

SHEFFIELD CITY COUNCIL'S

Private Hire Operator and Vehicle Policy

Version 1.1

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Frequently Used Terms

The following terms are used frequently throughout this Policy document.

'The Licensing 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

Version Control

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- Part 4 – Private Hire Vehicle Specification – Windows

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Part 1 – Foreword

We are proud of Sheffield’s reputation as a safe and vibrant city which includes the provision of licensed private hire vehicles and operators which are valued by residents, visitors and businesses. It is important that these operate lawfully and sensitively, taking account of the needs of customers but also the wellbeing of nearby residents and people enjoying other activities.

In Sheffield, we will use this Private Hire Vehicle & Operators Policy to guide the licensed trade and potential new applicants when making applications under the relevant legislation and also to assist councillors in reaching decisions on those applications they consider.

We believe this is a robust policy. We welcome and support those seeking to work in the private hire trade, and we have, through writing and adopting this policy, in our view, created a fair and proportionate balance.

Sheffield City Council seeks to set some of the highest standards in the country and be recognised for delivering best practice; our intention is to both protect the public and safeguard children and the vulnerable.

This policy is also aimed to promote improved professional standards and behaviours amongst licensees, drivers and operators; to increase their awareness of safeguarding issues, equality, diversity and inclusion, the law, license conditions, and to allow those that share the Council’s vision and commitment to deliver a high standard of service to thrive throughout the industry.

The policy will make it extremely difficult for any disreputable individuals and/or companies to operate within the licensed trade in Sheffield.

At the heart of the policy is a commitment to:

- protect the public;
- safeguard children and the vulnerable;
- increase awareness and knowledge of the law and licence conditions;
- prevent crime and disorder; and
- prevent public nuisance

This document sets out Sheffield City Council’s general approach to the licensing of private hire vehicles and operators in the city and supports the Council’s priorities of:

- being an in touch organisation;
- supporting a strong economy;
- supporting thriving neighbourhoods and communities;
- promoting better health and wellbeing; and
- tackling inequalities

We aim to ensure that licensed vehicles and operators that are working in the city are of the highest quality, and can be held to account for their performance.

The Council recognises the important role that the private hire trade play in enabling people to travel around the city 24/7 and in doing so they also have a role to play in portraying the image of the city.

The drivers of private hire vehicles and all those that work for private hire operators have a key role to play as ambassadors for the city and customers rightly expect that in using licensed vehicles they will be transported in a clean, comfortable and safe environment. This will help ensure that the industry and the local economy thrive.

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

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

The Council will implement the policy as from the 1st November, 2016 and will keep the policy under constant review and will in any case undertake a full formal review in three years.

Part 2 – Introduction

Sheffield City Council is responsible for the regulation of licensed private hire vehicles, drivers and operators within the city boundary. The policy builds on the experience and knowledge we have gained by administering and enforcing the legislation for many years, particularly when addressing issues that may impact on the safety and wellbeing of our residents, visitors and those working in the city.

We want to promote Sheffield's cultural excellence, increase engagement in cultural activities and encourage vibrant, safe and strong communities. We want to celebrate the City's cultural diversity and also respect and provide for the needs of all those that live, visit or work in our city.

This policy and any related procedures and processes will guide the work of Sheffield City Council and the way it carries out its functions. The policy has effect from the 1st November, 2016 and will be applied to existing licences, renewals and new applications received after the date the policy is adopted by the Council.

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

The policy has been developed by Sheffield City Council after consulting with both the public at large and the trade in particular. In developing this policy we have also taken in to consideration:

- Our aims and objectives (see section 3 of this policy)
- Current legislation
- Other Sheffield Council Policies
- The Office of Fair Trading "The Regulation of Licensed Taxi and PHV Services in the UK" 2003
- Taxi and PHV Licensing Criminal Convictions; Policy, Local Government Regulation, Sept 2010
- Guidance on the Rehabilitation of Offenders Act 1974 – March 2014
- Disclosure & Barring Service Information Note on Rehabilitation of Offenders Act 1974 and Police Act 1997 Orders - 2014
- Regulators' Code 2014
- The Department for Transport "Taxi and Private Hire Vehicle Licensing: Best Practice Guidance" March 2010 (under review)

This policy sets out the requirements and standards that must be met. In exercising its discretion in carrying out its regulatory functions, the Council will have regard to this policy

document. However each application or enforcement action will be considered on its own merits.

The policy will be evaluated 12 months after it has been introduced; this will be to determine whether the policy is effective and has achieved the aims set out in Section 3 of this document. Following this initial evaluation, the Council will formally review the policy statement at least every three years and informally re-evaluate it from time to time. Where revisions are made, the Council will publish a statement of such revisions, along with a revised policy.

To enable the three key hackney carriage and private hire policies to be reviewed in separate years, this policy will be formally reviewed for the first time in 2020.

Part 3 – Aims and Objectives

The principal purpose of private hire vehicle and operator licensing is to protect the public and promote public safety. Sheffield City Council will adopt and carry out its licensing functions with a view to promoting the following:

- the protection of the public, safeguarding children and the vulnerable, prevention of crime and disorder, prevention of public nuisance;
- the provision of professional, courteous and knowledgeable licence holders; and
- promoting the vision and objectives of Sheffield City Council

In promoting our aims and objectives, the Council will expect to see licence holders and applicants continuously demonstrate that they meet or exceed the high standards set by the Council.

The protection of the public, safeguarding children and the vulnerable, prevention of crime and disorder, prevention of public nuisance:

- raising awareness amongst the licensed trade, and the general public, of issues in relation to safeguarding children and vulnerable adults;
- impose strict policies, conditions and disciplinary processes;
- impose strict vehicle testing arrangements;
- impose high standards with regards to vehicle specification, emissions, age limits and record keeping;
- give a commitment to work with the police and other licensing authorities to tackle illegal plying for hire and other related offences; and
- make it clear that there is an expectation that all licensees and their staff will treat all customers, passengers, the general public and Council officers with respect and courtesy at all times.

Professional and knowledgeable:

- consider the history of vehicle and/or operator licence holders convictions and cautions;
- consider the testing history of individual vehicles;
- deliver training for licensees and staff employed by licensed operators and increase their knowledge, awareness and performance;
- promote crime prevention measures; and
- increase public education.

Promoting the vision and objectives of Sheffield City Council

Everyone in Sheffield should have the opportunity to fulfil their potential, in doing this the priorities of the Council will be enhanced by:

- protecting our most vulnerable people and families, enabling them to maximise their independence;
- promoting a quality 24/7 public transport service through licensed vehicles and operators;
- helping people to improve their health and wellbeing and promoting equality within the city; and
- stimulating the local economy and helping local people into work;

The above aims and objectives will be taken into account by the Council when making decisions. It is recognised that the licensing function is only one means of securing the delivery of these and the Council will therefore continue to work in partnership with the industry, its neighbouring authorities, the police, local businesses and local people towards the promotion of these aims and objectives.

Part 4 – Integrating Strategies

The Licensing Authority will have regard to strategies, policies and guidance in its decision making, including those developed by internal services, and partnerships forged with outside organisations.

The following plans and strategies have been considered throughout this policy, helping to shape and define the objectives that the licensing authority has set in place for all applicants and licensees involved in the private hire industry.

Sheffield City Council Corporate Plan 2015-2018

The corporate plan sets our direction and priorities for the next three years.

Priority 1: An in touch organisation

How the Licensing Service will contribute:

- Listen and be responsive, and meet the increasingly diverse needs of the individuals of Sheffield.
 - Intelligent – make full use of information to inform decision making and drive service improvement; and
 - Efficient – continually strive to provide value for money improving quality and outcomes

Priority 2: Strong economy

How the Licensing Service will contribute:

- Help achieve our economic potential, be well connected, with skilled individuals and assist businesses.
 - Vibrant City – help to provide good public transport.
 - Distinctive cultural and sporting assets – assist in delivering; and maintaining these venues

Priority 3: Thriving neighbourhoods and communities

How the Licensing Service will contribute:

- Assist people to have a good quality of life and feel proud of where they live and have great local amenities.
 - Deliver an efficient and safe taxi licensing system that provides an efficient mode of transport; and
 - Assist in improving community safety by reducing antisocial behaviour

Priority 4: Better health and wellbeing

How the Licensing Service will contribute:

- Promote good health, and assist in preventing and tackling ill health.
 - Provide information and education around the impact of alcohol and gambling;
 - Work in partnership with Public Health and the NHS to tackle issues around licensing and ill health; and
 - Provide a taxi licensing system that aims to meet the needs of vulnerable passengers; and
 - Reducing emissions in vehicles

Priority 5: Tackling inequalities

How the Licensing Service will contribute:

- Help invest in the most deprived communities and support individuals to help themselves.
 - Through licensing help promote equality, diversity and inclusion; and
 - Promote equality, diversity and inclusion

Safeguarding Children and Vulnerable Adult Policy

The Licensing Authority considers the Sheffield Safeguarding Children Board to be the primary recognised body competent to give advice on the protection of children and vulnerable passengers. For the purpose of this Policy a child is anyone under the age of 18 years.

The Sheffield Safeguarding Children Board takes a positive view of this role and where possible, is committed to working in partnership with licensed operators, statutory agencies and other organisations to ensure licensed transport services recognise and aim to meet the needs of children and vulnerable passengers.

The Licensing Authority expects licensed operators to comply with training and guidance provided or endorsed by the Sheffield Safeguarding Children Board to ensure a safe and appropriate service is available for children and vulnerable passengers who live in, or visit, our city.

The Licensing Authority will work in partnership with internal services, including the Safeguarding Children Board, Adult Safeguarding Partnership and other relevant partners to develop good practice guidance and share information to promote public safety and safeguarding vulnerable passengers. The Council will recognise and support the work of the Licensing Core Group.

Air Quality Action Plan

Due to UK air quality standards not being met in Sheffield, the Council declared an Air Quality Management Area covering the Sheffield urban area due to both nitrogen dioxide (NO₂) and fine particles (PM¹⁰). In 2012, the Council approved an Air Quality Action Plan (AQAP).

In 2013 Sheffield's Low Emission Zone Feasibility Study confirmed that road transport is the biggest single contributor (10% - 90%) to NO₂ emissions, which need to reduce by up to 30% to help achieve the air quality standards.

Using the findings established in the AQAP and by working with neighbouring services, the Licensing Authority will endeavour to make positive changes to both the hackney carriage and private hire fleet, therefore helping to drive improvements in air quality, thus helping Sheffield to achieve its aims and objectives as laid out in the AQAP.

The Licensing Authority will drive policy that aims to increase the number of Ultra-Low-Emission Vehicles (ULEV's) that are used as private hire vehicles in Sheffield, helping to deliver positive changes in air quality. It is deemed that any such changes are justifiable and are a key factor in moving forward in this area.

Part 5 – Delegations

Sheffield City Council, as the Licensing Authority, has established a Licensing Committee that consists of 15 Councillors. The Licensing Committee has the authority, amongst other licensing matters, to discharge non-executive regulatory functions in respect to hackney carriage and private hire licensing and to help formulate and review licensing policies in this regard.

The Licensing Committee has further delegated its functions to a Licensing Sub-Committee, usually consisting of three members that have been selected from the Licensing Committee, and are responsible for hearing individual cases.

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

- Accepting applications;
- Granting of licenses;
- Suspension of licenses;
- Issuing warnings/cautions;
- Investigation and preparation of prosecution files; and
- Investigating complaints/offences.

Those applications that cannot be determined by licensing officers will be referred to the Licensing Sub-Committee for determination.

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

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

Matter to be dealt with	Full Committee	Sub Committee	Officers
Full Policy/Policy Objectives Review	✓		
Fee setting (when appropriate)	✓		
Application for a Private Hire Operators Licence		✓	✓
Refusal of licence		✓	
Revocation of licence		✓	
Suspension of licence		✓	✓

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

Part 6 – Exchange of Information

The Licensing Authority, in enabling itself to exercise its duties and functions proficiently, will exchange information with other authorities and legal bodies, specifically in relation to the prevention and detection of crime and prevention of children from harm.

The Licensing Authority will apply the general principle of dealing with information in accordance with the provisions of the Data Protection Act 1998.

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

The Licensing Authority will also have regard to powers contained in the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976 when dealing with and requesting information from licensees and third party organisations

SHEFFIELD CITY COUNCIL'S
Private Hire Operator Policy

Part 1– Legislative Background

Sheffield City Council must adhere to the regulatory frameworks as set out in the Local Government (Miscellaneous Provisions) Act 1976 in respect to the licensing of private hire operators.

The legislative framework contained in this Act, as well as the policy objectives set out in this document will be used in relation to all issues pertaining to the licensing of private hire operators.

Local Government (Miscellaneous Provisions) Act 1976

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

A private hire operator's licence is issued under 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'

Integrating National Legislation

In addition to compliance with the above Act, the Licensing Authority must also comply with other legislative requirements when undertaking its licensing functions; these include, but are not limited to the:

- **Transport Act 1985, 1991 and 2000** – An Act which provides a number of measures regarding transport in Great Britain.
- **Crime and Disorder Act 1998** – An Act that introduces key areas such as Anti-Social Behaviour Orders, Sex Offender Orders, Parenting Orders and the granting of more powers and responsibilities to local authorities with regards to strategies for reducing crime and disorder and the introduction of law specific to racially aggravated offences.

- **Anti-Social Behaviour, Crime and Policing Act 2014** – An Act to implement changes to how Local Authorities respond to antisocial behaviour (ASB). Introducing new tools and powers to replace existing provisions, including the introduction of ASB case reviews, also known as the ‘community trigger’.
- **Equality Act 2010** - An Act that legally protects people from discrimination in the workplace and in wider society. The Act covers all provisions from the 1995 Disability Discrimination Act, and also includes new duties for drivers and their vehicles.
- **Road Traffic Act 1988** - An Act governing the use of all vehicles on the road.
- **Health Act 2006** – An Act to make provision for the prohibition of smoking in certain premises, places and vehicles.
- **Human Rights Act 1988** - An Act to give further effect to rights and freedoms guaranteed under the European Convention of Human Rights.
- **Rehabilitation of Offenders Act 1974** - An Act that primarily exists to support the rehabilitation into employment of reformed offenders. Private hire and hackney carriage driving is an exempt occupation under the Act, therefore spent convictions will still be taken into consideration.

Part 2 – Fit and Proper Person Requirement

The Licensing Authority has adopted the Local Government (Miscellaneous Provisions) Act 1976, Section 55 in respect of a private hire operator's licence. Contained in this Act is the 'fit and proper' test, which 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:

'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, when deciding whether a person is fit and proper, the Licensing Authority will use a common sense approach, judging each case on its own merits.

Although there is no legal definition of fit and proper, an explanation of the term was proffered during the case of McCool vs Rushcliffe Borough Council 1998. It was stated that:

'One must it seems to me approach this case bearing in mind the objectives of this licensing regime which is plainly intended among other things to ensure so far as possible that those licensed to drive private hire vehicles are suitable persons to do so, namely that they are safe drivers with good driving records and adequate experience; sober, mentally and physically fit, honest and not persons who would take advantage of their employment to abuse or assault passengers.'

Although the operator (unless they are already licensed by Sheffield City Council as a hackney carriage and private hire driver) is not directly responsible for transporting passengers, they are in a position of trust; holding large amounts of personal information and deal with the public either face-to-face, over the telephone or by email.

The fit and properness will be assessed throughout the period for which a person holds an operator's licence, with checks, as identified in the following sections, carried out to ensure compliance.

Part 3 – Pre-Application Requirement

The Licensing Authority must ensure that all licensed private hire operators are of the highest possible standard and provide a service that meets the needs of the City.

The application procedure and background checks will form the basis of ensuring that those operators licensed in Sheffield are suitable. It will be a requirement for applicants who are not currently licensed hackney carriage and private hire drivers to undertake training as provided by the Licensing Authority in matters surrounding safeguarding children and vulnerable passengers.

Safeguarding Children and Vulnerable Passengers

The Licensing Authority expects all applicants and those already licensed to have a good awareness of the safeguarding issues surrounding children and vulnerable adults.

Providing a safe environment for the transportation of children and vulnerable passengers is of paramount importance. The Licensing Authority has therefore put in place robust measures to ensure this is adhered to at all times.

Policy – Objective 1

Safeguarding Children and Vulnerable Passengers

The Licensing Authority expects all new applicants to undertake recognised safeguarding training in relation to children and vulnerable passengers and that applicants for renewed licenses will undertake recognised safeguarding training (or refresher training), as part of their professional development. This is to ensure that all licensees operate to a consistent standard and are able to provide a safe and suitable level of transport service to children and vulnerable passengers. The training is also to support licensees to protect themselves, by keeping records and observing a code of conduct.

The training course is mandatory for new and existing applicants and will be delivered by the Licensing Authority.

Part 4 – Background Checks

The Licensing Authority must ensure that all applicants applying for a new private hire operator's licence and those who are applying to renew their operator's licence are fit and proper.

In order to assess the fit and properness of applicants the Licensing Authority will undertake such checks as it deems necessary. The checks cited in this section are mandatory for all applicants and form the basis of the application procedure. Failure in applicants to fulfil these checks may result in an application being rejected.

Disclosure and Barring Service (DBS) Checks

A criminal record check is an important tool in assessing a person's fit and properness and is therefore seen as an essential measure that all applicants and licensees must undertake.

All criminal record checks are carried out by the Disclosure and Barring Service which carries out such checks for licenses included in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 and those prescribed in the Police Act 1997 (Criminal Records) regulations.

Both hackney carriage and private hire licensing are included in the Rehabilitation of Offenders Act 1974 (Exemptions) Order 1975 (Amendment) (England and Wales) Order 2013 and will therefore be expected to disclose on application any caution or conviction even if in other circumstances it could be considered as spent.

Policy – Objective 2

Disclosure and Barring Service (DBS) Checks

All applicants must complete an Enhanced DBS check that details live and spent convictions, police cautions and other relevant information that indicates that a person poses a risk to public safety.

The Licensing Authority will normally only accept DBS certificates that have been applied for through Sheffield City Council's Licensing Service as the registered body. However, in some circumstances certificates will be accepted if they are to an enhanced level, have been processed in relation to the child and adult workforce employment position and have been printed within the last three months.

Applicants must sign up to the Disclosure and Barring Online Service in order for the Licensing Authority to monitor a criminal record once a licence is granted. An online check will normally be undertaken annually, but should circumstances necessitate they will be undertaken on a more frequent basis. If the check returned reveals new information then an applicant will be required to undertake an Enhanced DBS check. The licence holder will be required to give permission to the Licensing Authority for them to access their DBS record and will be required to pay any costs incurred.

Where applications are submitted in the name of a company, the registered director and/or secretary of that company will be required to undertake a DBS check. Applicants in this

respect will also be expected to submit information in line with Section 57 of the Local Government (Miscellaneous Provisions) Act 1976, including information as to any convictions recorded against a director or secretary of that company at any time.

Relevance of Convictions, Cautions, Reprimands and Warnings

The Licensing Authority, when making a decision on a person's fit and properness, will take into account all convictions, cautions, reprimands, warnings and any relevant information provided by the police and other relevant authorities'. However, particular regard will be given to:

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

Having a criminal conviction is not a bar to obtaining a licence, but the Licensing Authority will be required to refer the application to the Licensing Sub-Committee for determination where it is deemed appropriate to do so.

The Licensing Authority will pay particular attention to:

- Any term of imprisonment or custody;
- Any conviction and/or caution for violence, sexual offence or dishonesty which is of a serious nature; and
- Any offence contrary to hackney carriage and private hire legislation.

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

The police will only disclose information that has a reasonable basis of credibility and that is related to the occupation of a private hire operator. This could include unproven allegations or charges for which an applicant/licensee has been acquitted. This information could show that a person acted in a way that is not compatible with being a licensee.

Other information could include complaints which show a pattern of behaviour, or intelligence from other authorities or Council departments.

The Licensing Authority will look at all of the information and may decide that it shows a tendency to behave in ways which mean the applicant/licensee is not fit and proper. The assessment is made on the civil standard of proof, that being the balance of probabilities.

The Licensing Authority will take into account all information and will make determinations of fit and proper based on it. The Licensing Sub-Committee can make a decision to revoke, suspend or refuse based solely upon this other information.

Right to work in the United Kingdom

Applicants will require documentary evidence to show that they are legally entitled to work in the UK.

The Licensing Authority has therefore taken direction from the Home Office *An employer's guide to acceptable right to work documents* guide published in 2014. This provides guidance on what documents are acceptable and will help the authority in issuing licences to those people that are legally entitled to work in the UK.

Policy – Objective 3

Right to work in the United Kingdom

The Licensing Authority will require all applicants to submit documentation that proves they are entitled to work in the UK.

Any one of the following documents will be accepted as proof:

- A full UK Birth/Adoption Certificate issued in the UK;
- A passport showing the holder is a British Citizen or a citizen of the UK Colonies having the right to abode in the UK;
- A passport or national identity card showing the holder is a national of a European Economic Area, including Switzerland;
- A Registration Certificate or Document Certifying Permanent Residence, issued by the Home Office;
- A permanent Residence Card issued by the Home Office;
- A current Biometric Immigration Document issued by the Home Office;
- A current passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right to abode in the UK, or has no time limit on their stay in the UK;
- A current Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay in the UK, together with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer;
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland, together with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer; and
- A certificate of registration or naturalisation as a British citizen, together with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

This list is not exhaustive and other documents may be accepted. Full guidance can be obtained from the Home Office at <https://www.gov.uk>.

Where an applicant is under immigration control – such as limited leave to remain – a licence will not be issued beyond the period that the applicant has permission to remain, as identified by their immigration documents. Applicants are encouraged to seek legal advice or contact the Home Office should they have any questions.

Insurance Certificates

As part of the application process for a private hire operator's licence the applicant is required to produce appropriate insurance for the services they are undertaking and for the premises they are operating from.

Policy – Objective 4

Insurance Certificate

The Licensing Authority requires applicants and licensees to have taken out appropriate insurance, including public liability insurance for the premises which is to be licensed, and where necessary employers liability insurance.

All licensed operators shall have in force a Public Liability Insurance policy providing a minimum of £2,000,000 indemnity in respect of any one incident where there is public access to a booking office.

All licensed operators shall have in force an Employers' Liability Insurance policy complying with the Employers' Liability (Compulsory Insurance) Act 1969 covering death or personal injury arising out of any incident during the course of a person's employment.

A copy of the relevant certificates must be in place when making an application. An application will not be accepted without the relevant documentation.

Planning Permission

All private hire operators must have in place a suitable premises in which to operate from. The premises must be fit for purpose and have in place, if required, the correct planning consent.

Further information in regards to planning issues can be sought by visiting the planning webpage: <https://www.sheffield.gov.uk/planning-and-city-development/applications>

Policy – Objective 5

Planning Permission

It may be necessary for the premises used for the provision for the invitation or acceptance of bookings for a private hire vehicle to have in place suitable planning permission.

Applicants must present, as part of the application process, written proof from the Sheffield City Council Planning Service stating the correct planning permission has been obtained or that planning permission is not required.

Registering with the Information Commissioner's Office

All private hire operators that process personal information are required, under the terms of the Data Protection Act 1998, to register with the Information Commissioner's Office (ICO). Private hire operators that fail to register are committing a criminal offence.

Policy – Objective 6

Registering with the Information Commissioner's Office

All private hire operators are required to register with the Information Commissioner's Office, under the terms set out in the Data Protection Act, 1998.

Further information can be found by visiting the Information Commissioner's Office website: <https://ico.org.uk/for-organisations/register/>

The cost of registering with the Information Commissioner's Office is £35 and is paid on an annual basis.

Use of operator name

All private hire operators are associated with 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

Use of operator name

The company name for use as a private hire operator company must be one that is not used or similar to that used by another operator within the district.

If a private hire operator licence is revoked by the Council, the name, or one that is similar to, the private hire company cannot be used by another private hire company until such time that six months has passed since the time of the revocation or until all matters relating to an appeal have been exhausted, whichever is longer.

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

Private Hire Operators Application Questionnaire

It is important for those applicants that are applying for a private hire operator's licence to be able to demonstrate that they possess the correct qualities and understand the complexities of undertaking such a business.

Policy – Objective 8

Private Hire Operators Pre-Application Questionnaire

The Licensing Authority requires all applicants to undertake an application questionnaire in order to allow them to demonstrate that they possess the knowledge and aptitude required to run a private hire operator business.

A copy of the application questionnaire can be found at Appendix B. The Licensing Authority reserves the right to change the application questionnaire at any time it sees fit.

Part 5 – Private Hire Operator Licence

The Licensing Authority has developed an application procedure that aims to ensure all those that are granted a licence are of the highest possible standard.

As stated previously, private hire operators have much responsibility. Although they are not directly responsible for the transportation of passengers, they have a duty of care and are responsible for recording and maintaining large amounts of personal information, and, in certain circumstances, ensuring the safety of vulnerable adults and young children.

It is for these reasons that all applicants must first undertake the pre-application tests as the first stage in obtaining a licence. Background checks will also perform part of the application procedure and will help to ensure that licensees are fit and proper and suitable to hold a licence.

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 9

Duration of Licence

The Licensing Authority will in normal circumstances – where the applicant has satisfied the Licensing Authority that they are fit and proper - issue a licence for a period of five years for both new and existing applicants. An option to apply for a licence for a period of less than five years will be offered to all applicants where they feel this would be beneficial to them.

Licensees who do not satisfy the fit and proper criteria may have their application referred to the Licensing Sub-Committee who will make a decision, based on the evidence put before them, of whether to issue a licence, and if so whether it should be for a shorter term than normal (5 years).

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

Part 6 – 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 Licensing Authority will attach to all private hire operator licenses a set of mandatory conditions that must be observed at all times.

Following determination of an application by the Licensing Sub-Committee additional conditions may be imposed. The licensee will have the right to appeal to Magistrates Court following the hearing or can request a review of their licence at a later time to ask that additional conditions be removed.

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 private hire 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 at all times adhere to statutory legislation, 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 licensee, to whom the licence has been issued, shall display such licence 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 not transferable. The operator's 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 at all times 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 that proper regulation and enforcement measures may be taken.
2. Premises	
a.)	The licensee 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 approved by the Licensing Authority.
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	
a.)	The Operator must keep an accurate record of every booking of a private hire or hackney carriage vehicle that is 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 at all

	times. 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.
b.)	<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 time and date the booking was received and, if required, any subsequent cancellation; (ii) The method by which the booking was received (e.g. telephone, email, electronic application etc.); (iii) The person taking the booking (or in the case of a computer system, the identity, including the site/location of where the booking was received); (iv) The time and date of the journey; (v) The address/premises from which the journey will commence and the address/premises of the destination; (vi) The registration and plate number of the hackney carriage or private hire vehicle that is to be used for the booking; (vii) The name, badge number and call-sign of the driver of the vehicle to be used; (viii) Remarks, including details of any subcontracting to another licensed operator.
c.)	Where bookings are sub-contracted either by the operator to another licensed operator or are accepted by the operator from another licensed 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.
d.)	Records of bookings must be maintained and kept up to date at all times 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.
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 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.)	The Operator shall only operate private hire and hackney carriage vehicles where the vehicle and driver are licensed by Sheffield City Council. The Operator must check and keep a copy of all driver and vehicle licence documents.
c.)	When the operator ceases to operate any licensed vehicle, the operator shall notify the Licensing Authority within 72 hours for amendment by an Authorised officer.
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.)	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.
c.)	The Hackney Carriage and Private Hire Driver's Licence shall be available at all times for inspection by any Authorised Officer of the Council or Police Officer. The licence may be taken away from the premises if so required.
d.)	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.
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.)	<p>The operator shall, upon a 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 driver; these may include:</p> <ul style="list-style-type: none"> • Sexual misconduct, sexual harassment or inappropriate sexual attention; • Racist behaviour; • Violence; • Dishonesty; and • Breaches of equality.
c.)	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.

	Low Level complaints are those that are indicative of a professional development need, of concealing some potential significant offending or allegations of unsafe behaviour.
d.)	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 licensed by Sheffield City Council. The operator must check all driver and vehicle licence documents.
b.)	Where the operator sub-contracts a job booking and/or accepts a sub-contracted job booking to/from another operator they must ensure that: <ul style="list-style-type: none"> (i) The operator is licensed under the Act; (ii) The vehicle and driver are licensed by the same authority; and (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 licensed operator who accepted the booking, whether or not that licensed operator subsequently provides the vehicle.
d.)	Where bookings are sub-contracted either by the operator to another licensed operator or are accepted by the operator from another licensed 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 at all times, 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.
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	
a.)	The operator shall keep a record of all lost property retained by them.
b.)	The operator shall deliver any property left in a vehicle and handed to them by the driver, to the local police station as soon as possible and in any case within 24 hours.
10. Criminal convictions, cautions, reprimands, warnings, fixed penalty notices, or restorative justice.	
	The operator shall, within 14 days 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 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 7 – 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 (as referred to in part 2), 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; and
- Prosecution

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

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

Better Regulation Delivery Office: Regulators' Code, 2014

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

- carry out their activities in a way that supports those they regulate to comply and grow;
- provide simple and straightforward ways to engage with those they regulate and hear their views;
- base their regulatory framework activities on risk;
- share information about compliance and risk;

- ensure clear information, guidance and advice is available to help those they regulate meet their responsibilities to comply; and
- ensure that their approach to their regulatory activities is transparent.

Better Regulation Unit: Enforcement Concordat

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

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

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

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 in order to resolve the points of difference. However, in circumstances where immediate action is necessary, such as health and safety or preventing evidence being destroyed, the Licensing Authority will be required to take a more formal approach. An explanation as to why such action was required will be given at the time and confirmed in writing, in most cases, within five days and, in all cases, within 10 working days.

Enforcement and Non-Compliance Options

In line with the Regulators' Code and Enforcement Concordat the Licensing Authority will choose the most appropriate form of 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 licensees' record. A culmination of verbal notices may result in a more serious form of action; this will be reviewed on a case by case basis.

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

Stage 3 - Formal Warning

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

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

Suspension of licence

Where there has been a serious breach of licence, non-compliance or any other reasonable cause, it may be deemed appropriate to 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 in order for a formal caution to be used:

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

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

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

Prosecution

A prosecution will be 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.

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

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

Part 8 – Complaints

The Licensing Authority has established a complaints procedure in order to ensure that all complaints received on behalf of the general public, other authorities and licensees are able to be dealt with effectively and efficiently.

The Licensing Authority has several methods for allowing complaints to be submitted, including a report form via the Sheffield City Council webpage, via email directly to the Licensing Service, face-to-face and over the telephone.

All complaints will be dealt with in-line with statutory timeframes as set out by Sheffield City Council. A full copy of the complaints procedure can be viewed by visiting www.sheffield.gov.uk/your-city-council/how-to-contact-us/complaint.

In dealing with a complaint the Licensing Authority will take into account all the evidence submitted by the complainant, including any supporting documents, and then take an holistic approach in deciding the most appropriate form of action, as outlined in part 7.

Guidance Information on Submitting a Complaint

It is important that when submitting a complaint that as much information as possible is included along with any supporting documentation that can be used in order to substantiate such a complaint.

The Licensing Authority has produced a template form that can be used for most complaints. The form has been designed in such a way as to help those making a complaint include all salient points in order that officers can investigate appropriately.

SHEFFIELD CITY COUNCIL'S
Private Hire Vehicle Policy

Part 1 – Legislative Background

Sheffield City Council must adhere to the regulatory frameworks as set out in the Local Government (Miscellaneous Provisions) Act 1976 in respect to the licensing of private hire vehicles.

The legislative framework contained in this Act, as well as the policy objectives set out in this document will be used in relation to all issues pertaining to the licensing of private hire vehicles.

Local Government (Miscellaneous Provisions) Act 1976

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

A private hire 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; and*
 - (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.'*

Integrating National Legislation

In addition to compliance with the above Act, the Licensing Authority must also comply with other legislative requirements when undertaking its licensing functions; these include, but are not limited to the:

- **Transport Act 1985, 1991 and 2000** – An Act which provides a number of measures regarding transport in Great Britain.
- **Equality Act 2010** - An Act that legally protects people from discrimination in the workplace and in wider society. The Act covers all provisions from the 1995 Disability Discrimination Act, and also includes new duties for drivers and their vehicles.
- **Road Traffic Act 1988** - An Act governing the use of all vehicles on the road.
- **Health Act 2006** – An Act to make provision for the prohibition of smoking in certain premises, places and vehicles.
- **Human Rights Act 1988** - An Act to give further effect to rights and freedoms guaranteed under the European Convention of Human Rights.

Part 2 – Application Process

The Licensing Authority must ensure that the City of Sheffield has private hire vehicles that are of the highest possible standard and meet the needs of its residents and those that visit the City.

Application for a Private Hire Vehicle

The Licensing Authority has put in place several measures to ensure that any applications received by the Licensing Authority for a private hire vehicle are suitable and just, and meet the requirements as set out in the vehicle specification in part 4.

Policy – Objective 1

Application Process

When making an application for a private hire vehicle the following information must be submitted as a minimum:

- The private hire vehicle application form;
- The V5C registration certificate (log book) or the new keepers supplement section of the V5 if the vehicle has been recently bought and is not already licensed;
- The original certificate of insurance or insurance cover note;
- Compliance Certificate as issued by the Sheffield City Council Testing Station (certificates issued by other testing stations will not be accepted); and
- The appropriate fee.

Licenses will be issued for a period not exceeding 12 months.

Part 3 – Emissions

Background

Sheffield is currently not adhering to UK air quality limits, including limits on Nitrogen Dioxide (NO₂) and fine particles (PM¹⁰). The Council has therefore declared an Air Quality Management Area that covers the Sheffield urban area and in 2012 an Air Quality Action Plan (AQAP) was approved.

In 2013 Sheffield's Low Emission Zone Feasibility Study confirmed that road transport is the biggest single contributor (10% - 90%) to NO₂ emissions. A reduction of up to 30% is required to help achieve the air quality standards.

Private Hire Emissions

Private hire and hackney carriage vehicles account for 5% of traffic in urban Sheffield. However, due to the relative age and emissions profile of the fleet, the result of intensive trip making and therefore engine degradation, they account for 10% of urban NO_x emissions¹. By 2020 overall road traffic emissions are predicted to fall by 30%.² Emissions from private hire vehicles are however predicted to fall relatively slowly compared to other vehicle classes – by 0.5% without any intervention.

To enable tailpipe improvements to be brought forward earlier than natural private hire vehicle renewal, further interventions are required. The table below provides information on Non Ultra Low Emission Vehicles and Ultra Low Emission Vehicles (ULEV), including age, emission and testing regimes. This new criteria will allow for the licensing of private hire vehicles with significantly reduced emissions.

Private Hire Vehicles		
	Non ULEV's	ULEV's
Age and Emissions	Euro VI emission standard or less and can remain licensed up to nine years old.	Emissions of CO ₂ below 75g/km, or fully electrically powered and can remain licensed up to 11 years old.
Testing	Tested annually up to six years old; tested bi-annually over six years old.	Tested annually up to six years old; tested bi-annually over six years old.

Anti-idling

Emissions from private hire vehicles can be reduced by encouraging better maintenance of vehicles and by switching off engines when stationary or idling, particularly when parked

¹ Sheffield Low Emission Zone Feasibility Study , <https://www.sheffield.gov.uk/dms/scc/management/corporate-communications/documents/environment/pollution/air/Low-Emission-Zone-Feasibility-Study---Phase-2-Report/Low%20Emission%20Zone%20Feasibility%20Study%20-%20Phase%202%20Report.pdf>

² Dependent on traffic growth being at 2014 levels and engine technology delivering cleaner air

at the side of the road. It is proposed that anti-idling is tackled through education and promotion, not by formal enforcement.

Anti-idling signage will be provided where this can be practically achieved. Adoption of Anti-idling legislation will however remain optional for the future, noting the desire for the Council to reduce enforcement burdens for businesses, and in recognition of the limited staff resources available to undertake such work.

Part 4 – Private Hire Vehicle Specification

A vehicle that wishes to be licensed as a private hire vehicle must conform to the vehicle specification. The vehicle specification sets out the exact minimum requirements that all vehicles wishing to be licensed as a private hire vehicle must adhere to.

Age Limit

Non-Ultra Low Emission Vehicles

A non-ultra-low emission private hire vehicle shall not be more than five years old on the date of issue of the first private hire vehicle licence. The date of first registration (as set out on the V5C registration certificate) will be used to determine the age of the vehicle.

Licenses will not be renewed in respect of any vehicle that has been registered (or in the case of imported vehicles, manufactured) for more than nine years.

Ultra Low Emission Vehicles

Ultra Low Emission Vehicles (ULEV's) must meet the requirement as set out in part 3. These vehicles shall not be more than five years old on the date of issue of the first private hire vehicle licence. The date of first registration (as set out on the V5C registration certificate) will be used to determine the age of the vehicle.

Licenses will not be renewed in respect of any ULEV that has been registered (or in the case of imported vehicles, manufactured) for more than 11 years.

Vehicle Suitability

All vehicles must comply in all respects to Sections 45 and 58(1) of the Road Traffic Act 1988 and the Motor Vehicle Type Approval Regulations 1984 and any subsequent amendments.

Every new vehicle offered for approval must comply in all respects with the British and European vehicle regulations. Approval types accepted are as follows:

- European Community Whole Vehicle Type Approval (ECWVTA)
- British National Type Approval (BNTA)

Vehicles that have been designed and constructed for the carriage of passengers and comprising no more than eight seats in addition to the driver's seat must meet the requirements of M1 category of European Whole Type Approval 2007/46/EC as last amended by 385/2009.

Vehicles that have only obtained Individual Vehicle Approval (IVA) will not be permitted.

The vehicle should have no signs of accident damage. Additionally, vehicles that have been categorised by insurance companies as Category A, B, C or D insurance write offs will not be accepted as suitable for a licence.

Further information on vehicle approval can be found at <https://www.gov.uk/vehicle-approval/overview>

Steering

All vehicles must be right hand drive.

Wheels and Tyres

All licensed 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; and
 - 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. The vehicle though must come equipped with a serviceable wheel brace and jack.

Dimensions

All licensed vehicles should adhere to the following:

Leg Room

The minimum leg room available to any passenger shall be 609mm. 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.

Head Room

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

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.

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 the passenger(s).

Doors

The vehicle must have as a minimum four doors, two to each side. They must be easily accessible to passengers without the need to move any other seat etc. to gain access to them.

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.

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.

There must be a sign in an approved position clearly visible from the rear of the vehicle bearing the words "door open". This must be automatically linked to the passenger doors, in order that when either door handle is activated to open the door, the sign is illuminated. The size of the sign shall be not less than 400sq cm, and shall be so positioned so as not to impair the rear vision.

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 in order to accommodate three passengers.

All seats within the vehicle, front and rear, must be fitted with working seatbelts.

Fire Extinguisher

The installation of fire extinguisher is not mandatory.

However, where a fire extinguisher is installed it must:

- Be securely fitted to the vehicle within the driver's compartment where it is within easy reach of the driver and does not interfere with the safe operation of the vehicle;
- Comply with the requirements of BS EN3 1996 and have a minimum fire rating of 5a and 34b;
- Contain not less than 0.9 litres AFFF foam or 1kg dry powder and must have a seal or gauge mechanism;
- Be regularly maintained and annually inspected by a competent person. Details of the inspection must be recorded on the extinguisher;
- Display the registration number of the vehicle in which it is situated.

NB: Where a fire extinguisher has not been fitted the following should be observed:

- Always put your own and other peoples safety first; help passengers to exit the vehicle in a safe manner
- On discovering the fire, immediately raise the alarm (dial 999)

Windows

Opening windows shall be provided with mechanisms (manual or electronic), which permit 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 in regards to 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 - minimum 60% light ingress transmission

Anything falling outside this criteria be brought before the Committee for its consideration.

In cases of non-saloon type vehicles the rear side windows and rear windscreen, which in the opinion of the tester **does not impact on the seating area of passengers**, can have a higher density tint, but this must allow at least 20% light transmission.

Tinted films applied to any window are not permitted.

Heating System

The vehicle must have an efficient heating system.

Bodywork and vehicle structure

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.

Wheelchair carrying facilities

Any vehicle that has the facility for the carriage of wheelchair passengers must conform to M1 classification and comply in all respects to EC Whole Vehicle Type Approval (ECWVTA).

The vehicle will be fitted with:

- Approved anchorages for the wheelchair and wheelchair disabled person. The anchorage must be either chassis or floor linked and capable of withstanding approved dynamic or static tests. Restraints for wheelchair and occupant must be independent of each other. Anchorages must also be provided for the safe stowage of a wheelchair when not in use, whether folded or otherwise, if carried within the passenger compartment. All anchorages and restraints must be so designed that they do not cause any danger to other passengers.
- A ramp or ramps for the loading of a wheelchair and occupant must be available at all times for use at the nearside rear passenger door. An adequate locking device must be fitted to ensure that the ramp(s) do not slip or tilt when in use. Provision must be made for the ramps to be stored safely when not in use.
- The vehicle should be equipped with a manufacturer's user manual/guide on the safe loading and unloading and security of wheelchair passengers.

Alternative Fuel/Dual Fuel Vehicles

Vehicles that have been manufactured to operate on a particular fuel system (dual fuel, Liquid Petroleum Gas), and which have been type approved (see vehicle suitability) will be accepted.

Vehicles that have not been manufactured to operate on a dual fuel system or Liquid Petroleum Gas systems and have been altered to allow such use will only be accepted if tested and certified by an Associated Accredited Installer. The certificate must be produced at the time of application.

Maintenance

The vehicle, once licensed, must maintain all fittings, advertisements, signs and notices to approved standards. The vehicle must be kept clean and tidy and in good working order.

Vehicles, at any time will be subject to test and inspection and should it be found that a vehicle is not being properly maintained or kept in good working order, a notice or suspension of the vehicle licence will be served on the driver or licensee prohibiting the use of the vehicle until the defects have been rectified and/or it has passed the City Council's full mechanical test.

Advertisements

The vehicle shall carry no advertisements, either printed, written or via digital media systems or any other material or notices on any part (interior or exterior) except without prior written consent from the Licensing Authority.

Entertainment and Digital Media Systems

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

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.

Currently licensed Vehicles

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

- Interior numbers – displayed where they are clearly visible to passengers or to the public;
- Exterior licence plate. The licence plate issued by the Licensing Authority should be affixed to the rear outside of the vehicle as determined in the Private Hire Vehicle Licence Conditions. The licence plate should be securely affixed to the vehicle using the fixing plate and secured by the approved tag system.
- Front door signs, as determined in the Private Hire Vehicle Licence Conditions.
- 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 – Special Occasion Vehicles

Special Occasion Vehicles are licensed 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 licensed as a Special Occasion Private Hire Vehicle must conform to the private vehicle specification as contained in part 3. The specification sets out the exact minimum requirements that all vehicles wishing to be licensed 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 have to be referred to the Licensing Sub-Committee for determination.

Additionally, vehicles issued with a special occasion licence shall only be used for special occasions and executive business contracts. Vehicles licensed 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 6 – Exceptional Vehicle Criteria

In circumstances in which proprietors wish to licence a vehicle beyond the normal period of nine years (Non ULEV) or 11 years (ULEV) it must be considered as an 'exceptional vehicle'.

An exceptional vehicle is one which meets the Exceptional Vehicle Criteria as set out below.

Policy – Objective 2

Exceptional Vehicle Criteria

Those proprietors that wish to licence a private hire vehicle beyond the normal term of nine years (Non ULEV) or 11 years (ULEV) must ensure that the vehicle meets all of the following criteria. Consideration will not be given to those vehicles that do not meet the criteria 100%.

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

- It has never failed a vehicle Compliance test at Sheffield City Council's testing station (or standard MOT where the vehicle has not been previously licensed);
- It has never failed to attend a pre-arranged vehicle Compliance test, unless in exceptional circumstances;
- All bodywork is in A1 condition with no signs of rust, dents, scratches, stone chips or any other defects that may detract from the overall appearance;
- The paint condition is in A1 condition, showing no signs of fading, discoloration or mismatching that may detract from the overall appearance;
- The interior of the vehicle is in A1 condition, including carpets, mats and upholstery;
- All luggage compartments are in A1 condition, clean and free from any signs of damage;
- There is a complete service record, showing it has been properly serviced in line with manufacturer's guidelines. All receipts in relation to servicing must be available;
- The vehicle has not been suspended at any time due to the mechanical and/or physical condition;
- The vehicle meets at least Euro VI emission standards.

The decision to grant a licence beyond the normal term of nine (Non ULEV) or 11 years (ULEV) can only be taken by the Licensing Sub-Committee. In order for the Licensing Sub-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 of the criteria as set out above as well as exhibiting valid reasons why an extension should be granted.

Reasons of a financial basis will not be taken into consideration as this has no bearing on the fitness and history of the vehicle.

Part 7 – Vehicle Inspections and Testing

Age Limits

A private hire vehicle shall not be more than 5 years old on the date of issue of the first private hire vehicle licence. The date of first registration (as set out on the V5C registration certificate) will be used to determine the age of the vehicle.

Licenses will not be renewed in respect of any vehicle that has been registered (or in the case of imported vehicles, manufactured) in excess of nine years, or in the case of ULEV's, 11 years. This applies to the renewal of licenses only.

Frequency of Tests

A private hire vehicle performs an arduous workload and covers many miles within its lifetime. The high mileage and continuous operation of such vehicles puts constant stress on the vehicle; a review undertaken by the National Society for Cleaner Air in 2005 found that private hire vehicles were more likely than other vehicles to fail an emissions test. Therefore, the frequency with which a private hire vehicle must be tested is extremely important, ensuring it is operating in good working order and is mechanically sound.

Policy – Objective 3

Frequency of Tests

All vehicles wishing to obtain private hire status must undergo and pass a Compliance Test at Sheffield City Council's testing station. The standards of the Compliance Test can be found at Appendix C.

New Vehicles

All new vehicles must undertake a pre-licence Compliance Test, even if the vehicle would not normally need an MOT test due to its age (under three years old).

Currently Licensed Vehicles

Licensed vehicles must have a Compliance Test no more than four weeks prior to the renewal date of the licence.

A private hire vehicle is required to undergo a Compliance Test as follows:

- Non-ULEV Private Hire Vehicles up to six years old – Tested annually
- ULEV Private Hire Vehicles up to six years old – Tested annually
- Non-ULEV Private Hire Vehicles over six years old – Tested bi-annually
- ULEV Private Hire Vehicles over six years old – Tested bi-annually

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

The Licensing Authority may require a private hire vehicle to be tested three times in a calendar year at the expense of the licensee. Additionally, the Licensing Authority may send the vehicle for more than three Compliance tests times a year, though the costs would be borne by the Licensing Authority. Reasons for additional tests will be provided by the Licensing Authority.

Testing Criteria

The Compliance test goes above and beyond the criteria as used for 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 safety, including the internal condition.

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

Information in regards to the private hire vehicle inspection standards can be found at Appendix C.

Testing Station

All private hire vehicles are required to undergo a Compliance Test at Sheffield City Council's testing station, based at Staniforth Road. 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 licensed vehicles.

Part 8 – Insurance

As with any vehicle, it is vitally important that a private hire vehicle has in place valid and appropriate insurance at all times.

Vehicle Insurance

Policy – Objective 4

Vehicle Insurance

All private hire vehicles are required to have in place valid and appropriate insurance, enabling them to operate legally.

As a minimum, the Licensing Authority will require:

- 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;*

The Licensing Authority will undertake monthly auditing to ensure that all licensed private hire vehicles are appropriately insured.

Insurance Certificates will be accepted by electronic means (email), provided that they are sent directly by the Underwriter or Insurance Broker. Insurance Certificates will not be accepted where they have been sent from a licensee's personal email account.

Public Liability Insurance

Private hire vehicles that are equipped to carry wheelchair passengers must do so in a safe manner and have in place adequate insurance.

Policy – Objective 5

Public Liability Insurance

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

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

Part 9 – Advertising

Private hire vehicles are only permitted a limited amount of advertising. All advertising will be subject to Licensing Authority approval and must be in line with the advertising policy.

Policy – Objective 6

Advertising

Advertisements on private hire vehicles must conform to the following conditions, without exception:

- Advertisements shall only be permitted on the rear doors of the vehicle;
- Advertisements shall not be larger than the permitted combined Private Hire Operator and Advanced Booking Only signage (A3);
- Advertisements should not promote either directly or indirectly tobacco or alcohol products; and
- Advertisements should not be of a sexual, religious or political nature, nor should they be likely to cause offence;

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

- Advertisements should be submitted by the private operator for which job bookings are received, with agreement from the proprietor of the vehicle;
- The contract for advertisement must have a facility to state the vehicle details and the termination of the contract; and
- The contract must contain a condition that the advertisement must be removed at the end of the contract term.

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.

Part 10 – Accidents

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

‘...the proprietor of a Hackney Carriage or Private Hire Vehicle, licensed 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 7

Accidents

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

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

If a vehicle has been damaged to such an extent that it can no longer be driven then the proprietor must inform the Licensing Authority as such. The proprietor will be required to provide the Licensing Authority with photographic evidence as to the vehicle’s condition, specifically showing the parts of the vehicle that have been most severely damaged. The vehicle must be presented to Sheffield City Council’s testing station as soon as possible after the accident has taken place – the appointment will be arranged by the Licensing Authority at a mutually agreeable time with the proprietor. A suspension notice will not be issued where an inspection of the vehicle by an Authorised Officer is not possible.

Part 11 – Transfer of Vehicle Licence

A proprietor, at any time, may wish to transfer a private hire vehicle registered in their name to another person/licensee.

Policy – Objective 8

Transfer of vehicle licence

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

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

The proprietor must also provide the following documentation at the time of the transfer request:

- The log book (V5C) - this must be in the new owner's name and current address; or if the log book (V5C) is not in the new owner's name and address, a copy of the main page of the original log book showing the changes to be made and signed by the previous keeper and the new keeper; and
- 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 owner(s). If new owner(s) is not a licensed driver, the insurance certificate must state a named licensed driver.

Part 12 – Signage

In order to establish that a vehicle is licensed as a private hire vehicle it must display signage to that effect. The signage shall be displayed on the vehicle at all times.

Signage on private hire vehicles is vitally important. The most important aspect is in terms of safety; helping members of public to ascertain details of the vehicle with which they are using.

Policy – Objective 9

Signage

Each private hire vehicle shall display the following signage, all of which must be securely affixed to the vehicle.

Combined Operator and ‘Advance Bookings Only’ Signage

Each private hire vehicle shall display on both the **nearside and offside front doors** information to identify the operator for which bookings are being accepted; the private hire identification number of the vehicle; and the words ‘Advance Bookings Only’.

The private hire company name and telephone number (or in cases where a telephone number is not used, the app for the private hire operator) should also be clearly displayed on the signage.

Signage must be no smaller than A3 (420mm x 297mm) in size.

Signage (excluding information relating to the operator) will be provided by the Licensing Authority. Only signage (excluding operator information) issued by the Licensing Authority is permissible.

The signage must be securely affixed to the vehicle; either permanently, by magnets or other such methods that are suitable for the vehicle.

Formal warnings will be issued to licensees where vehicles are seen not displaying vehicle signage. After two such warnings, a third and final warning will be issued and the licensee referred to the Licensing Sub-Committee for non-compliance of Vehicle Conditions.

Licence Vehicle Plate (Exterior)

The licence plate must be securely 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.

The licence plate will be provided by the Licensing Authority.

Licence Vehicle Plate (Interior)

Interior licence signage must be permanently affixed to the interior glazed surface of the quarter light on the nearside rear door.

Interior licence signage must be permanently affixed on the left hand side of the glazed surface of the front windscreen.

The signage will be provided by the Licensing Authority.

The signage must be permanently affixed to the vehicle at all times.

Part 13 – Image Recording Equipment

The personal security of both private hire drivers and customers is vitally important. The Crime and Disorder Act 1998 makes it a requirement of all local authorities and others to consider crime and disorder reduction while exercising all of their duties.

It is therefore important that the personal security of both private hire drivers and customers is considered in this context.

Whilst not compulsory, it is recommended, both for the safety of private hire drivers and customers alike, that Image recording equipment is installed in all private hire vehicles.

Policy – Objective 9

Image Recording Equipment

The installation of image recording equipment is not compulsory; it is at the discretion of the individual private hire vehicle proprietor. Where a request is made for the installation of such equipment it must be done so in terms of the Licensing Authority's specification, and in any case conform to Data Protection legislation.

Detailed information of the use of such equipment can be found at the Information Commissioner's Office website: www.ico.gov.uk.

The following specification must be observed in respect of image recording systems wishing to be installed in private hire vehicles:

Data Protection

- All image recording equipment must comply with the current Information Commissioner Data Protection requirements. Documentary evidence of compliance must be provided with any application for consent to use such equipment.

Installation

- Equipment must be installed in such a way that it will not cause injury to the driver or the passenger(s).
- Equipment must be secure and not interfere with the safe operation of the vehicle.
- All wiring must be fused at source and appropriately routed.
- Equipment must be marked with the Electro Magnetic Certification (EMC), showing it meets the European Industry Standard.

Operation and Image Security

- Images captured must remain secure at all times and be accessible only to Authorised Officers of Sheffield City Council, Police Officers or other bodies

specifically approved by Sheffield City Council. Images should not be capable of being viewed by the driver or any person travelling in the vehicle.

- Some form of encryption and access code will be required to ensure permanent security of images.
- Recorded images must show the date and time that the images were captured and identify the vehicle to which the equipment is installed.
- All images must be capable of being stored for a minimum of thirty days before being recorded over.

Signage

- There must be a sign informing passengers that the vehicle is fitted with surveillance equipment. The recommended wording on the sign is as follows:

PASSENGER NOTICE
 This private hire vehicle is protected by a
Digital Surveillance Camera

Any images recorded are held in a secure format and can only be viewed by the police and the Council.

- Signs shall not be less than 88sq cm (11 x 8cm)
- The proposed signage must be submitted to the Council for approval.
- The signs shall be located on each passenger door window and legible from outside the vehicle.

Dash Cameras

Dash Cameras are permitted to be installed in all private hire vehicles. Where Dash Cameras are installed they must be done so in line with the installation requirements as set out above and not at any face point towards the inside of the vehicle.

Conditions for the use of Image Recording Equipment

Vehicles that have installed image recording equipment will have the following conditions applied to their licence.

Mandatory Conditions for the use of Image Recording Equipment	
a.)	No image recording system shall be installed without the prior consent of the Licensing Authority.
b.)	No cameras shall be installed in the vehicle without prior written consent from the Licensing Authority as to the number and location of such cameras. The number and location of cameras shall not be varied without prior written consent of the Licensing Authority.
c.)	Signage, informing passengers as to the use of image recording

	equipment shall be displayed in the vehicle at all times. Signage shall be displayed on the outside of the rear passenger windows where they can be easily seen.
d.)	The proprietor shall ensure that all equipment is properly and regularly maintained and serviced in accordance with the manufacturer's instructions by a suitably qualified person. Written records of all maintenance and servicing shall be made and retained by the proprietor for a minimum of 12 months. Such written records shall be made available on demand by an authorised officer of the Council or a Police officer.

Part 14 – Conditions

Attached to all licensed private hire vehicle licenses shall be a set of mandatory conditions in accordance with Section 48 Local Government (Miscellaneous Provisions) Act 1976.

Private Hire Vehicle 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 licensed 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 licensed 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.)	A licence plate must be securely affixed to the rear of the vehicle at all times. It shall be displayed so as not to obscure the vehicle's registration mark and must be clearly visible by daylight.
b.)	An interior licence plate must be 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.)	An 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.)	Signage, as supplied by the Council, must be securely affixed to nearside and offside front doors, consisting of the following information:

	<ul style="list-style-type: none"> • The Private Hire Operators Name • The Private Hire Vehicle Licence Number • The telephone number and/or app of the Private Hire Operator • Wording that states 'Advance Bookings Only'.
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 Council.
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 Council will permit a deviation from these conditions in certain circumstances. A request for deviation will need to be made in writing to the Licensing Authority, with a decision made by the Licensing Sub-Committee.

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, and in any case must be securely affixed at all times.

2. Cleanliness and Appearance of Vehicle

a.)	The vehicle must be maintained in a safe and clean condition at all times. The Council can inspect a vehicle at any time it sees fit.
b.)	Storage areas must be kept free from obstruction at all times 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.)	<p>If the vehicle is involved in an accident, affecting the safety, performance or appearance, the proprietor/driver must inform the Council as soon as possible and in any case within 72 hours. An Accident Report Form, available from the Council, must be completed, detailing the circumstances of the accident and any damage to the vehicle.</p> <p>The vehicle must be presented to the Council for inspection by an Authorised Officer. If the vehicle cannot be presented to the Council for inspection due to damage caused, the proprietor must send photographic evidence of the vehicles condition.</p> <p>All repairs to the vehicle must be carried out without undue delay and once repaired may be subject to a Compliance test at Sheffield City Council's testing station.</p>
e.)	The proprietor/driver 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.

3. Equipment and Fittings

a.)	All fittings and auxiliary equipment must be kept tidy and safe at all
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	times.
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 proprietor 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 proprietor shall produce to the Council within five days of such request the certificate of insurance issued by an insurance company or broker in respect of the vehicle.
Seats and Passengers	
a.)	The proprietor shall not cause or permit to be conveyed in the vehicle a greater number of persons exclusive of the driver than the number of persons specified on the licence.
b.)	Once a vehicle has passed a Compliance test the seating layout must not be changed, 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.
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 two years from the date on which the driver first commenced driving the vehicle. These records must be made available upon request to any Police Officer and/or Authorised Officer of the Council.</p>
b.)	Any person who drives a private hire vehicle must have in place a hackney carriage and private hire driver's licence.
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.

Convictions	
	The proprietor/driver of a private hire vehicle must notify the Council within 14 days of any conviction, binding over, caution, warning, reprimand for any matter imposed on them during the course of a licence.
Transfer of Licence	
	A proprietor, in transferring the vehicle to another person, must notify the Council within 14 days of doing so.
Change of Address	
	The proprietor must notify the Council in writing of a change of address within 14 days of such change.
Change of Operator	
	The proprietor or such driver of the vehicle must notify the Council of all companies for which they are working and must immediately notify the Council if they cease to work for any company. The vehicle must display sole relevant door signage for each booking.
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 it is roadworthiness.

Part 15 – Compliance and Enforcement

The primary aim of the Licensing Authority is public safety, and to provide a service that businesses and individuals can depend on for reasons of health, safety, welfare, equality and consistency.

Therefore, the undertaking of compliance and enforcement checks on licensed private hire vehicles is essential in order to achieve this. Ultimately these checks are undertaken in order to ensure vehicles are fit for purpose, are complying with the law and licence conditions and to ensure the safety of passengers, pedestrians and other road users.

In order to achieve this objective the Licensing Authority ensures that licensed 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; and
- Prosecution

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

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

Better Regulation Delivery Office: Regulators' Code, 2014

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

- carry out their activities in a way that supports those they regulate to comply and grow;

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

Better Regulation Unit: Enforcement Concordat

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

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

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

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 in order to resolve the points of difference. However, in circumstances where immediate action is necessary, such as health and safety or preventing evidence being destroyed, the Licensing Authority will be required to take a more formal approach. An explanation as to why such action was required will be given at the time and confirmed in writing, in most cases within five days and, in all cases, within 10 working days.

Enforcement and Non-Compliance Options

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

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

Stage 1 - No Action

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

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

Stage 2 - Informal Warning/Words of Advice

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

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

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

Stage 3 - Formal Warning

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

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

Suspension of licence

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

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

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

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

Revocation

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

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

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

Refusal to Renew

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

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

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

Caution

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

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

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

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

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

Prosecution

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

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

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

Part 16 – Complaints

The Licensing Authority has established a complaints procedure in order to ensure that all complaints received on behalf of the general public, other authorities and licensees are able to be dealt with effectively and efficiently.

The Licensing Authority has put in place several methods for allowing complaints to be submitted, including a report form via the Sheffield City Council webpage, via email directly to the Licensing Service, face-to-face and over the telephone.

All complaints will be dealt with in-line with timeframes as set out by Sheffield City Council. A full copy of the complaints procedure can be viewed by visiting www.sheffield.gov.uk/your-city-council/how-to-contact-us/complaint.

In dealing with a complaint the Licensing Authority will take into account all the evidence submitted by the complainant, including any supporting documents, and then take an unbiased approach in deciding the most appropriate form of action, as outlined in section 13.

Guidance Information on Submitting a Complaint

It is important that, when submitting a complaint, as much information as possible is included along with any supporting documentation that can be used in order to substantiate such a complaint.

The Licensing Authority has produced a template form that can be used for most complaints. The form has been designed in such a way as to help those making a complaint include all salient points in order that officers can investigate appropriately. Complainants can contact the licensing authority if they wish to receive a copy of the template in order to submit a complaint; however, complaints will still be received and dealt with if the template is not used.

Appendix A

Useful Contacts

Licensing Service		
Block C, Staniforth Road Depot Staniforth Road Sheffield S9 3HD	Telephone	0114 2734264 / 0114 2734880
	Email	licensing@sheffield.gov.uk
	Website	www.sheffield.gov.uk/licensing

Sheffield Taxi Trade Association (STTA)		
Unit 3, 150 Worksop Road Attercliffe Sheffield S9 3TN	Telephone	07966204473
	Email	info@stta-taxi.co.uk
	Website	www.stta-taxi.co.uk

Department for Transport (DFT)		
Great Minster House 33 Horseferry Road London SW1P 4DR	Telephone	0300 330 3000
	Email	
	Website	https://www.gov.uk/government/organisations/department-for-transport

Driver and Vehicle Standards Agency (DVSA)		
Leeds GVTS Patrick Green Woodlesford Leeds LS26 8HE	Telephone	0113 282 1156
	Email	
	Website	https://www.gov.uk/government/organisations/driver-and-vehicle-standards-agency

Driver and Vehicle Licensing Agency (DVLA)		
Agency (DVLA), Longview Road, Morrison, Swansea SA6 7JL	Telephone	
	Email	
	Website	https://www.gov.uk/government/organisations/driver-and-vehicle-licensing-agency

Sheffield Safeguarding Children's Board		
Floor 3 South Howden House Union Street Sheffield S1 2SH	Telephone	0114 273 4934
	Email	child.protection@sheffield.gov.uk
	Website	https://www.safeguardingsheffieldchildren.org.uk

Disclosure and Barring Service (DBS)		
DBS customer services	Telephone	03000 200 190

PO Box 3961 Wootton Bassett SN4 4HF	Email	customerservices@dbs.gsi.gov.uk
	Website	https://www.gov.uk/government/organisations/disclosure-and-barring-service

Ofqual		
Spring Place Herald Avenue Coventry CV5 6UB	Telephone	0300 303 3344
	Email	public.enquiries@ofqual.gov.uk
	Website	https://www.gov.uk/government/organisations/ofqual

Sheffield City Council Transport Department		
Block C Staniforth Road Depot Sheffield City Council S9 3HD	Telephone	0114 2037575
	Email	transport@sheffield.gov.uk
	Website	https://www.sheffield.gov.uk

GMB Yorkshire and North Derbyshire		
Taxi and Private Hire Licensing GMB Thorne House 188/190 Norfolk Street Sheffield S1 1SY	Telephone	0845 337 7777
	Email	sheffield.office@gmb.org.uk
	Website	http://www.gmbyorkshire.org.uk/

The Royal Society for the Prevention of Accidents		
RoSPA House, 28 Calthorpe Road, Edgbaston, Birmingham B15 1RP, UK	Telephone	0121 248 2000
	Email	help@rospa.com
	Website	www.rospa.com

Health and Safety Executive		
Health and Safety Executive Bld 5S.2 Redgrave Court Merton Road Bootle Merseyside L20 7HS	Telephone	0300 003 1747
	Email	
	Website	www.hse.gov.uk

Information Commissioner's Office		
Information Commissioner's Office Wycliffe House Water Lane Wilmslow Cheshire SK9 5AF	Telephone	0303 1231113
	Email	casework@ico.org.uk
	Website	www.ioc.gov.uk

Disabled Persons Transport Advisory Committee		
Disabled Persons Transport Advisory Committee (DPTAC) c/o Department for Transport Great Minster House 33 Horseferry Road London SW1P 4DR	Telephone	
	Email	dptac.enquiries@dft.gsi.gov.uk
	Website	www.dptac.gov.uk

APLHA		
ALPHA SOAR Works 14 Knutton Road Sheffield S5 9NU	Telephone	0114 201 4774
	Email	
	Website	www.alpha.direct

Appendix B

Private Hire Operator Application Questions

1. What experience of the private hire trade do you have? Please include dates, types of experience and supporting written evidence.
2. 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.
3. Please supply a copy of your business plan for your proposed business as a private hire operator.
4. Please indicate how many licensed private hire vehicles you intend to use:
 - a. When you start your business
 - b. After three months
 - c. After 12 months
5. Please indicate how many licensed hackney carriage vehicles you intend to use:
 - a. When you start your business
 - b. After three months
 - c. After 12 months
6. Please indicate how many licensed hackney carriage and private hire drivers you intend to use:
 - a. When you start your business
 - b. After three months
 - c. After 12 months
7. Please detail in full the proposed customer care policy.
8. Please detail in full the proposed customer complaints procedure you intend to adopt.
9. What steps to deal with equal opportunity issues will you take?
10. Indicate how many people will you employ:
 - a. When you start your business
 - b. After three months
 - c. After 12 months
11. What will be the duties of your employees?

- 12.** If you are absent for a period of time, who will look after the business and what authority will they have?
- 13.** Please state your insurance requirements and provide certificates of insurance taken out.
- 14.** Detail how you intend to comply with the record keeping requirements of the private hire operator's licence; include detailed samples of records which you intend to keep.
- 15.** How do you intend to ensure that every vehicle operated by you is and remains licensed?
- 16.** How do you intend to ensure that every driver of every vehicle operated by you is and remains licensed?
- 17.** 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?
- 18.** How do you intend to ensure that every vehicle operated by you is and remains insured?
- 19.** How do you intend to ensure that every vehicle operated by you is and remains safe?
- 20.** How do you intend to ensure that every vehicle operated by you is and remains clean and otherwise fit for public service?
- 21.** How do you intend to ensure that every journey in every vehicle operated by you is not unnecessarily prolonged in distance or time?
- 22.** On what basis will you establish the fares to be charged by drivers of private hire vehicles operated by you?
- 23.** How will you give information about fares to customers?
- 24.** How will you ensure that you only operate drivers and vehicles that are licensed by Sheffield City Council?
- 25.** How will you promote public safety and ensure the safeguarding of children and vulnerable adults?
- 26.** What is the law pertaining to Private Hire Operators?

Appendix C

Sheffield City Council Taxi and Private Hire Licensing Vehicle Compliance Inspection Standards.

Section	Subject
1	Lighting and Signalling Equipment: 1.1 Warning Lamps 1.2 Electrical Wiring and Auxiliary Equipment 1.3 Additional Lamps
2	Steering and Suspension: 2.1 Steering and Suspension
3	Brakes: 3.1 Brakes
4	Tyres and Road Wheels: 4.1 Tyres – Condition 4.2 Tyres – Fitting
5	Seat Belts: 5.1 Seat Belts – Type Approval
6	Body and Structure 6.1 Body Alignment, Chassis and Sub-frames 6.2 Vehicle Body and Condition – Exterior of Body and Licence Plate 6.3 Vehicle Body and Condition – Interior of Body 6.4 Interior Signage 6.5 Doors and Seats 6.6 Bumper Bars
7	Fuel and Emissions: 7.1 Exhaust System 7.2 Fuel System – Pipes, Tanks and Cables 7.3 Exhaust Emissions – General 7.4 LPG Conversions

8	<p>Drivers View of the Road</p> <p>8.1 Mirrors</p> <p>8.2 Windscreen – View Top the Front</p> <p>8.3 Window Glass or Other Transparent Material</p> <p>8.4 Window Tints</p> <p>8.5 Wipers – Front and Rear</p>
9	<p>Additional Requirements</p> <p>9.1 Speedometer and Odometer</p> <p>9.2 Transmission</p> <p>9.3 Engine and Transmission Mounting</p> <p>9.4 Oil and Water Leaks</p> <p>9.5 Luggage and Load Space</p> <p>9.6 Engine Condition</p>
10	<p>Ancillary Equipment</p> <p>10.1 Wheelchair Restraint and Access Equipment</p> <p>10.2 Taxi Meter</p> <p>10.3 Motion Locks (Hackney Carriage Only)</p> <p>10.4 Electrically Operated Side Steps and Running Boards</p> <p>10.5 Drivers Information Systems (Sat Navs, Data Heads etc.)</p>

1.1 - Warning Lamps

Method of Inspection	Reason for Rejection
All warning lamps on dashboard to work to manufacturer's specification.	
Headlamp main beam warning lamp to illuminate when main beam is switched on.	Main beam warning lamp does not illuminate.
Engine management lamp to operate with ignition on and go out when engine started.	Engine management lamp not working or does not go out when engine started.
Air bag warning lamp to operate when ignition is on and go out when engine is started.	Air bag warning lamp not working or does not go out when engine started.
Any brake warning lamp to operate with ignition is on and go out when engine started or parking brake released.	Any brake warning lamp staying on when engine started and brakes released.
Any other manufacturer's warning lamps to operate as the manufacturer intended.	Any other manufacturer's warning lamp not working or staying illuminated when engine started. E.g. oil and charge lamps.

1.2 - Electrical Wiring and Auxiliary Equipment

Method of Inspection	Reason for Rejection
This examination is limited to that part of the electrical system that can be readily seen without dismantling any part of the vehicle.	
Check all electrical wiring for: <ul style="list-style-type: none"> • Condition • Security • Position • Signs of overheating • Heavy oil contamination 	Wiring: <ul style="list-style-type: none"> • Not adequately insulated • Not adequately secured • Positioned so that it is chafing or clipped to a fuel line or likely to be damaged by heat so that insulation will become ineffective • With clear evidence of overheating • Heavily contaminated with oil
Check battery and carrier for: <ul style="list-style-type: none"> • Security • Leaks 	Battery and Carrier: <ul style="list-style-type: none"> • A battery and/or carrier not secure and likely to become displaced • Battery Leaking
Check all switches for operation, security, illumination and symbol or signage.	Any switch not illuminated, insecure, faulty, no symbol or signage.
Check any auxiliary wiring is correctly fused	Any auxiliary wiring not fused.
Security cameras, when fitted, must be fitted correctly with appropriate signs. Proprietor must provide written consent when requested.	Camera not fitted correctly, signs missing or deteriorated. No consent for equipment.
Any multimedia equipment or systems must be fitted correctly, and driver/licensee must provide written consent when requested.	Equipment not fitted correctly. No written consent on request.

1.3 - Additional Lamps

Method of Inspection	Reason for Rejection
With the ignition switched on check: Reversing lamps	A reversing lamp:
That the reversing lamps emit a diffused white light when reverse gear is selected.	That fails to operate or does not emit a white diffused light.
The lamps extinguish when neutral gear is selected.	Fails to extinguish when neutral or forward gear is selected.
The lamps are in good working order, are secure and carry an approval mark.	Are not in good working order, are insecure or unapproved.
The lamps do not flicker when lightly tapped by hand.	Lamps flicker when tapped lightly by hand.
Reversing warning alarms, if fitted, must operate.	Not working correctly, i.e. should not work in the hours of darkness. Should have a failsafe on the side lights separate marked up switch.
Front Fog / Driving Lamps	
Check that:	
A single front fog lamp emitting a white or yellow diffused light illuminates only when dipped beam is selected.	Lamps inoperative or operate other than in dipped beam mode.
A pair of matched fog lamps both emitting a white or yellow diffused light should illuminate together.	Lamps operate incorrectly.
A pair of matched, long-range driving lamps, both emitting a white diffused light should illuminate together.	Lamps operate incorrectly.
Check any auxiliary lamps fitted to washer jets, extra running lights or any standard manufacturer lighting for security and operation.	Any lamp insecure, deteriorated or not working.
'For Hire' Roof Signs	
Check that:	
Correct style and type of sign fitted (according to Sheffield City Council vehicle specification).	Incorrect colour or details shown on sign.
Ensure that the sign is securely fastened to the vehicle.	Insecure sign.
Condition and security of wiring.	Wiring is not in good condition and is loose or chafed.
Functional test of signs for illumination.	Illumination not consistent across the sign, i.e. all light bulbs, LEDs illuminated when switched on.
Roof lights must work through meter at all times and not be able to be switched off by a separate switch.	Any separate switch that switches of roof light fitted.

2.1 – Steering and Suspension

Method of Inspection	Reason for Rejection
Check all steering, suspension and wheel bearing and all joints, bushes and linkages for presence, condition, operation and freedom of leaks.	
Check all steering and suspension ball joints and rubber covers for any play or deterioration.	Any steering or suspension ball joint (including covers/gaiters) showing signs of advanced wear/play, deterioration or splits.
Check all steering and suspension bushes for wear and splitting or deterioration.	Any steering or suspension bush showing signs of advanced wear/play, splits or deterioration.
Check all wheel bearings for any play.	Any wheel bearing showing advanced wear/play.
Check coil and leaf springs for any weakness causing vehicle to sit low or tilt to one side.	Any coil or leaf spring weak or showing advanced wear.
Check all shock absorbers for condition and leaks.	Any shock absorber leaking or weak in operation.
Check condition of any suspension hydraulic pipes for corrosion and deterioration.	Any suspension hydraulic pipe corroded or deteriorated.

3.1 Brakes

Method of Inspection	Reason for Rejection
Check all brake components for presence, security, operation, condition and freedom from leaks.	
Check condition of rigid brake pipes for condition, corrosion, security and chafing.	Any rigid brake pipe corroded so that when lightly scraped still shows signs of corrosion, or any pipe kinked or chafing.
Check condition of brake hoses and ferrules for any cracks, corrosion or any heat damage or deterioration.	Any brake hose cracked. Any ferrule corroded to an advanced state. Any heat damage or deterioration.
Check servo pipes for security, cracks, chafing or any deterioration to rubber.	Any servo pipe insecure, cracked, chafing or deteriorated.
Check brake cables for condition and any strands for fraying.	Any brake cable with broken strands or fraying.
Check brake pads for wear and condition.	Front brake pads less than 4mm. Rear brake pads less than 3mm.
Check brake discs for wear, including pits, scoring or corrosion.	Any brake disc showing advanced wear, pitting, scoring or advanced corrosion.
Check brake pad anti-slip provision for advanced wear.	Brake pedal pad worn smooth or deteriorated.
Check rear brakes on rolling road for any obviously out of balance application or low effort.	Any rear brake obviously out of balance or low effort.
Check security of brake master cylinder cap and all covers and seals for presence and security.	Any cap, seal or cover missing or insecure.

Section 4.1 – Tyres and Road Wheels

Method of Inspection	Reason for Rejection
<p>Tyres – Condition</p> <p>On all tyres, including spare wheel (if supplied), examine each tyre meets all the requirements laid down in the MOT Inspection Manual for Car and Light Commercial Vehicles (ISBN 0-09549239-0-1).</p> <p>Note 1:</p> <p>Where a doughnut tank is fitted in the boot for LPG, the spare wheel if still carried in the boot must be properly secured. Alternatively, a spare wheel cage installed to manufactures and British Standards may be fitted to the underside of the vehicle.</p>	<p>Not in accordance with the MOT Inspection Manual for Car and Light Commercial Vehicles (ISBN 0-9549239-0-1).</p> <p>Note 2:</p> <p>Space saver tyres should only be approved with the support of a method statement highlighting driver responsibilities with regard to the maximum permitted speed, and that space savers are a temporary 'get-you-home tyre'.</p>
<p>Special Notice – Stretched Limousines</p> <p>In the case of American imported stretched limousines, vehicle inspectors will need to be vigilant when inspecting tyres for suitability. Most converted stretched limousines are converted from Ford Lincoln Town Cars, with a number of Cadillac variants also. In approved 'stretch' limousine conversions, the maximum weight is approximately 7,100lbs (3.2 tonnes) and care should be exercised when determining suitable tyre ratings. Generally speaking, a Ford Lincoln would require a tyre rating index of 109 T, which gives a load rating of 2,271lbs (1.03 tonnes) with a maximum speed of 118mph. The Cadillac would require a tyre rating index of 115 T, which gives a load rating of 2,679lbs (1.22 tonnes) with a maximum speed of 118mph.</p>	<p>Stretched Limousines</p> <p>More information guidance and the procurement of suitable tyres can be obtained from:</p> <p>Fleet Transport Association Hermes House 2 Manor Road Horsforth Leeds LS18 4DX</p> <p>Tel: 03717 11 22 22</p> <p>www.fta.co.uk</p> <p>Alternatively, contact National Limousine and Chauffeur Association at www.ncla.co.uk</p>

Section 4.2 – Tyres and Road Wheels

Method of Inspection	Reason for Rejection
Tyres – Fitting	
Check all tyres, including spare (if supplied), for condition and deterioration.	
Tyres must have 2mm of tread across the whole width of the tyre.	Any tyre with tread less than 2mm.
Check tyre side walls for cracks and signs of being run flat.	Any tyre with excessive cracks or signs of being run flat.
All tyres to be of the same size all around the vehicle (exceptions where front and rear fitted different by manufacturer).	A tyre different size to any other on vehicle.
Check for presence of an appropriate jack and wheel brace and security.	No jack or wheel brace fitted or insecure.
Check spare tyre for correct fitment and inflation.	Spare tyre fitted incorrectly or not inflated.
Check that the spare tyre is not a rotational type.	A spare tyre that is a rotational type.

Section 5.1 – Seat Belts – Type Approval

Method of Inspection	Reason for Rejection
Type Approval	
All seats, including the drivers, shall be provided, where possible, with a lap and diagonal 3-point seat belt. Where this is not possible a 2-point lap seat belt appropriate to the tyre and position of the seat, as laid down in: European Directive 76/115 EEC (as amended by 90/629 EEC) and Regulation 46 and 47 of “The Road Vehicle (Construction and Use) Regulations 1986” whether or not those Directives or Regulations apply to that particular seat or the vehicle.	Seat belts do not comply with the Directives or Regulations as stated within Method of Inspection.
Anchorage Points	
All seat belts shall be fitted with the number of anchorage points appropriate to the type of seat belt. All anchorage points shall comply with M1 standards as laid down in European Directive 76/115 EEC (as amended by 90/629 EEC) or EEC Regulation 14, whether or not those instruments apply to the particular anchorage or the vehicle.	Anchorage points do not comply with the Directives or Regulations as stated within Method of Inspection.
Wheelchair Passengers	
Wheelchair passengers shall be provided, where possible, with a 3-point seat belt, and where not possible, a 2-point lap belt appropriate to the position of the wheelchair as laid down in European Directive 76/115 EEC (as amended by 90/629 EEC) and Regulations 46 and 47 of “The Road Vehicle (Construction and Use) Regulations 1986” whether or not those Directives or Regulations apply to that particular seat or the vehicle.	Seat belts for wheelchair passengers do not comply with the Directives or Regulations as stated within Method of Inspection.
All seat belts fitted shall comply with Regulation 47 of “The Road Vehicle (Construction and Use) Regulations 1986” and bear the designated mark required by that regulation, whether or not those regulations apply to that seat belt or the vehicle.	Seat belts do not comply with Regulation 47 of “The Road Vehicle (Construction and Use) Regulations 1986” and bear the designated mark.

Section 6.1 – Body Alignment, Chassis and Sub-frames

Method of Inspection	Reason for Rejection
<p>Check all body, chassis and sub-frames for security, condition and alignment, paying particular attention to chassis legs; bulkheads; A, B and C posts; crumple zones and general vehicle alignment.</p> <p>Vehicles (new applications) that have been categorised by insurance companies as a Category A, B, C or D write-offs will not be accepted as suitable for a licence.</p> <p>Vehicles that are already licensed and sustain Category C or D insurance markers, and/or sustain significant accident damage will only be accepted for further use a hackney carriage or private hire vehicle providing:</p> <ul style="list-style-type: none"> • All work is carried out to a professional standard by a competent body shop • If requested (by the tester or the licensing department) a Chassis Alignment Check is carried out providing evidence that the vehicle is within the manufactures tolerances. • The tester is satisfied that the general vehicle structure has not been compromised, and that in the event of another accident the crumple zones and vehicle structure would perform as the manufacturer as intended 	<p>Signs of significant accident/structural damage.</p>

Section 6.2 – Vehicle Body and Condition - Exterior

Method of Inspection	Reason for Rejection
Body Condition – Exterior	
<p>Examine the body thoroughly for security, corrosion, damage, poor repair/paint match or sharp edges that are likely to cause injury.</p>	<p>An insecure or missing body panel, trim, step or accessory.</p> <p>Any sharp edge whatsoever which may cause injury.</p> <p>Heavy scuffing, abrasions or deformation to front and rear bumper.</p> <p>A single dent of more than 80mm in diameter, or more than 3 dents of not more than 20mm in any one panel.</p> <p>More than 4 scratches and/or abrasions of more than 50mm in length in any one panel.</p> <p>Dull, faded paintwork which has lost its gloss finish or paint mismatch to a panel(s) to such an extent that it detracts from the overall appearance of the vehicle.</p> <p>Evidence of poor repairs and/or paint finish to a repaired panel(s) including runs and overspray to adjoining panels/trim that detracts from the overall appearance of the vehicle.</p> <p>Any paint work not finished to a professional standard.</p> <p>Obvious signs of rust/corrosion of any size, particularly those that are covered by advertising signs.</p> <p>Lack of clearly displayed or omission of 'No Smoking' signs.</p>

Section 6.2 – Vehicle Body and Condition – Exterior (continued)

Method of Inspection	Reason for Rejection
Body Condition – Exterior	
Examine the body thoroughly for security, corrosion, damage, poor repair/paint match or sharp edges that are likely to cause injury.	
All repairs to vehicle structure and body to be a good quality and repaired by seam welding and a minimum amount of fillers to be used.	Any structural or body repair not seam welded or not to a good quality finish or excessive fillers used.
Check all jacking points for condition and damage and security of any pads fitted.	Any jacking point damaged or corroded. Any jacking pad missing.
Existing Licensed Vehicles	
Exterior licence plate and mounting bracket must be securely fixed to the body of the vehicle in accordance with the condition of the appropriate licence, with suitable nuts, bolts, rivets or screws, magnet and must have a tamper-proof device fitted.	Licence plate or bracket insecure. Tamper-proof device missing or damaged. Not fixed in accordance with licence conditions.
Licence plate must be displayed.	No plate displayed (without valid paperwork)
	<p>Vehicles that are licensed and have the vehicle plate suspended and held by third party will provide documented evidence or reason for suspension or plate removal.</p> <p>Licensee/driver to produce documentary evidence of failure to display plate correctly. If driver or licensee does not supply such evidence the vehicle is a fail.</p>

Section 6.3 – Vehicle Body and Condition – Interior

Method of Inspection	Reason for Rejection
Body Condition – Interior	
Examine thoroughly the interior for damaged, insecure or loose fixtures, fittings or accessories.	Insecure and loose seat(s).
Dirty, missing and worn trim, carpets, seat belts, mats, headlining, boot area and inclusion or prescribed items. Remove mats to inspect carpets underneath for cleanliness and wear.	Missing, dirty, soiled, stained, worn or insecure trim, carpets, headlining and mats.
Check all interior lights work, and operate correctly when doors open.	An inoperative interior light (all lights must illuminate if they are part of Sheffield City Council licensed vehicle specification and/or standard equipment).
Examine heating, demisting and air condition systems for correct operation, including passenger compartment controls where fitted (includes electric front and rear screen demisters).	A system which does not function correctly or any part is missing, including vents, controls and switches.
Examine all windows ensuring they allow lowering and rising easily.	An opening window that is inoperative or difficult to open and/or close mechanism broken/missing.
Examine interior door locks, grab handles/rails safety covers.	Missing, defective or loose door locks, child locks, protective covers, grab handles and rails. Grab handles/rails which are rigid to aid the blind and partially sighted, and are worn to excess.
Examine grills/partitions for security and condition.	A grill/partition which is insecure or has sharp edges which may cause injury to passengers or driver.
Examine electrical wiring for condition, security, including intercom systems and any ancillary systems.	Frayed, chafing wiring, non-shielded terminals and cables so routed that they cause a trip hazard, cables that can be easily disconnected. Intercom system defective, warning light inoperative and signs illegible/missing.
Where hospitality equipment is fitted (e.g. fridges, cocktail cabinets) these must be checked for security of installation and safety.	Any hospitality equipment that is insecure or unsafe.
Examine the boot for access, contents, cleanliness and water ingress.	Unable to open, close and/or lock boot lid. Failure or boot lid support mechanism, defective seals, evidence of water ingress, dirty boot and/or carpets, loose items stored in boot i.e. spare wheel tools and equipment etc...

Section 6.4 – Interior Signage

Method of Inspection	Reason for Rejection
Hackney Carriage Only	
All appropriate signs must be fixed securely for exit, window opening and other switches.	Any exit sign missing, any window operations signs missing, any intercom operations signs missing, any interior switch signs missing.
Current table of fares to be displayed.	Fares table missing, out of date, not easily read, obscured or incomplete.
Hackney Carriage identification number to be displayed.	ID number missing, obscured or not easily read or incomplete.
Signage for the motion locks must be displayed.	Missing or deteriorated motion lock signage.
All Licensed Vehicles	
Any interior /exterior advertising must have written licensing consent available for inspection.	Consent not available or not given. Advertisement incomplete e.g. ripped, defaced or deteriorated.
No Smoking signs (minimum of two) to be displayed in a prominent position.	No Smoking signs missing, obscured, not easily read and/or incomplete. Must have at least two signs.
Where image recording equipment is fitted to the vehicle, approved signs must be displayed on entrance to vehicle and within the vehicle.	Image recording equipment but no signage displayed. Signs displayed are not to an approved standard as per specification. Signs not easily read, obscured, defaced and/or deteriorated.
Private Hire Only	
Private Hire Vehicle ID numbers are to be on the nearside rear window and the nearside front screen facing outwards.	Private Hire Vehicle ID number missing or not facing outwards.

Section 6.5 – Door and Seats

Method of Inspection	Reason for Rejection
Doors and Emergency Exits	
Examine the condition of all doors and emergency exits. Check door locks, striker plates, handles and hinges for security, wear and missing and damaged trim/cover plates.	A door or emergency exit does not latch securely in the closed position. A door or emergency exit cannot be opened from both the inside and outside of the vehicle from the relevant control in each case. Missing, loose, worn handles or striker plate.
Check markings describing the presence and method of opening emergency exits are readily visible on or adjacent to the exit and are legible.	Markings describing the presence and method of opening an emergency exit missing, illegible or incorrect. Missing, loose or damaged trim/cover plate.
Check all seats are secure, clean and not unduly worn.	Seat cushions stained, torn, holed, worn or insecure. A seat that does not provide adequate support at base or backrest, torn, slashed or badly stained seats are not acceptable.
Any seat covers fitted must be airbag compatible if required and securely fitted.	Seat covers not airbag compatible where required or is insecure. Seat covers stained, torn, holed or worn.
There must be reflective strips on both front and rear edges of sliding doors and on the rear of normally opening doors.	No reflective strips fitted to the door edges. Note: A lamp is only acceptable if it has a built in reflector for if the bulb fails.
Accessibility: wheelchair Vehicles WAV	
Door configurations for wheelchair accessible vehicle:	
Single rear door – must open to a minimum of 90 degrees and be capable of locking in place.	Door does not open to a full 90 degrees and cannot be secured in the open position.
Check all vehicles with sliding rear doors have a door open sign in the rear window, which must illuminate when either sliding door is opened and go out when door is closed.	Sign does not illuminate when sliding doors opened. Sign stays on when doors are closed.
Hackney Carriage Only	
All interior grab handles to be highlighted, including exit handles.	Grab handles and exit handles not highlighted.

Section 6.6 – Bumper Bars

Method of Inspection	Reason for Rejection
Examine the bumper bars and check: They are secure to their mountings.	A loose bumper bar or mounting. A weakened bumper bar and/or mounting is insecure because of poor repairs.
The mountings are secure to the vehicle.	A fractured mounting bracket. Mounting bolts so worn or elongated that the bumper bar is likely to detach partially or completely from the vehicle when in use. A bumper bar secured by wire or other temporary means is regarded as insecure and must be rejected.
There is no evidence of damage.	Bumper bars which have jagged edges, cracks, splits or projections, which may cause injury to persons near the vehicle. Paint mismatch or fading which is significantly different to that of the rest of the paintwork.
Check the number plate for deterioration.	Number plates that are deteriorated.

Section 7.1 – Exhaust System

Method of Inspection	Reason for Rejection
Examine the Exhaust System.	
Check for corrosion, leaks, alignment and mountings for cracks.	Any part of the exhaust system showing advanced corrosion, leaks, miss-alignment or any mounting cracked or deteriorated.
Where applicable, check for presence, security and adequacy of grease to hot exhausts.	A heat shield missing, insecure or inadequate.

Section 7.2 – Fuel System, Pipes, Tanks and Cables

Method of Inspection	Reason for Rejection
Examine fuel tank(s) for security and leaks.	Fuel tank insecure or leaking.
Check that fuel tank filler caps are: <ul style="list-style-type: none"> • Present • Of the correct type • Secure and seated properly to ensure correct function of sealing 	A filler cap missing or unsuitable or in such condition that it would not prevent fuel leaking or spilling. Note: Temporary/emergency fuel caps are not permitted
Examine pipes to see they are securely clipped to prevent damage by chafing and cracking, and are not in a position where they will be fouled by moving parts.	Damaged, chafed, insecure pipes, or pipes so positioned that there is a danger of them fouling moving parts.
Check that no fuel pipe runs immediately adjacent to or in direct contact with electrical wiring or the exhaust system.	A fuel pipe immediately to or in direct contact with electrical wiring or exhaust system.
Check fuel pipes for any signs of excessive corrosion.	Any fuel pipe excessively corroded.
Check throttle cables for operation and condition.	Any cable sticking or deteriorated.

Section 7.3 – Exhaust Emissions - General

Method of Inspection	Reason for Rejection
<p>The inspector/tester will be required to inform the presenter of the vehicle, the following:</p> <ul style="list-style-type: none">• That it is the responsibility of the presenter to inform the test station if he thinks the emission test will damage the vehicle• Keep your vehicle well maintained in accordance with the manufacturer's recommendations• Have the camshaft drive belt changed at the recommended intervals• Ensure the oil and water levels are filled to the correct level• Do not tamper with governor settings, seals etc...	<p>The tester must refuse to test your vehicle if he thinks that the smoke test may damage your engine.</p>

Section 7.4 – LPG Conversions

Method of Inspection	Reason for Rejection
Any vehicle that is converted to LPG must be done by a European Approved or British Government approved registered company and must have written evidence to state this when presented for test.	<p>No written proof of being converted by an approved convertor/company scheme.</p> <p>No written evidence of fuel system fitted having been serviced by an approved servicer or registered company within the appropriate timescales of test date.</p>
For each renewal of licence test thereafter the equipment must be serviced within on calendar month of test date.	
For intermediate or ad hoc tests thereafter the equipment must be serviced within one year of the test date.	

Section 8.1 – Mirrors

Method of Inspection	Reason for Rejection
The number and position of all mirrors must be checked:	
Check the condition of each mirror reflecting surface and whether a person sitting in the driver's seat can see clearly to the rear.	Mirror condition: <ul style="list-style-type: none"><li data-bbox="1182 440 1666 472">• A mirror deteriorated or broken<li data-bbox="1182 480 2040 547">• In such a position that a person sitting in the driver's seat cannot see clearly to the rear

Section 8.2 – Windscreen – View to the Front

Method of Inspection	Reason for Rejection
Sit in the driver's seat and check that there is reasonable view of the road ahead, bearing in mind the original design of the vehicle.	The position or size of any object restricts the driver's view of the road ahead, bearing in mind the original design of the vehicle.
Note: Equipment or objects not originally fitted to the vehicle as part of the original design must not obstruct the designed forward view of the driver. In particular, objects such as (but not limited to) pennants, cab decorations and external stone guards/visors should not interrupt the view through the swept area by the windscreen wipers.	

Section 8.3 – Window Glass or other Transparent Material

Method of Inspection	Reason for Rejection
Visually check the condition of all windscreens, internal screens, partitions; side, rear, roof and door windows for cracks, surface damage and discoloration.	<p>A crack, surface damage or discoloration in glass or other transparent material that:</p> <ul style="list-style-type: none"> • Impairs the driver's front, side or rear view of the road; or • Presents a danger to any person in the vehicle
Check presence and security of all windscreens, side, roof or rear windows, or internal screens or partitions.	A windscreen or any other outside window missing, or any windscreen, window, internal screen or partition insecure.
Check for evidence of obvious leaks from all windscreens and side, rear, roof or door windows.	Any external window or windscreen is obviously leaking.
Check for presence, security and condition of guard rails or barriers at windows, internal screens or partitions.	A guard rail or barrier at a window, internal screen or partition missing, insecure or damaged.
For all vehicles first used before 1 st January 1959, as far as is practicable, check that glass fitted to windscreens and outside windows facing to the front is safety glass.	The windscreen and/or any outside window facing to the front of a vehicle obviously not safety glass fitted to a vehicle first used before 1 st January 1959.
For all vehicles first used on or after 1 st January 1959, as far as it practicable, check that glass used for windscreens and all outside windows is safety glass or safety glazing.	Glass used for a windscreen or an outside window is obviously not safety glass.
Vehicles first used on or after the 1 st June 1978, check that windscreens and other windows, wholly or partly, on either side of the drivers set are made from safety glass displaying an acceptable safety mark.	For vehicles first used on or after 1 st June 1978, that windscreens and/or other windows wholly or partly on either side of the driver's seat that are not made from safety glass display an acceptable safety mark.
<p>Note: Marking is not required for safety glass used on vehicles first used before 1st June 1978.</p>	

Section 8.4 – Window Tints

Method of Inspection	Reason for Rejection
Check all windows with approved measuring device for light ingress through windows.	
Front windscreen must allow 75% light ingress	Front window less than 75% light ingress.
Front side door glass – minimum 70% light ingress transmission	Front side door glass less than 70% light ingress
Remaining glass – minimum 60 % light ingress transmission	Remaining glass less than 60% light ingress
<p>Note: In case of non-saloon cars the rear windows and rear screen, which in the opinion of the tester does not impact on seating area of the passenger, can have a higher density tint but must not allow less than 20% light ingress.</p>	A non-saloon vehicle that has rear or rear screen that are not in the passenger seating area, and does not allow at least 20% light ingress.

Section 8.5 – Wipers – Front and Rear

Method of Inspection	Reason for Rejection
Check operation of front wipers for working on two speeds and rear wash/wipe.	
Check front wipers work on speeds one and two.	Front wipers not working on either speed, one or two.
Check operation of rear wash/wipe.	Rear washer not working and/or rear wiper not working.
Check all wiper blades for splits and deterioration.	Any wiper blade split or deteriorated.
For all air operated wipers examine: <ul style="list-style-type: none"> • The condition of any visible piping • The function of the operating mechanism, and • The function of necessary valves to protect the braking system 	Air operated wipers: <ul style="list-style-type: none"> • Pipes inadequately clipped or supported • Incorrect function of the wipers or leaking components • Incorrect operation of protection valves
Note: Rear wash/wipe can be removed if not working, but must be completely removed, including motor, and blanked off.	

Section 9.1 – Speedometer/Odometer

Method of Inspection	Reason for Rejection
Check that a speedometer/odometer is fitted.	Speedometer or odometer not fitted.
Check the condition of the speedometer/odometer.	Speedometer or odometer not complete or clearly inoperative, or dial glass broken or missing.
Check that the speedometer and odometer can be illuminated.	The speedometer or odometer cannot be illuminated.

Section 9.2 – Transmission

Method of Inspection	Reason for Rejection
Examine transmission, check for:	
Missing or loose flange bolts.	A loose or missing flange bolt(s).
Cracked or insecure flanges.	A flange cracked, or loose on the transmission shaft.
Wear in shaft and/or wheel bearings.	Excessive wear in shaft bearing.
Security of bearing housings.	A bearing housing insecure to its fixing.
Cracks or fractures in bearing housings.	A cracked or fractured bearing housing.
Wear in universal joints.	Excessive wear in a universal joint.
Deterioration of flexible couplings.	Deterioration of a transmission shaft flexible coupling.
Distorted/damaged shafts.	A damaged, cracked or bent shaft.
Deterioration of bearing housing flexible mountings.	Deterioration of a flexible mounting of a bearing housing.
Clearance between transmission shafts and adjacent components.	Evidence of fouling between any transmission shaft and an adjacent component.
Front Wheel Drive	
<p>Check the drive shaft inner and outer universal joint couplings and constant velocity joints for:</p> <ul style="list-style-type: none"> • Wear and security • Damage to flexible rubber of fabric universal joints • Security and oil contamination of flexible rubber or fabric universal joints • Condition, presence and security of constant velocity joint gaiters 	<ul style="list-style-type: none"> • Drive shaft, constant velocity or universal joint coupling worn or insecure • A flexible rubber or fabric universal coupling unit damaged by severe cracking or breaking up • A flexible rubber or fabric universal coupling unit excessively softened by oil contamination or insecure • A drive shaft, constant velocity joint gaiter split, missing or insecurely mounted

Section 9.3 – Engine and Transmission Mountings

Method of Inspection	Reason for Rejection
<p>Examine condition of:</p> <ul style="list-style-type: none">• Mountings• Sub-frames <p>The security to chassis and check for:</p> <ul style="list-style-type: none">• Fractures• Looseness• Deterioration	<p>Any mounting or sub-frame</p> <ul style="list-style-type: none">• Loose• Fractured• Deteriorated• Inappropriate repair

Section 9.4 – Oil and Water Leaks

Method of Inspection	Reason for Rejection
Check vehicle for oil and water leaks from any assembly or component to the ground.	An oil or water leak, from any assembly, which deposits fluids underneath the vehicle whilst stationary.
<p>Check vehicle for oil and water leaks from any assembly or component that could be deposited on surrounding bodywork onto the exhaust system.</p> <p>Note: If necessary, the engine can be run at idle speed to confirm the existence of an oil leak.</p>	<p>Leaks which, when the vehicle is moving, could be deposited upon the surrounding bodywork, exhaust and brake system so that it would:</p> <ul style="list-style-type: none"> • Contaminate areas • Could potentially cause a health, safety or fire risk

Section 9.5 – Luggage and Load Space

Method of Inspection	Reason for Rejection
<p>Luggage should be secure and prevented from becoming dislodged in an accident in such a manner as may cause injury.</p> <p>There must be an approved parcel shelf or pull out screen in the case of a hatch/back or estate car.</p> <p>A suitable grill or net is not acceptable.</p>	<p>Load restraint system, if required, not present at time of test.</p> <p>Load restraint system faulty or unserviceable.</p> <p>Parcel shelf or screen not fitted.</p>

Section 9.6 – Engine and Transmission

Method of Inspection	Reason for Rejection
The engine readily starts and displays no evidence of serious mechanical defects.	Engine shows signs or serious mechanical defect.
Must be able to be switched off.	Engine cannot be started or switched off.
<p>Hackney Carriage Only</p> <p>A fuel cut off switch and sign should be fitted at the front of the vehicle.</p> <p>Note: If the vehicle is fitted with an inertia switch, above not required.</p>	No fuel cut off switch or sign fitted.
Check clutch for excessive noise or slip or difficulty to select gears.	Clutch excessively noisy or slipping or difficult to select gears.
Check gearbox for excessive noise.	Gearbox excessively noisy.
Check clutch pedal anti-slip for wear and deterioration.	Clutch anti-slip worn or deteriorated.
Check the automatic gearbox selector illumination.	Not illuminated.

Section 10.1 – Wheelchair Restraint and Access Equipment

Method of Inspection	Reason for Rejection
Wheelchair Restraint	
Where applicable, check condition and operation of wheelchair restraint.	A wheelchair restraint is defective, worn or missing.
A system for the effective anchoring of wheelchairs shall be provided within the vehicle in all spaces designated as wheelchair spaces. The system and the devices used to secure a wheelchair to the vehicle shall comply with the relevant standards laid down in European Directive 76/115 EEC (as amended by 90/629 EEC) whether or not those directives apply to those devices or the vehicle.	Wheelchair anchorage systems and devices do not conform to European Directives 76/115 EEC (as amended by 90/629 EEC).
Wheelchair Access and Equipment	
Check that appropriate ramps are fitted and are securely installed. Examine for damage, deformity, sharp edges and provision of anti-slip covering.	Ramps missing, incorrectly stored, damaged/deformed and/or anti-slip covering in poor condition.
Presenter of vehicle to demonstrate the satisfactory fitting and deployment of ramps.	Presenter fails to demonstrate satisfactory fitting and deployment of ramps.
All new hackney carriage applications shall be equipped with a manufactures user manual/guide on the ramp deployment, and safe loading and unloading and security of wheelchair passengers.	Does not have the user manual/guide.
Any purpose designed wheelchair access ramp that is carried must be lightweight and easy to deploy.	Unable to deploy ramps.
Wheelchair access equipment shall be fitted into the side access door of the vehicle. The side door shall be the door situated on the nearside of the vehicle, i.e. kerbside when stopped in a normal road.	Wheelchair access equipment which can only be fitted to the offside access door of the vehicle.
A locking mechanism shall be fitted that holds the access door in the open position whilst in use.	No evidence of a suitable locking mechanism to hold the door open.
Any wheelchair tracking must comply with European Standard UNECE Regulation 14 (EC Directive 76/115/EEC).	Unable to present a valid or current certificate for wheelchair tracking.
Further information on disabled persons transport is available from the Disabled Persons Transport Advisory Committee (DPTAC) website: www.dptac.gov.uk	

Section 10.2 – Taxi Meter (Hackney Carriage Vehicles Only)

Method of Inspection	Reason for Rejection
<p>The taxi meter is to be measured on an approved single rolling road system. The test shall be carried out using the manufacture's operating instructions and all health and safety precautions must be observed. Front wheel drive vehicles must be tied down for the rolling road test.</p> <p>All relevant distances for the test are to be taken from the current table of fares at the time of test.</p>	<p>Taxi meter out of calibration.</p>
<p>The meter is to be an approved type and fitted securely in the driver's compartment and in such a position that it is clearly visible to the passenger compartment.</p>	<p>Taxi meter not clearly visible to passengers. Taxi meter insecure.</p>
<p>The meter must have an approved form of seal to prevent non approved calibration of the meter.</p>	<p>No approved seal on the taxi meter.</p>
<p>A current table of fares must be clearly displayed to passengers. The table must be in good condition and not faded.</p>	<p>A current table of fares not clearly displayed, damaged or faded.</p>
	<p>Note: Where vehicles are manufactured as to be unable to be tested on a single rolling road system, the vehicle will be taken for test on a measured distance with the calculation taken from the current table of fares.</p>

Section 10.3 – Motion Locks (Hackney Carriage Vehicles Only)

Method of Inspection	Reason for Rejection
Whilst the vehicle is being tested on the single rolling road or a measured distance, check the operation of motion locks.	
The rear doors must lock from the inside only as soon as the vehicle moves away, and the warning lights must illuminate. When the vehicle stops the doors must unlock and the warning lights extinguish.	Motion locks do not lock the rear doors when the vehicle is in motion.
Check the motion lock overriding system (if fitted) that operates through the footbrake lighting system (brake lights), The rear doors should lock from the inside when the foot brake is depressed, unless the system is switched off (some systems can be manually switched off).	Motion locks that do not unlock the rear doors when the vehicle stops (unless the foot brake is depressed on vehicles fitted with the foot brake override system).
<p>Note: Not all vehicles have the foot brake override system The only override system allowed is the 'foot brake override system' described above.</p>	
Check for any switches fitted that disable the motion lock system, and make sure that motion locks always operate whilst the vehicle is in motion.	Any switch that turns off the motion locks whilst the vehicle is in motion.
Check for any switches fitted that will lock the rear doors and not allow passengers to exit the vehicle.	Any switch fitted to lock rear doors and not allow passengers to exit vehicle.
Check that the motion door lock warning lights operate correctly, and check warning notices are displayed and are not deteriorated.	Missing or defective motion lock warning lamp, signage missing or faded.

Section 10.4 – Fire Extinguisher

Method of Inspection	Reason for Rejection
If a fire extinguisher is present it must be securely fitted in the driver's compartment where it is within easy reach of the driver and does not interfere with the safe use operation of the vehicle.	Fire extinguisher not fixed, or not easily accessible to driver.
The fire extinguisher must comply with requirements of BS EN3 1996 and have minimum rating of 5a and 34b.	Does not comply with requirements.
The extinguisher must contain not less than 0.9 litres AFFF foam or 1kg dry powder and must have a seal or gauge mechanism.	Fire extinguisher is not of appropriate type or standards gauge or seal broken or showing empty.
The vehicle registration shall be permanently and legibly marked on the extinguisher.	Vehicle registration is missing or illegible.
NB: It is not a mandatory condition that a fire extinguisher is fitted within the vehicle.	

Section 10.5 – Electrically Operated Side Steps and Running Boards

Method of Inspection	Reason for Rejection
Check the condition, operation, security and cleanliness of the electrically operated side step.	Steps do not operate. Steps insecure or not in a clean condition. Step warning lights not operating when the steps are deployed.
Check the failsafe system connected to the handbrake lever.	Steps do not retract when the handbrake is released.
Check that the edges of the step are highlighted.	Steps not highlighted on all edges.
<p>Note: No switches to be fitted that allow the step to be deployed when the handbrake is in the off position, or the step kept out when the vehicle is in motion.</p>	Any switch fitted that allow steps to be left in the out position when the handbrake is released.
Running Boards	
If the vehicle is fitted with running boards, written evidence is to be provided for proof of fitment by the original body builder, and all measurements to be correct.	No written proof of fitment by the original body builder.
The step should have at least five inches of usable width on both sides of the vehicle, and should cover the length of the door aperture.	Does not have five inches of usable width on both sides of the vehicle. Length of the step does not cover the whole door aperture.
For vehicles fitted with running boards as standard this will be covered by the M1 Type Approval.	

Section 10.6 – Driver Information Systems

Method of Inspection	Reason for Rejection
Where information systems are fitted, e.g. data-heads, Sat-Navs, CCTV Systems and in-car entertainment.	
These must be checked for security of installation and safety.	Not securely fitted, unsafe operation, wiring loose, unsecured or potentially hazardous.
Must not interfere with driver's safe operation of the vehicle.	Interferes with the safe operation of the vehicle.
Must not hinder the forward vision of the driver.	Obstructs forward vision of the driver.

Definition of Motor Vehicles

Category	Definition
M	A motor vehicle with at least four wheels designed and constructed for the carriage of passengers.
M1	Vehicles designed and constructed for the carriage of passengers and comprising no more than eight seats in addition to the driver's seat.
M2	Vehicles designed and constructed for the carriage of passengers and comprising more than eight seats in addition to the driver's seat, and having a maximum mass not exceeding five tonnes.
M3	Vehicles designed and constructed for the carriage of passengers and comprising more than eight seats in addition to the driver's seat, and having a maximum mass exceeding five tonnes.