, dishonesty, indecency and violence as a factor to take into consideration when assessing the fit and proper requirement.

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	
Crimes Resulting in Death	Where an individual has been convicted of a crime which resulted in the death of another person or was intended to cause the death or serious injury of another person, they will not be licenced.
Exploitation	Where an individual has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment of another individual irrespective of whether the victim or victims were adults or children, they will not be licenced. This includes, but is not limited to, slavery, child sex abuse, exploitation, grooming, psychological, emotional or financial abuse.
Offences Involving Violence	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.
Possession of a Weapon	Where an individual has a conviction for possession of a weapon or any other weapon related offence, a licence will not be granted until at least 5 years has elapsed since the completion of any sentence imposed.
Sex and Indecency Offences	Where an individual has a conviction for any offence involving or connected with illegal sexual activity or any form of indecency, a licence will not be granted. In addition, a licence will not be granted to any individual who is currently on the Sex Offenders Register or on any barred list.
Dishonesty	Where an individual has a conviction for any offence of dishonesty, or any offence where dishonesty is an element of the offence, a licence will not be granted until at least 5 years have elapsed since the completion of any sentence imposed.
Drugs	Where an individual has any conviction for, or related to, the supply of drugs, or possession with intent to supply or connected with possession with intent to supply, a licence will not be granted until at least 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.
Discrimination	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 4 - Private Hire Vehicle Specification

The vehicle specification is an aid to help guide applicants in choosing an appropriate vehicle type.

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1.0 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.

Imported vehicles that do not meet the requirements set out above and have only been approved under the British Single Vehicle Approval scheme (SVA), will not be accepted. Applicants may be asked to demonstrate compliance with the above.

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).

2.0 Dimensions

2.1 Leg Room

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.

2.2 Head Room

The minimum internal floor to roof height in seating areas shall be 1092mm.

2.3 Ride Height

Access to the vehicle shall not be more than 460mm from ground level. Where the top tread for the entrance exceeds 460mm and the vehicle is not fitted with approved running boards, a moveable intermediate step must be provided at each entrance into the passenger compartment. The intermediate step shall be encased beneath the vehicle and be electrically operated to extend outwards. When not in use and whenever the vehicle is in motion, the step must not exceed outwards beyond the vertical line of the bodywork.

The step must be operated from within the driver's compartment and must have a failsafe device linked to the handbrake mechanism to prevent the possibility of the vehicle being driven while the step is extended. The step must be covered with a suitable non-slip surface with the edges of the step highlighted in a high visibility colour, which is different from the colour scheme of the vehicle.

Running boards will only be allowed where they are fitted by the manufacturer and where the vehicle has European Community Whole Vehicle Type Approval (ECWVTA) with running boards. All running boards must conform with construction and use regulations, meaning boards must not exceed the width of the widest part of the vehicle (mirrors are not included as part of the vehicle). The board must be a minimum five inches in width, all of which must be available as a step.

2.4 Luggage Space

The dedicated accessible luggage space shall not be less than 0.43 cubic metres. The luggage space must either be a separate lockable compartment or there must be some suitable device fitted to prevent luggage coming into contact with passengers.

3.0 Emissions and Age criteria

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

Diesel and Petrol Vehicles

These vehicles include diesel and petrol combustion engines.

- Introductory Age – Vehicles must be registered on or after 1st September 2019
As of 1st September 2025, the introductory age will be 6 years.
- Upper Age Limit - 9 years of age

Zero Emission Capable Vehicles

These vehicles include hybrid electric, plug-in hybrid electric, and range-extended electric.

- Introductory Age - 7 Years
- Upper Age Limit - 12 years of age

Battery Electric and Hydrogen Vehicles

These vehicles include fully electric vehicles only and hydrogen powered vehicles.

- Introductory Age - 8
- Upper Age Limit - 14 years of age

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

4.0 Fuel Systems

4.1 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).

4.2 Zero Emission Capable Vehicles

A Zero Emission Capable (ZEC) vehicle refers to:

- 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
- A range extender (REX), or range extended electric vehicle (REEV), is a battery-powered electric car with an on-board range extender generator called an auxiliary power unit (APU)

4.3 Battery Electric and Hydrogen Vehicles

- Battery Electric Vehicles (BEVs), or 'pure electric' where the use of a battery is the only power source
- Fuel Cell Electric Vehicles (FCEVs), which use onboard hydrogen fuel cells to generate electricity

5.0 Bodywork

The vehicle must have no signs of any significant accident damage which affects the safety or appearance.

The paintwork must be of a professional standard and consistent with the colour scheme of the vehicle.

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

The bodywork shall have no significant signs of corrosion.

6.0 Doors

6.1 Hinged Doors

The vehicle must have as a minimum four doors, two to each side. They must be easily accessible to passengers.

An exception to this is where the vehicle has a single passenger carrying area (e.g. minibus). In this instance there must be two doors available to every passenger for egress from the vehicle. Clarification should be sought from the Licensing Authority or testing station should you propose licensing a vehicle that has fewer than four doors.

6.2 Sliding Doors

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

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

7.0 Seats

The vehicle must have sufficient seating capacity to carry a minimum of four and not more than eight passengers.

The seating capacity will be determined by the Licensing Authority and will be based upon the manufacturer's specification as stated in the V5C document, the orientation of the seating and the dimensions of the seating.

Each seat shall not be less than 406mm in width. All measurements are taken across the front of the seat cushion.

Where bench seats are provided, then the seat must provide a minimum of 406mm seating space for each passenger – the rear bench seat must not be less than 1218mm to accommodate three passengers.

8.0 Seatbelts

All seats must be fitted with approved seatbelts, of the lap and diagonal type.

9.0 Facilities for the Disabled

Where a vehicle is equipped to transport wheelchair users, 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.

10.0 Windows

Any opening windows shall be provided with mechanisms (manual or electronic), allowing the passenger adjacent to that window to open and close it.

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

Light transmission must meet the following criteria:

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

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

11.0 Wheels and Tyres

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

- The vehicle must be fitted with four road wheels
 - All tyres, including the spare (if supplied), must have at least 2.0mm tread depth throughout the continuous band in the centre 3/4 of the tread and around the entire circumference of the tyre
 - All tyres fitted must be fit for purpose and free from any defects; this means:
 - Be compatible with the types fitted to the other wheels
 - Not have any lump, bulge or tear caused by separation or partial failure of the structure
 - Not have a cut or tear in excess of 25mm or 10% of the sectional width of the tyre, whichever is greater, and which is deep enough to reach the ply or cord
 - Not have any part of the ply or cord exposed
 - Tyres must be correctly inflated to the vehicle/tyre manufacturer's recommendation
 - A space saver tyre must only be used in an emergency. Where a vehicle is presented for a test with a space saver fitted it will fail the test
 - Where a spare wheel is not supplied as standard by the manufacturer, the use of the manufacture's method of dealing with punctured tyres is permissible.
 - Remoulded or part worn tyres are not permitted
 - Tyres must not be aged more than 10 years
-

12.0 Entertainment and Digital Systems

The vehicle shall not be fitted with any additional entertainment and digital media systems without the prior written consent of the Licensing Authority.

13.0 Interior Lighting and Auxiliary Equipment

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

14.0 Licensed Vehicles

Any vehicle that is currently licensed and attends for a full mechanical test is required to be fitted with the following:

- Interior identification – displayed where they are clearly visible to passengers and to the public
- Exterior licence plate. The licence plate issued by the Authority should be securely affixed to the rear of the vehicle. The licence plate should be securely affixed using the fixing plate and secured by the approved tag system
- Door signage, as determined by the Licensing Authority
- Radio and/or data head apparatus:
 - Where a vehicle has been fitted with a two-way radio or data head system, no part of the system may be fixed in the passenger area or compartment.
 - No part of the system can be in the rear boot compartment if LPG or CNG tanks or equipment are situated therein.
 - No other radio equipment or image recording equipment shall be fitted without prior written consent from the Licensing Authority.

Part 5 - Image 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 4

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 may 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.

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 in both the front and rear of the vehicle.

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

Camera Activation Methods

Video recording must be active when the vehicle is being used for licensable purposes.

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.

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 private hire 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 the requirements set out in Appendix A.

Part 6 – Special Occasion Vehicles

Special Occasion Vehicles are licenced under the same principle as a private hire vehicle but as the name suggests, the vehicles are only to be used in the event of a Special Occasion booking and not as a standard pre-booked private hire agreement.

Special Occasion Vehicles are vehicles such as a:

- Vintage Vehicle
- Executive Vehicle
- Other non-standard type converted vehicles used for special events

The above list is not exhaustive and other vehicles may be considered.

All vehicles that wish to be licenced as a Special Occasion Private Hire Vehicle must conform to the private vehicle specification. The specification sets out the exact minimum requirements that all vehicles wishing to be licenced as a Special Occasion Private Hire Vehicle must adhere to.

However, where a person makes an application for a Special Occasion Private Hire Vehicle licence that is or will be more than five years of age, then the application will be referred to the Licensing Committee for determination.

Additionally, vehicles issued with a special occasion licence shall only be used for special occasions and executive business contracts. Vehicles licenced within this category shall not be used for everyday private hire use. Private Hire Operator records need to be maintained recording the nature of the special occasion i.e. why the customer wanted a special occasion vehicle.

Part 7 – Limousines

Limousines, in certain circumstances, have a legitimate role to play in the private hire sector, such as those used for school proms and other such adult bookings.

Limousines are licenced under the same principle as a private hire vehicle and therefore must have eight passenger seats or less.

Applications for a limousine must meet the physical and mechanical requirements set out in the private hire vehicle specification. The specification sets out the exact minimum requirements that must be adhered to.

Where an application is submitted that does not conform in respect of the specification, the application will be automatically referred to the Licensing Committee for determination.

Vehicles must carry within the vehicle appropriate licence information, issued by the Authority, which states details of the vehicle, issue date and the number of persons allowed to be carried. This information must be available for inspection.

Drivers of limousines must complete the licensing application process in the same way as any other licensed driver and bookings must be taken through a licensed operator.

All foreign vehicles used for these purposes must meet relevant British or European standards. Any alterations to a manufacturer's standard specification will require M1 EWVTA. Any subsequent changes to the vehicle will invalidate this approval.

When a vehicle has been imported, the importer must produce a declaration from the testing authority (DVSA) that the vehicle will not carry more than eight passengers.

Part 8 – Exceptional Vehicle Criteria

Applicants wishing to licence a vehicle beyond its licensable period must be able to demonstrate in the first instance that it adheres to *Exceptional Vehicle Criteria* – it must be considered an ‘exceptional vehicle’.

Applications for an extension beyond the normal term will be determined by the Licensing Committee.

Policy – Objective 5

Exceptional Vehicle Criteria

Where a licensee wishes to licence a vehicle beyond the normal term, they must ensure that it meets the following 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
- 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 and service book history 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. For the Licensing Committee to consider an application to extend the vehicle licence beyond the normal term, the proprietor must be able to demonstrate that the vehicle meets all the criteria as set out above as well as exhibiting valid reasons why an extension should be granted.

Part 9 – Vehicle Inspections and Testing

Due to high workloads and mileage, vehicles will be tested according to their age. Older vehicles will be tested more frequently to ensure their fitness and suitability.

Policy – Objective 6

Frequency of Tests

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

New Vehicles

A vehicle must undergo and pass a compliance test. The certificate must be dated within 10 days of the licence being issued.

Currently Licenced Vehicles

Licenced vehicles must undergo a compliance test no more than four weeks prior to the renewal of their licence and in any case within the month of licence expiry.

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

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

The age of the vehicle and the subsequent testing regime shall be determined by the V5C document as presented at the initial application stage.

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

The 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 private hire vehicles, it is important that all aspects of the vehicle are checked for mechanical safety and that it meets aesthetic requirements.

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>

Testing Station

Vehicles are 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 10 – Insurance

Vehicle Insurance

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

Policy – Objective 7

Vehicle Insurance

Vehicles must have in place valid and appropriate insurance.

As a minimum, the 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. *For the carriage of passengers or goods for Hire and Reward by prior appointment only. Provided such use complies with the laws and regulations of the appropriate Licensing Authority.*

Public Liability Insurance

Vehicles that are equipped to carry wheelchair passengers must have in place valid insurance for doing so.

Policy – Objective 8

Public Liability Insurance

Public liability Insurance, with a minimum cover of £2,000,000, is required in respect of all vehicles that are capable of carrying wheelchair passengers.

As a minimum the insurance should cover personal injury claims and damage sustained to property.

Part 11 – 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 9

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 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 vehicle proprietor
- 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:

- On the rear window (must use contra vision or similar technology)
- As full or half livery (Must not distract from vehicle signage)
- 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 12 – Accidents

Where a vehicle is involved in an accident or has been damaged, 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 visiting <http://www.legislation.gov.uk/ukpga/1988/52/contents>.

Policy – Objective 10

Accidents

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

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

If a vehicle has been damaged to such an extent that it can no longer be driven, the proprietor must inform the Authority as such. The proprietor will be required to provide the 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, upon repair, must be presented at Sheffield City Council’s testing station in order to undergo a Compliance test. A suspension notice will not be issued where an inspection of the vehicle by an Authorised Officer is not possible.

Part 13 – Transfer of Vehicle Licence

A proprietor, at any time, may transfer a private hire vehicle licence to another person.

Policy – Objective 11

Transfer of vehicle licence

Where a proprietor wishes to relinquish their interest in a private hire vehicle and transfer that interest to another party, they must inform the Authority within 14 days of doing so, paying the appropriate fee.

In notifying the 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 new proprietor must also provide the following documentation at the time of the transfer request:

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

Part 14 – Signage

A private hire vehicle must display signage as approved by the Licensing Authority.
The signage must clearly visible, on display at all times and not altered from its original form.

Policy – Objective 12

Vehicle Signage

Exterior Licence Plate

Must be permanently affixed to the rear of the vehicle.

Displayed so as not to obstruct the vehicle registration mark and be clearly visible by daylight.

Interior Signage

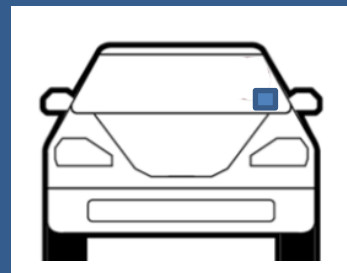
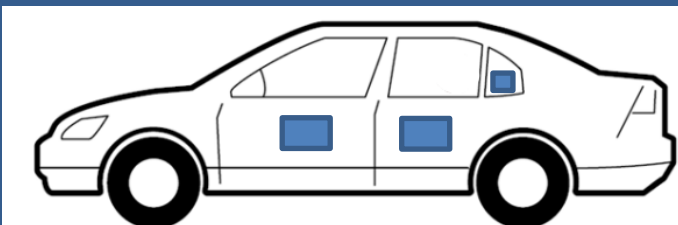
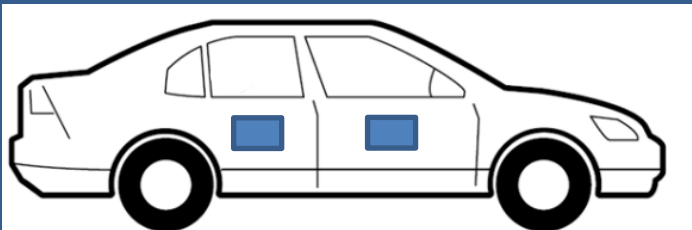
Vehicle information must be displayed to the interior glazed surface of the rear quarter light on the nearside door and the left-hand side of the glazed surface of the front windscreen.

Driver information must be displayed on the left-hand side of the glazed surface of the front windscreen.

Door Signage

Door signage affixed to the front doors must be the design approved by the Licensing Authority, be securely attached, contain the Council Crest, the words 'Advanced Booking Only' and 'Private Hire Vehicle' and the vehicle licence number.

Door signage affixed to the rear doors must be the design of the Licensing Authority, be securely fixed (temporary fixing permitted) and contain the name of the operator(s) along with contact information – phone number or app details.



Additional Signage

Roof signage is not permitted.

Any additional signage must be first approved by the Licensing Authority.

Part 15 – Conditions

Section 48 (2) of the Local Government (Miscellaneous Provisions) Act 1976 states:

A district council may attach to the grant of a licence under this section such conditions as they may consider reasonably necessary including, without prejudice to the generality of the foregoing provisions of this subsection, conditions requiring or prohibiting the display of signs on or from the vehicle to which the licence relates.

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

Following determination by the Licensing Committee, additional conditions may be imposed.

Mandatory Conditions

Definitions	
'Authorised Officer'	Any officer of the Council authorised in writing by the Chief Licensing Officer and Head of Licensing of the Council for the purposes of these conditions
'The Council'	Sheffield City Council
'Hackney Carriage'	Has the same meaning as in the Town Police Clauses Act 1847
'Licence Plate'	The plate issued by the Council for the purpose of identifying the vehicle as a private hire vehicle duly licenced by the Council.
'Interior Licence Plate'	The plate issued by the Council for the purpose of identifying the vehicle as a private hire vehicle duly licenced by the Council.
'Interior Driver Identification Plate'	The card which provides a photograph of a driver, driver licence number and the date of expiry of the licence. At all times it remains the property of the Council.
'Proprietor'	The person or persons or body named in this licence as the proprietor of the vehicle and includes a part proprietor.
'The Vehicle'	The private hire vehicle in respect of which this licence is issued.

1. Identification Plate and Signs

a.)	The exterior 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. Additionally, the licence plate must be kept clean so as not to obstruct the wording.
b.)	The interior licence plate must be securely and permanently affixed to the interior glazed surface of the quarter light on the nearside rear door so that the particulars are clearly visible to all passengers in the vehicle.
c.)	The interior licence plate must be permanently affixed to the glazed surface of the front windscreen so that the particulars are clearly visible from the outside of the vehicle.
d.)	The vehicle must display signage on the front and rear doors as approved by the Licensing Authority.
e.)	The proprietor shall not display or suffer or permit to be displayed on or from the vehicle any sign or notice not relating to the above without the prior written consent of the Authority.
f.)	Without prejudice to the provisions of this condition the proprietor shall not display or suffer or permit to be displayed on or from the vehicle any sign, notice, mark, illumination or other feature which having regard to the time and place at which it is displayed and to any other circumstances, may suggest to a person seeking to hire a private hire vehicle or hackney carriage that the vehicle is immediately available without pre-booking for the purpose of carrying passengers for hire and reward.
g.)	The Authority will permit a deviation from these conditions in certain circumstances. A request for deviation should be made in writing to the Licensing Authority.

Signage, licence plates and notices as referred to above will be issued or approved for use by Sheffield City Council Licensing Authority.

Signage, licence plates and notices must be fixed to the vehicle in accordance with the requirements set out by the Licensing Authority.

2. Cleanliness and Appearance of Vehicle

a.)	The vehicle must be maintained in a safe and clean condition. The Authority can and will inspect a vehicle at any time it sees fit.
b.)	Storage areas must be kept free from obstruction in order to allow the safe storage of passenger luggage.
c.)	Bodywork must be maintained to a high standard, with no signs of corrosion, inferior spray work and temporary repairs.
d.)	If the vehicle is involved in an accident, affecting the safety, performance or appearance, the licensee must inform the Authority as soon as possible and in any case within 72 hours. Details of the accident must be recorded on the prescribed form, available from the Authority. The vehicle must be presented to the Authority for inspection by an Authorised Officer. Where the vehicle cannot be presented to the Authority for inspection due to damage caused, the proprietor must send photographic evidence of the vehicle's condition. All repairs to the vehicle must be carried out without undue delay and once repaired will be subject to a compliance test at Sheffield City Council's testing station.
e.)	The licensee must carry out frequent safety checks of the vehicle. As a minimum this must include lights, oil, water, tyres, mirrors and seatbelts. Any faults found must be rectified immediately and the vehicle should not undertake licensing functions until such repairs have been completed.

3. Equipment and Fittings

a.)	All fittings and auxiliary equipment must be kept tidy and safe.
b.)	All audio equipment must be factory fitted. No additional amplifiers, speakers, or sub-woofers are to be fitted and connected to the vehicle.

4. Insurance

a.)	At all times the licensee shall have in place a policy of insurance in relation to the use of a private hire vehicle that complies with the requirements of the Road Traffic Act 1988 Part VI.
b.)	Where the private hire vehicle is used to carry passengers in wheelchairs there must be in place Public Liability Insurance with a minimum cover of £2m.
c.)	The licensee shall produce to the Council within five days of such request a certificate of insurance issued by an insurance company or broker in respect of the vehicle.

5. Seats and Passengers

a.)	The licensee shall not cause or permit to be conveyed in the vehicle a greater number of persons exclusive of the driver than the number of persons specified on the licence.
b.)	Once a vehicle has passed a compliance test the seating layout must not be changed, except in circumstances where the temporary accommodation of wheelchair is to be required.
c.)	Where it is possible to change the seating layout, the proprietor must ensure that no more seats than are stated on the licence are fitted.
d.)	All passengers must have access to at least two side doors, one of which must be on the nearside of the vehicle.

6. Drivers

a.)	<p>The proprietor must keep a written record showing the following particulars in respect of every driver (for private hire purposes) of the private hire vehicle detailed on this licence:</p> <ul style="list-style-type: none">• The name and address and date of birth of the driver of the vehicle• The number and date of expiry of every licence issued in respect of the driver under Section 51 of the Local Government (Miscellaneous Provisions) Act 1976 and in force during such time as the driver is driving the vehicle• The date on which the driver commenced driving the vehicle• The date on which the driver ceased driving the vehicle <p>The proprietor must keep the records for a period of 12 months from the date on which the driver last used the vehicle. These records must be made available upon request to any Police Officer and/or Authorised Officer of the Council.</p>
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b.)	Any person who drives a private hire vehicle must have in place a hackney carriage and private hire driver's licence as issued by Sheffield City Council.
c.)	All drivers must be fully aware of the need to provide assistance to passengers, especially those with a disability.
d.)	A driver must not fail or refuse to carry out a booking by or on behalf of a disabled person accompanied by an assistance dog, unless the driver has a medical exemption certificate as issued by the Council.

7. Convictions

The licensee must notify the Council within 48 hours of any conviction, binding over, caution, warning, reprimand for any matter imposed on them during the course of a licence.

8. Transfer of Licence

A proprietor, in transferring the vehicle to another person, must notify the Council within 14 days of doing so.

9. Change of Address

The proprietor must notify the Council in writing of a change of address within 14 days of such change.

10. Change of Operator

The proprietor of the vehicle must notify the Council of all companies for which the vehicle is used for undertaking bookings and must immediately notify the Council if they cease to work for any company. The vehicle must display relevant door signage for each booking.

11. Additional Tests

Those vehicles that attract a suspension notice as issued by an Authorised Officer or Police Officer will be required to present the vehicle for a test at Sheffield City Council's vehicle testing station in order to prove its roadworthiness.

Part 16 – 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. Ultimately these checks are undertaken 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, 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 complaint's procedure can be obtained by contacting the Licensing Authority.

Better Regulation Delivery Office: Regulators' Code, 2014

In undertaking enforcement duties, the licensing authority will pay particular attention to the Regulators Code. This sets out the standards that the licensing authority should follow when undertaking compliance and enforcement checks. Therefore, the Licensing Authority will:

- carry out their activities in a way that supports those they regulate to comply and grow
- provide simple and straightforward ways to engage with those they regulate and hear their views
- base their regulatory framework activities on risk
- share information about compliance and risk
- ensure clear information, guidance and advice is available to help those they regulate meet their responsibilities to comply
- ensure that their approach to their regulatory activities is transparent

Better Regulation Unit: Enforcement Concordat

Attention will also be paid to the principals of good enforcement as contained in the Enforcement Concordat and the Licensing Authority will ensure that when carrying out enforcement we are:

- **Open:** The Licensing Authority will provide information in plain language and will be transparent in the activities it undertakes. It will also be clear with customers on how the service operates.
- **Helpful:** The Licensing Authority will work with licensees to advise and assist with compliance. A courteous and efficient service will be provided by all staff and licensees will have a single point of contact and telephone number for further dealings. Applications will be dealt with promptly and where possible enforcement services will operate effectively to minimise overlaps and time delays.
- **Proportionate:** The Licensing Authority will minimise the costs of compliance for licensees by ensuring any action taken is proportionate to the risks involved; an account of the circumstances and attitude of licensee will be considered at all times.
- **Consistent:** The Licensing Authority will carry out all duties in a fair, equitable and consistent manner. Licensing officers will exercise judgment in all cases and arrangements will be put in place to promote consistency.

The Licensing Authority will also provide a well-publicised, effective and timely complaints procedure that is easily accessible to licensees and members of the public alike.

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 action is taken as a result of enforcement or compliance checks, an opportunity to discuss the circumstances will be provided. 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 direct 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 17 - 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 vehicle proprietor, 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 licensee's 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.

Stage 3 - Formal Warning

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

A formal warning will remain on the licensees' record for the period for which they are licensed. Should the licensee be referred to the Licensing Sub-Committee, the Licensing Sub-Committee will be made aware of it.

Suspension of licence

Where there has been a serious breach of the 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.

If a decision is reached whereby the licence is revoked, licensees 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 all the information available at the time and any supporting documents that are supplied by the applicant.

If a decision is reached whereby the licensee is refused, vehicle proprietors 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 determining whether a prosecution should be initiated the Code for Crown Prosecutors will be considered:

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

Part 18 - Consultation

In developing this policy, the Licensing Authority consulted widely and gave due consideration to the views of all those who responded to the consultation process.

The Licensing Authority is committed to consulting with as wide an audience as possible, regarding this and any future licensing policy or any amendments in accordance with this policy.

The Licensing Authority has conducted a full consultation of this policy by way of writing and/or emailing consultees, providing relevant information on the Council website and attending meetings with interested parties.

The views of all consultees were considered and given proper weight when writing and / or reviewing this policy.

A list of consultees can be found below. This list is not exhaustive, but is an example of those who have been consulted.

Licensees	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 Private Hire Vehicle CCTV - Technical Specification and System Requirements

In order to be considered suitable for installation in a Sheffield City Council licensed Private Hire vehicle, the system must meet the following requirements.

Reference	Specification	Details
1.0 Operational Technical Specifications		
1.1	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"> Flash-based SSD (100% industrial grade) Hard disk with both mechanical anti-vibration and anti-shock mechanism and self-recovery and self-check file writing system SD cards will be accepted
1.2	8 to 36 Volts DC	Operational between 8 and 36volts DC
1.3	Reverse polarity protected	System to be protected against reverse voltage
1.4	Short circuit prevention	System to be protected against short circuits
1.5	Over voltage protection	System to be protected against high voltage transients likely to be encountered in the vehicle electrical system
1.6	Automotive Electromagnetic Compatibility Requirements	The camera equipment should therefore be CE-marked with confirmation by the equipment manufacturer as being non-immunity related and suitable for use in motor vehicles
1.7	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 for 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
1.8	First-in/first-out buffer recording principle	The system must automatically overwrite to create a constant cycle recording
1.9	Access Record	A service log must be kept and maintained by the approved installer and the local authority
1.10	Security, duration and auto-clearing of log files	
1.11	Image export formats and media	Images must be encrypted to a minimum of FIPS 140/2
1.12	Image protection during power disruption	Images must be preserved in the event of loss of power. Battery back-up will not be permitted
1.13	Unit must operate without the ignition being turned on	The Unit must have the ability to operate for at least 1our without power from the ignition. The device must be hardwired to both constant and ignition supply.

1.14	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
1.15	GPS capability	System must have GPS capability
1.16	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
1.17	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.</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>
1.18	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.
1.19	Audio data and image data must be stored together, not in separate files, and must be protected against unauthorised access or tampering.	
1.20	The system must support testing of the audio function for installation and inspection purposes.	
1.21	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.
1.22	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	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.

	be visible to all passengers within the vehicle.	
2.0 Storage Capacity Technical Specifications		
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-
3.0 Camera Head Technical Specifications		
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.
4.0 Storage Device (Recorder) –Technical Specifications		
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 – 300mm 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	
4.9	Log to register modification/manipulation of download images	

4.10	Log to register exporting of download images	
4.11	Log to register exporting of download images	
4.12	Log file protected against unauthorised access	
4.13	Time/date stamp	All stored images must be time and date stamped
4.14	Vehicle ID number stamp	All stored images must have vehicle identification (VIN & or number plate) two fields for vehicle identification (VIN & number plate)
4.15	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
4.16	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.
5.0 Specifications for Video and Audio Recording Rate		
5.1	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
5.2	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 panic button)
5.3	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
5.4	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
6.0 Specification for activation via driver or passenger trigger/panic buttons		
6.1	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
7.0 Downloading Technical Specification		
7.1	Provision of necessary software, cables, security keys to Sheffield City Council Licensing Service	
7.2	Windows compatible	Once downloaded and converted
7.3	Downloaded images stored in non-volatile media	
7.4	Downloaded images stored in secure format	
7.5	Verifiable image authenticity	Each image shall be watermarked with vehicle ID and time and date, and be tamperproof
7.6	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
7.7	Wireless download prohibited	Unit must not allow for wireless downloads. Wireless diagnostic may be used.

7.8	Filter the specific images for events and times for the approximate time of the crime committed	
8.0 Requirements in Relation to System Information		
8.1	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.
8.2	Serial number indication	The unit will be marked with a serial number
8.3	Installation date indication on service log	A certificate of installation must be provided which will indicate the installation date
8.4	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
8.5	Installation by authorised agents	The unit shall only be installed by manufacturer's authorised agents
8.6	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
8.7	Documentation	The manufacturer must provide clear and concise operating instructions which are written or presented in layman's terms
8.8	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
9.0 System Requirements in Relation to Vehicle Inspection Facility - Inspections		
9.1	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.
9.2	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
9.3	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
10. General System Requirements		
10.1	Vandal and tamper resistance	All component Parts must be securely mounted, hard wired and small and discreet enough to remove the risk of tampering
10.2	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
10.3	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
10.4	Programmability of image timing parameters	It shall be possible to change timing and parameters without the requirement to change components

10.5	Training and Technical support and Equipment	Manufacturer must provide Sheffield City Council Licensing Service with a Training and Technical Support
10.6	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
10.7	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 - Private Hire Operator Application Questions

Legislation and Policy

1. Please outline the primary legislative requirements for an operator business.
2. Please outline the local primary policy requirements for an operator business.
3. Please confirm that you have read and understood all such legislation, local policies, and conditions in connection with operating an operator business.
4. How will you ensure that all drivers employed, used, or controlled by you observe obligations contained in their licence conditions and any other legislation relevant to the work of a private hire driver?
5. How will you ensure that you comply with all the requirements of the Equality Act 2010?
6. How will you promote public safety and ensure the safeguarding of children and vulnerable adults?
7. Please state your insurance requirements and provide certificates of insurance taken out.
8. Please supply a copy of your business plan for your proposed business as a private hire operator.
9. Please detail in full the proposed customer care policy.

Partners, Directors and Employees

1. What experience of the private hire trade do you have? Please include dates, types of experience and supporting written evidence?
2. How will you ensure that you maintain a register of all staff that take bookings and/or are dispatching vehicles?
3. How will you evidence that you have had sight of a Basic DBS Check for staff that take bookings and/or dispatch vehicles?
4. Explain your policy on employing ex-offenders in booking and dispatch roles?
5. How will you ensure that you inform the Licensing Authority within 72 hours of any person, company director, partner etc. named on the licence having received or having had imposed on them any:
 - criminal convictions
 - cautions
 - reprimands
 - warnings
 - fixed penalty notices
 - restorative justice disposals

Premises

1. Please detail the premises you intend to use for accepting bookings as a private hire operator. You must include the full postcode, a copy of the planning permission permitting its use for private hire operator purposes; brief lease/rental details; room sizes etc.

Please note that an operator licence will only be granted to a premises in the district of Sheffield.

2. How will ensure that the premises from which you operate will conform to all legal requirements, including the Health Act 2006 and the Regulatory Reform (Fire Safety) Order 2005, and that Health and Safety at Work Regulations are adhered to?

Record and Acceptance of Bookings

1. How will you ensure that you keep an accurate record of every booking undertaken?
Booking information must include, as a minimum:
 - (i) The full name of the passenger
 - (ii) The time and date the booking was received and, if required, any subsequent cancellation
 - (iii) The method by which the booking was received (e.g. telephone, email, electronic application etc.)
 - (iv) The name of the individual taking and the booking (or in the case of a computer system, the identity, including the site/location of where the booking was received)
 - (v) The name of the individual that dispatched the vehicle (or in the case of a computer system, the identity, including the site/location of where the booking was dispatched)
 - (vi) The time and date of the journey
 - (vii) The address/premises from which the journey will commence and the address/premises of the destination
 - (viii) The vehicle registration number and licence plate number of the hackney carriage or private hire vehicle that is to be used for the booking
 - (ix) The name, licence number and call-sign of the driver to be used for the booking
 - (x) Remarks, including details of any subcontracting to another licenced operator
2. How will you ensure that where bookings are subcontracted, you can evidence a record, including all information stated in question 2, as well as the time the job was sub-contracted and any additional contact information?
3. How will you ensure that you only operate private hire and hackney carriage vehicles licensed by Sheffield City Council?
4. How will you give information about fares to customers?
5. On what basis will you establish the fares to be charged by drivers of private hire vehicles operated by you?

Details of Vehicles

1. How will you ensure and what method will you use to ensure a detailed list is maintained of vehicles operated? This should include, as a minimum:
 - (i) The registration mark issued in respect of the vehicle under the Vehicles (Excise) Acts
 - (ii) A copy of the current private hire or hackney carriage vehicle licence as issued by the Licensing Authority
 - (iii) A copy of the current insurance certificate for the vehicle, clearly stating the permitted drivers and permitted use of the vehicle
 - (iv) The date on which the vehicle commenced to be operated by the licensee
 - (v) The date on which the vehicle ceased to be operated by the licensee
 - (vi) Any radio/computer call-sign/number allocated to the vehicle by the licensee
2. How will you ensure that you only operate vehicles licensed by Sheffield City Council?
3. How will you ensure that all vehicles operated by you are displaying the correct signage?
4. How do you intend to ensure that the driver of any private hire vehicle operated by you does not ply for hire without a licence?
5. How do you intend to ensure that every vehicle operated by you is and remains insured?
6. How do you intend to ensure that every vehicle operated by you is and remains safe?
7. How do you intend to ensure that every vehicle operated by you is and remains clean and otherwise fit for public service?

Details of Drivers

1. How will you ensure and what method will you use to ensure a detailed list is maintained of drivers? This should include, as a minimum:
 - (i) The name, address, and date of birth of the driver of the vehicle
 - (ii) A copy of the Hackney Carriage and Private Hire Driver's Licence as issued by the Licensing Authority
 - (iii) The date in which the driver commenced driving each vehicle
 - (iv) The date on which the driver ceased driving each vehicle
2. How will you ensure and by what method will you use to ensure that records of all drivers are kept for a period of two years?
3. What steps will you take to ensure that drivers of vehicles employed, used or controlled by you observe and perform the conditions attached to their Hackney Carriage and Private Hire Driver's Licence?
4. What steps will you take to ensure that drivers employed, used, or controlled by you observe all statutory requirements, including road traffic regulations?
5. How do you intend to ensure that every vehicle operated by you is and remains licenced?
6. How do you intend to ensure that every driver of every vehicle operated by you is and remains licenced?

Complaints

1. What method will you use to ensure that a register of complaints made by the public is maintained?
2. How will you ensure that you inform the Licensing Authority in writing of a 'specified complaint' within 72 hours of receiving?

NB: A specified complaint is considered as any allegation of criminal behaviour whilst acting as a private hire or hackney carriage driver; these may include:

- Sexual misconduct, sexual harassment or inappropriate sexual attention
- Racist behaviour
- Violence
- Dishonesty
- Exploitation
- Discrimination
- Drugs offences
- Breaches of equality

3. How will you ensure that you maintain a register of 'low level complaints' for inspection by the Licensing Authority?

Low Level complaints are those that are indicative of a professional development need, of concealing some potential significant offending or allegations of unsafe behaviour.

Complaints of this nature shall be kept for a minimum of 12 months.

4. How will you ensure that a customer can speak to a person in the event of a complaint or problem with the journey?

NB: Licensing Officers and the Police must be able to access information immediately upon request.