

Public Document Pack



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Please ask for Jenny Bryce-Chan

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Tuesday 27 October 2015

Notice of Meeting

Dear Member

Licensing and Safety Committee

The **Licensing and Safety Committee** will meet in the **Council Chamber - Town Hall, Huddersfield** at **10.00 am** on **Wednesday 4 November 2015**.

The items which will be discussed are described in the agenda and there are reports attached which give more details.

A handwritten signature in black ink, appearing to read 'Julie Muscroft', on a light-colored background.

Julie Muscroft

Assistant Director of Legal, Governance and Monitoring

Kirklees Council advocates openness and transparency as part of its democratic processes. Anyone wishing to record (film or audio) the public parts of the meeting should inform the Chair/Clerk of their intentions prior to the meeting.

The Licensing and Safety Committee members are:-

Member

Councillor Ken Smith (Chair)
Councillor Mahmood Akhtar
Councillor Karen Allison
Councillor Bill Armer
Councillor Christine Iredale
Councillor Marielle O'Neill
Councillor Andrew Palfreeman
Councillor Carole Pattison
Councillor Amanda Pinnock
Councillor Hilary Richards
Councillor David Ridgway
Councillor Ken Sims
Councillor Mohan Sokhal
Councillor Michael Watson
Councillor Amanda Stubley

When a Licensing and Safety Committee member cannot be at the meeting another member can attend in their place from the list below:-

Substitutes Panel

Conservative

D Bellamy
N Patrick
J Taylor
G Wilson

Green

A Cooper
R Barraclough

Independent

T Lyons
C Greaves

Labour

E Firth
S Hall
K Rowling
G Turner
S Ullah

Liberal Democrat

C Burke
J Lawson
A Marchington
A Pinnock
P Scott

Agenda

Reports or Explanatory Notes Attached

Pages

1: Membership of the Committee

This is where Councillors who are attending as substitutes will say for whom they are attending.

2: Minutes of Previous Meeting

1 - 4

To approve the minutes of the meeting of the Panel held 11 February 2015.

3: Interests

5 - 6

The Councillors will be asked to say if there are any items on the Agenda in which they have disclosable pecuniary interests, which would prevent them from participating in any discussion of the items or participating in any vote upon the items, or any other interests.

4: Admission of the Public

Most debates take place in public. This only changes when there is a need to consider certain issues, for instance, commercially sensitive information or details concerning an individual. You will be told at this point whether there are any items on the Agenda which are to be discussed in private.

5: Deputations/Petitions

The Committee will receive any petitions and hear any deputations from members of the public. A deputation is where up to five people can attend the meeting and make a presentation on some particular issue of concern. A member of the public can also hand in a petition at the meeting but that petition should relate to something on which the body has powers and responsibilities.

6: Public Question Time

The Committee will hear any questions from the general public.

7: Revised Gambling Policy - Statement Of Principles

7 - 40

This report details the outcome of the consultation process in respect of the review of Kirklees Council's Gambling Policy (Statement of Principles) and makes recommendations to Council for its adoption.

Contact: Catherine Walter, Local Land Charges and Highways
Registry Manager tel: 01484 221000

8: Taxi & Private Hire Licensing - Driver Conditions

41 - 72

This report is to consider a change to the conditions attached to the grant of a hackney carriage/private hire driver's licence.

Contact: Catherine Walter, Local Land Charges and Highways
Registry Manager tel: 01484 221000

9: Licensed Vehicle Age Limits & Insurance total loss vehicles (write offs) 73 - 86

This report is to consider the existing Licensed Vehicle Age Policy and the licensing of vehicles previously written off.

Contact: Catherine Walter, Local Land Charges and Highways Registry Manager tel: 01484 221000

10: Assessment Criteria and Convictions Policy for Licensed Drivers (1) 87 - 104

This report is to consider the revision of the Policy on the relevance of criminal conduct, unsavoury conduct and complaints against Licence Holders and Applicants for licences.

Contact: Catherine Walter, Local Land Charges and Highways Registry Manager tel: 01484 221000

11: Taxi and Private Hire Licensing - Fees 105 - 172

This report is for the Licensing Committee to determine approval for new fees for taxi and private hire licensing.

Contact: Catherine Walter, Local Land Charges and Highways Registry Manager tel: 01484 221000

12: Briefing Paper - Rossendale

173 -
176

This briefing paper is to inform members of the current status nationally of issues arising out of Rossendale.

Contact: Catherine Walter, Local Land Charges and Highways
Registry Manager tel: 01484 221000

13: Briefing Paper - UBER

177 -
180

This briefing paper is to inform members of the current status nationally with regard to UBER.

Contact: Catherine Walter, Local Land Charges and Highways
Registry Manager tel: 01484 221000

LSC3

Contact Officer: Jenny Bryce-Chan

KIRKLEES COUNCIL

LICENSING AND SAFETY COMMITTEE

Wednesday 11 February 2015

Present: Councillor Ridgway in the Chair
Councillors Bill Armer, Tony Brice, Jim Dodds, Steve Hall, Derek Hardcastle, Erin Hill, Christine Iredale, Abdul Patel, Hilary Richards, Mohan Sokhal

1 Membership of the Committee

Councillor Eric Firth substituted for Councillor Masood Ahmed
Councillor Terry Lyons substituted for Councillor Karen Allison
Councillor Donna Bellamy substituted for Councillor Andrew Palfreeman

2 Appointment of Chair

Councillor David Ridgway was appointed chair of the meeting.

3 Minutes

The minutes of the meetings of the Committee held on 15 October 2015 were approved as a correct record.

4 Interests

No interests were declared.

5 Admission of the public

The Committee considered the question of the exclusion of the public and determined that all the items be taken in public session.

6 Deputations/Petitions

No deputations or petitions were received.

7 Public Question Time

No questions were asked.

8 Assessment Criteria & Convictions Policy

The Committee considered a report which outlined the amendments to the scheme of delegation in relation to the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976.

RESOLVED - That the report be noted.

9 Taxi & Private Hire Licensing – Appointment System

The Committee considered a report regarding the appointments system currently operated by the licensing service.

Trade representatives were in attendance at the meeting. Concerns were raised by members of the associations regarding delays in securing appointments. The representatives requested the introduction of half a day each week when appointments would not be necessary.

The Committee considered the submission of the Licensing Manager that emergency appointments were available for booking.

RESOLVED - That the report be noted.

10 Taxi and Private Hire Licensing – 3 year badges

The Committee considered a report relevant to the Deregulation Bill 2013-2014 (HC Bill 191). The Bill has completed both the Committee stage in the House of Commons and the House of Lords. The amendments to the bill are currently being considered by both Houses. Trade representatives requested that the Licensing Manager bring back to Committee consideration of the introduction of 3 year badges.

RESOLVED - That the report be noted.

11 Revised Conviction Criteria – general

The Committee considered a report relating to the revised policy on the relevance of criminal conduct, unsavoury conduct and complaints against License Holders and Applicants for licenses.

RESOLVED - That the report be noted.

12 Revised Conviction Criteria – 9 points

The Committee considered a report to determine whether paragraph 20 of the Assessment Criteria and Convictions Policy for Licensed Drivers should remain in its current format, be deleted or amended. The Licensing Manager presented a number of options.

Representatives from the Hackney Carriage Association, GMB Union and North Kirklees Private Hire made representations to the Committee with regard to paragraph 20. They asked that it be amended to require drivers with 9 points to take in-house training without the suspension of their license. They also made representations as to the financial impact of the suspension of licenses to taxi and private hire drivers.

RESOLVED - That approval be given for paragraph 20 of the Assessment Criteria and Convictions Policy for Licensed Drivers to be amended to “existing drivers who have accumulated 9 or more penalty points on their DVLA driving licence will, at their own expense, be required as soon as practically possible to take an extended driving test arranged by the council. In the event that the driver failed the test his/her Hackney Carriage/private hire licence will be revoked”

13 Sexual Entertainment Venues

The Committee considered a report to seek approval for the adoption of the amended Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 in relation to the introduction of a policy relating to

sex establishments, and the licensing of a new category of sex establishment called sexual entertainment venue.

RESOLVED - That the adoption of the Sexual Entertainment Venue Policy in relation to sex establishments be approved

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| KIRKLEES COUNCIL | | | | |
|---|---|---|------------------------------------|--|
| COUNCIL/CABINET/COMMITTEE MEETINGS ETC | | | | |
| DECLARATION OF INTERESTS | | | | |
| Licensing and Safety Committee | | | | |
| Name of Councillor | | | | |
| Item in which you have an interest | Type of interest (eg a disclosable pecuniary interest or an "Other Interest") | Does the nature of the interest require you to withdraw from the meeting while the item in which you have an interest is under consideration? [Y/N] | Brief description of your interest | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |

Signed: Dated:

NOTES

Disclosable Pecuniary Interests

If you have any of the following pecuniary interests, they are your disclosable pecuniary interests under the new national rules. Any reference to spouse or civil partner includes any person with whom you are living as husband or wife, or as if they were your civil partner.

Any employment, office, trade, profession or vocation carried on for profit or gain, which you, or your spouse or civil partner, undertakes.

Any payment or provision of any other financial benefit (other than from your council or authority) made or provided within the relevant period in respect of any expenses incurred by you in carrying out duties as a member, or towards your election expenses.

Any contract which is made between you, or your spouse or your civil partner (or a body in which you, or your spouse or your civil partner, has a beneficial interest) and your council or authority -

- under which goods or services are to be provided or works are to be executed; and
- which has not been fully discharged.

Any beneficial interest in land which you, or your spouse or your civil partner, have and which is within the area of your council or authority.

Any licence (alone or jointly with others) which you, or your spouse or your civil partner, holds to occupy land in the area of your council or authority for a month or longer.

Any tenancy where (to your knowledge) - the landlord is your council or authority; and the tenant is a body in which you, or your spouse or your civil partner, has a beneficial interest.

Any beneficial interest which you, or your spouse or your civil partner has in securities of a body where -

- (a) that body (to your knowledge) has a place of business or land in the area of your council or authority; and
- (b) either -

the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or

if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you, or your spouse or your civil partner, has a beneficial interest exceeds one hundredth of the total issued share capital of that class.



Name of meeting: Licensing & Safety Committee
Date: 4 November 2015

Title of report: Revised Gambling Policy – Statement of Principles

| | |
|---|---|
| Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards? | No |
| Is it in the Council's Forward Plan ? | No |
| Is it eligible for "call in" by Scrutiny ? | No |
| Date signed off by <u>Director</u> & name | Jacqui Gedman - 09/09/15 |
| Is it signed off by the Director of Resources? | David Smith - 10/09/15 <i>Debbie Hogg on behalf of</i> |
| Is it signed off by the Assistant Director – Legal, Governance & Monitoring? | Julie Muscroft -10/09/15 |
| Cabinet member portfolio | Cllr Steve Hall – Planning, Highways & Open Spaces |

Electoral [wards](#) affected: ALL
Ward councillors consulted: No

Public or private: PUBLIC

1. Purpose of report

This report details the outcome of the consultation process in respect of the review of Kirklees Council's Gambling Policy (Statement of Principles) and makes recommendations to Council for its adoption.

2. Key points

2.1 Introduction

2.1.1 The Gambling Act 2005 requires each Authority to carry out its various licensing functions so as to promote the following three licensing objectives.

- Preventing gambling from being a source of crime and disorder, being associated with crime and disorder, or being used to support crime in any way.
- Ensuring that gambling is conducted in a fair and open way.
- Protecting children and other vulnerable persons from being harmed or exploited by gambling.

2.1.2 To achieve these objectives, the Authority is required to publish a Statement of Gambling Policy every three years and set out the policies the Authority will generally apply to promote the licensing objectives when making decisions on applications made under the Act. The Policy must be agreed by the Full Council.

2.2 The Issues

2.2.1 The policy document attached (Appendix One) has been circulated widely to stakeholders throughout the Kirklees district, and to numerous national representative bodies and organisations, with a closing date for comments of 1st December 2015. A copy is also posted on the Council's website.

2.2.2 The draft policy is based on a template issued by the Local Authorities Coordinators of Regulatory Services (LACORS). The Gambling Commission, in its Guidance to Licensing Authorities, 3rd Edition, May 2009, recommends that the Licensing Authority give appropriate weight to the views of those consulted in respect of the draft policy. In determining what weight to give particular representations, the factors to be taken into account should include:

- Who is making the representations (what is their expertise or interest);
- Relevance of the factors to the licensing objectives;
- How many other people have expressed the same or similar views;
- How far the representations relate to matters that the licensing authority should be including in its policy statement.

2.2.3 It is important to demonstrate that in reviewing responses to the consultation, due weight and consideration has been given to all representations including, where appropriate, why some (if any) have been disregarded. This is so that in the event that the policy is challenged, the Authority can demonstrate to a court how it arrived at the policy.

2.2.4 Kirklees Council has not at the time of writing this report received any representation on its draft policy.

3. Implications for the Council

3.1 Resource Implications

There are no specific resource implications in respect of the Gambling Policy.

3.2 Legal Implications

The Gambling Act 2005 requires the Authority to review the Statement of Gambling Policy, to consult in respect of the policy and to have discussed and formally adopted, published and advertised the policy by 3 January 2016 for implementation from 31 January 2016.

3.3 Human Rights

There are no human rights issues specific to the Gambling Policy providing the Authority can demonstrate best practice and compliance with national guidance in the production of the policy.

4. Consultees and their opinions

- West Yorkshire Police
- The Local Safeguarding Children Board
- Representatives of local businesses
- Local Chambers of Commerce
- Town Centre Associations
- Residents of Kirklees and their representatives
- Kirklees Federation of Tenants & Residents Association
- Town Councils in the district
- Parish Councils in the district
- Local Members of Parliament
- Ward Councillors
- Area Committees
- Sister Services
- National bodies representing the gambling trade
- National charities concerned with the social impact of gambling
- Representatives of existing licence holders
- Yorkshire Forward
- Yorkshire Culture
- West Fire and Rescue
- Community Safety Partnership
- Huddersfield University
- Local financial/debt management agencies
- Holders of Club Premise Certificates
- Holders of Lottery Permits
- Holders of Permits for Amusement Arcades

No opinions received as at the time of writing this report

5. Next steps

To consider the draft policy before recommending for adoption by Full Council, please note 2.2.1 refers to the consultation process, which has already commenced.

6. Officer recommendations and reasons

That Members recommend the adoption of the Policy (subject to any amendments as a result of consultation), as its Policy for the next three years, to Cabinet and then to Full Council.

7. Cabinet portfolio holder recommendation

Cllr Hall recommends adoption of the policy to the Council

8. Contact officer and relevant papers

Catherine Walter
Licensing, Local Land Charges & Highways Registry Manager
Tel: 01484 221000
Email: catherine.walter@kirklees.gov.uk

Background Papers:

Appendix 1: Guidance issued by the Gambling Commission (3rd edition) May 2009

9. Assistant director responsible

Paul Kemp
Assistant Director – Place
Tel: 01484 221000
Email: paul.kemp@kirklees.gov.uk



STATEMENT OF PRINCIPLES

GAMBLING POLICY 2016-2019

**KIRKLEES COUNCIL
THE GAMBLING ACT 2005
STATEMENT OF PRINCIPLES 2013 - 2016**

| Item | Page |
|--|-------------|
| Part A – The Gambling Act | |
| 1. The licensing objectives | 3 |
| 2. Introduction | 3 |
| 3. Declaration | 7 |
| 4. Responsible Authorities | 7 |
| 5. Interested parties | 8 |
| 6. Exchange of information | 9 |
| 7. Enforcement | 10 |
| 8. Licensing authority functions | 11 |
| Part B - Premises licences | |
| 1. General Principles | 12 |
| 2. Adult Gaming Centres | 18 |
| 3. (Licensed) Family Entertainment Centres | 18 |
| 4. Casinos | 19 |
| 5. Bingo | 20 |
| 6. Betting premises | 20 |
| 7. Tracks | 21 |
| 8. Traveling. fairs | 22 |
| 9. Provisional Statements | 23 |
| 10. Reviews | 24 |
| Part C - Permits / Temporary and Occasional Use Notices | |
| 1. Unlicensed Family Entertainment Centre gaming machine permits | 24 |
| 2. Gaming machine permits in premises licensed for the sale of alcohol | 25 |
| 3. Prize Gaming Permits | 26 |
| 4. Club Gaming and Club Machines Permits | 27 |
| 5. Temporary Use Notices | 28 |
| 6. Occasional Use Notices for Tracks | 29 |

All references to the guidance of the Gambling Commission to licensing authorities refer to the guidance 4th edition published September 2012 (updated February 2013).

PART A

THE GAMBLING ACT 2005

1. The Licensing Objectives

In exercising most of their functions under the Gambling Act 2005, licensing authorities must have regard to the licensing objectives as set out in section 1 of the Act. The licensing objectives are:

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
- Ensuring that gambling is conducted in a fair and open way
- Protecting children and other vulnerable persons from being harmed or exploited by gambling

It should be noted that the Gambling Commission has stated: "The requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling".

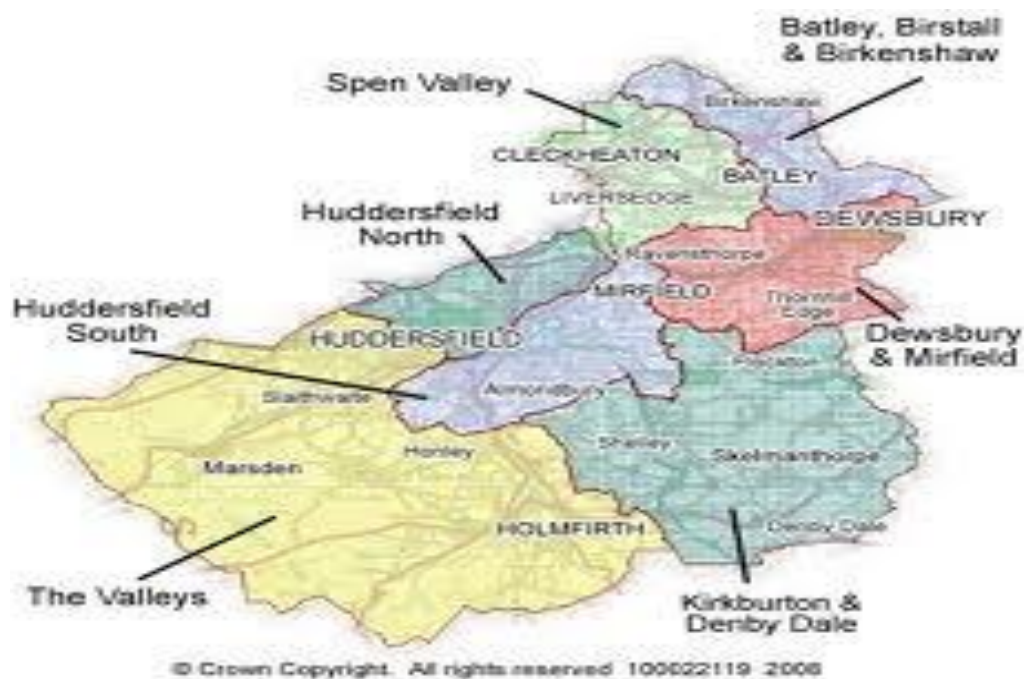
The council is aware that, as per Section 153, in making decisions about premises licences and temporary use notices it should aim to permit the use of premises for gambling in so far as it thinks it:

- in accordance with any relevant code of practice issued by the Gambling Commission
- in accordance with any relevant guidance issued by the Gambling Commission
- reasonably consistent with the licensing objectives and
- in accordance with the authority's statement of licensing policy

2. Introduction

Kirklees Council is situated in West Yorkshire, which contains 5

metropolitan councils in total. The council area has a population of approximately 423,000 (2011 census) making it the largest metropolitan district not based on a city in terms of population. In terms of area it is the third largest in West Yorkshire, covering 157 square miles. The council area is mainly rural in the south with a central urban area around large towns. The area also comprises of several smaller towns of varying sizes. These areas are shown on the map below.



The people of Kirklees represent many cultures, faiths, languages and races. A wide range of minority groups including Pakistani, Indian, Black Caribbean as well as many other smaller communities make up 16 % of the population.

Kirklees Council has issued a Corporate Plan which outlines the Council's vision for a 'New Council'. The priorities throughout the transformation program to the 'New Council' will focus on building healthy, economically resilient communities and protecting the most vulnerable people (the working poor, the frail elderly and children at risk of abuse).

The Gambling Policy aims to promote the licensing objectives within the overall context of the Corporate Plan. .

Licensing authorities are required by the Gambling Act 2005 to publish a statement of the principles which they propose to apply when exercising their functions. This statement must be published at least every three years. The statement must also be reviewed from "time to time" and any amended parts re-consulted upon. The statement must then be re-published.

Kirklees Council consulted widely upon their original statement before finalising and publishing. A list of those persons consulted is provided below.

The Gambling Act requires that the following parties are consulted by Licensing Authorities:

- The Chief Officer of Police;
- One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area;
- One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Gambling Act 2005.

List of persons this authority consulted:

- ***West Yorkshire Police***
- ***The Local Safeguarding Children Board***
- ***Representatives of local businesses***
- ***Local Chambers of Commerce***
- ***Town Centre Associations***

- **Residents of Kirklees and their representatives**
 - **Kirklees Federation of Tenants & Residents Association**
 - **Town Councils in the district**
 - **Parish Councils in the district**
 - **Local Members of Parliament**
 - **Ward Councillors**
 - **Area Committees**
 - **Sister Services**
 - **National bodies representing the gambling trade**
 - **National charities concerned with the social impact of gambling**
 - **Representatives of existing license holders**
 - **Yorkshire Forward**
 - **Yorkshire Culture**
 - **West Fire and Rescue**
 - **Community Safety Partnership**
 - **Huddersfield University**
 - **Local financial/debt management agencies**
 - **Holders of Club Premise Certificates**
 - **Holders of Lottery Permits**
 - **Holders of Permits for Amusement Arcades**

Our consultation will end on 1st December 2015

Should you have any comments as regards this policy statement please send them via e-mail or letter to the address below:

Licensing Service
Flint Street
Fartown
Huddersfield
HD1 6LG

Email: licensing@kirklees.gov.uk

Tel 01484 456868

Fax 01484 223477

3. Declaration

It should be noted that this policy statement will not override the right of any person to make an application, make representations about an application, or apply for a review of a license, as each will be considered on its own merits and according to the statutory requirements of the Gambling Act 2005.

In producing the final statement, the council declares that it has had regard to the licensing objectives of the Gambling Act 2005, the guidance issued by the Gambling Commission, and any responses from those consulted on the statement.

4. Responsible Authorities

These are generally public bodies that must be notified of all applications, they are entitled to make representations to the Council which are relevant to the licensing objectives. They have no obligation to respond to applications for premises licences if they wish not to do so.

Section 157(h) of the Act defines them as

- The Gambling commission
- The Police
- The Fire Service
- The Local Safeguarding Children Board
- The local planning authority
- Environmental Health
- HM Revenue and Customs
- The licensing authority (the council)

Each representation will be assessed with regard to the licensing objectives and be taken on its own individual merits.

The council is required by regulations to state the principles it will apply to designate, in writing, a body which is competent to advise the authority about the protection of children from harm. The principles are:

- the need for the body to be responsible for an area covering the whole of the licensing authority's area;
- and the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group.

In accordance with the suggestion in the Gambling Commission's Guidance for local authorities, this authority designates the Local Safeguarding Children Board for this purpose.

The contact details of all the Responsible Authorities under the Gambling Act 2005 are available via the Council's website at: www.kirklees.gov.uk

5. Interested parties

Interested parties are certain types of people or organisations who have the right to make representations about licence applications, or apply for a review of an existing licence. These parties are defined in the Gambling Act 2005 as follows:

"For the purposes of this Part a person is an interested party in relation to an application for or in respect of a premises licence if, in the opinion of the licensing authority which issues the licence or to which the applications is made, the person

- a) lives sufficiently close to the premises to be likely to be affected by the authorised activities,
- b) has business interests that might be affected by the authorised activities, or
- c) represents persons who satisfy paragraph (a) or (b)"

The council is required by regulations to state the principles it will apply in exercising its powers under the Gambling Act 2005 to determine whether a person is an interested party. The principles are:

Each case will be decided upon its merits. The council will not apply a rigid rule to its decision making. It will consider the examples of considerations provided in the Gambling Commission's Guidance to local authorities. It will also consider the Gambling Commission's Guidance that "has business interests" should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices.

The Gambling Commission has recommended that the licensing authority states that interested parties include trade associations and trade unions, and residents' and

tenants' associations. However, the council emphasises that it will not generally view these bodies as interested parties unless they have a member who can be classed as an interested person under the terms of the Gambling Act 2005 i.e. lives sufficiently close to the premises to be likely to be affected by the activities being applied for.

Interested parties can be persons who are democratically elected such as councillors and MP's. No specific evidence of being asked to represent an interested person will be required as long as the councillor / MP represent the ward likely to be affected. Likewise, parish councils likely to be affected will be considered to be interested parties. Other than these however, this authority will generally require written evidence that a person/body (e.g. an advocate / relative) 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation is sufficient.

If individuals wish to approach councillors to ask them to represent their views then care should be taken that the councillors are not part of the Licensing Committee dealing with the licence application. If there are any doubts then please contact

Licensing Service, Flint Street, Fartown, Huddersfield, HD1 6LG

Email: licensing@kirklees.gov.uk

Tel 01484 456868

Fax 01484 456857

6. Exchange of Information

Licensing authorities are required to include in their statements the principles to be applied by the authority in exercising the functions with respect to the exchange of information between it and the Gambling Commission, and the functions with respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act.

The principle that the council applies is that it will act in accordance with the

provisions of the Gambling Act 2005 in its exchange of information which includes the provision that the Data Protection and Freedom of Information Acts will not be contravened. The licensing authority will also have regard to any Guidance issued by the Gambling Commission to local authorities on this matter when it is published, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.

Should any protocols be established as regards information exchange with other bodies then they will be made available.

7. Enforcement

The council will work closely with responsible authorities in undertaking its enforcement duties under the Gambling Act 2005, be guided by the Gambling Commission's Guidance for local authorities and will endeavor to be:

- Proportionate: regulators should only intervene when necessary: remedies should be appropriate to the risk posed, and costs identified and minimised;
- Accountable: regulators must be able to justify decisions, and be subject to public scrutiny;
- Consistent: rules and standards must be joined up and implemented fairly;
- Transparent: regulators should be open, and keep regulations simple and user friendly; and
- Targeted: regulation should be focused on the problem, and minimise side effects.

The council will endeavor to avoid duplication with other regulatory regimes so far as possible.

The main enforcement and compliance role for the council in terms of the Gambling Act 2005 will be to ensure compliance with the premises licences and other permissions which it authorises. The Gambling Commission will be the enforcement body for the operating and personal licences. It is also worth noting that concerns about manufacture, supply or repair of gaming machines will not be dealt with by the licensing authority but will be notified to the Gambling Commission.

This council will also keep itself informed of developments as regards the work of the Better Regulation Executive in its consideration of the regulatory functions of local authorities.

8. Licensing Authority functions

Licensing Authorities are responsible under the Act for:

- Licensing premises where gambling activities are to take place by issuing *Premises Licences*
- Issuing *Provisional Statements*
- Regulating *members' clubs* and *miners' welfare institutes* who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits
- Issuing *Club Machine Permits to Commercial Clubs*
- Granting permits for the use of certain lower stake gaming machines at *unlicensed Family Entertainment Centres*
- Receiving notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of two or fewer gaming machines
- Issuing *Licensed Premises Gaming Machine Permits* for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines
- Registering *small society lotteries* below prescribed thresholds
- Issuing *Prize Gaming Permits*
- Receiving and Endorsing *Temporary Use Notices*
- Receiving *Occasional Use Notices*
- Providing information to the Gambling Commission regarding details of licences issued (see section above on 'information exchange')
- Maintaining registers of the permits and licences that are issued under these functions

The council will not be involved in licensing remote gambling at all. This will fall to the Gambling Commission via operating licences.

PART 8

PREMISES LICENCES

1. General Principles

The council will issue premises licences to allow premises to be used for certain types of gambling. The types of premises to which licences will be issued include amusement arcades, bingo halls, bookmakers and casinos.

Premises licences will be subject to the requirements set-out in the Gambling Act 2005 and regulations, as well as specific mandatory and default conditions which will be detailed in regulations issued by the Secretary of State. Licensing authorities are able to exclude default conditions and also attach others, where it is believed to be appropriate.

The council is aware that in making decisions about premises licences it should aim to permit the use of premises for gambling in so far as it thinks it:

- in accordance with any relevant code of practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission
- reasonably consistent with the licensing objectives; and
- in accordance with the authority's statement of licensing policy.

It is appreciated that as per the Gambling Commission's Guidance for local authorities "moral objections to gambling are not a valid reason to reject applications for premises licences" (except as regards any 'no casino resolution') and also that unmet demand is not a criterion for a licensing authority.

Definition of "premises"

Premises is defined in the Act as "any place". Different premises licences cannot apply in respect of a single premise at different times. However, it is possible for a single building to be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. Whether different parts of a building can properly be regarded as being separate premises will always be a question of fact in the circumstances.

The council will take particular care in considering applications for multiple licences

for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular they should be aware that entrances and exits from parts of a building covered by one or more licences should be separate and identifiable so that the separation of different premises is not compromised and that people do not 'drift' into a gambling area.

The council will pay particular attention to applications where access to the licensed premises is through other premises (which themselves may be licensed or unlicensed). Clearly, there will be specific issues that authorities should consider before granting such applications, for example, whether children can gain access; compatibility of the two establishments; and ability to comply with the requirements of the Act. But, in addition an important consideration should be whether, taken as a whole, the co-location of the licensed premises with other facilities has the effect of creating an arrangement that otherwise may compromise the licensing objectives.

An applicant cannot obtain a full premises licence until the premises in which it is proposed to offer the gambling are constructed. The Gambling Commission has advised that references to "the premises" are to the premises in which gambling may now take place. Thus a licence to use premises for gambling will only be issued in relation to premises that are ready to be used for gambling. It is a question of fact and degree whether premises are finished to a degree that they can be considered for a premises licence. The Gambling Commission emphasises that requiring the building to be complete ensure that the authority can, if necessary, inspect it fully, as can other responsible authorities with inspection rights.

Where premises are not yet built or are about to be altered for the purpose of gambling and ultimately a premises licence will be required, the applicant should first consider making an application for a provisional statement (see section 9).

Location

The council is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives can. The council will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder.

Should any specific policy be decided upon as regards areas where gambling premises should not be located, this statement will be updated. It should be noted that any such policy does not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant showing how potential concerns can be overcome.

The council will need to be satisfied that there is sufficient evidence that the particular location of the premises would be harmful to the licensing objectives. From 6 April 2016, it is a requirement of the Gambling Commission's Licence Conditions and Codes of Practice (LCCP), under section 10, for licensees to assess the local risks to the licensing objectives posed by the provision of gambling facilities at their premises and have policies, procedures and control measures to mitigate those risks. In making risk assessments, licensees must take into account relevant matters identified in this policy.

The LCCP goes on to say licensees must review (and update as necessary) their local risk assessments:

- a. to take account of significant changes in local circumstance, including those identified in this policy;
- b. when there are significant changes at a licensee's premises that may affect their mitigation of local risks;
- c. when applying for a variation of a premises licence; and
- d. in any case, undertake a local risk assessment when applying for a new premises licence.

The council will expect the local risk assessment to consider as a minimum:

- whether the premises is in an area of deprivation
- whether the premises is in an area subject to high levels of crime and/or disorder
- the ethnic profile of residents in the area
- the demographics of the area in relation to vulnerable groups
- the location of services for children such as schools, playgrounds, toy shops, leisure centres and other areas where children will gather

In any case the local risk assessment should show how vulnerable people, including people with gambling dependencies, are protected.

Other matters that the assessment may include:

- The training of staff in brief intervention when customers show signs of excessive gambling, the ability of staff to offer brief intervention and how the manning of premises affects this.
- Details as to the location and coverage of working CCTV cameras, and how the system will be monitored.
- The layout of the premises so that staff have an unobstructed view of persons using the premises
 - The number of staff that will be available on the premises at any one time. If at any time that number is one, confirm the supervisory and monitoring arrangements when that person is absent from the licensed area or distracted from supervising the premises and observing those persons using the premises.
- Arrangements for monitoring and dealing with under age persons and vulnerable persons, which may include dedicated and trained personnel, leaflets, posters, self-exclusion schemes, window displays and advertisements not to entice passers-by etc.

- The provision of signage and documents relating to games rules, gambling care providers and other relevant information be provided in both English and the other prominent first language for that locality.
- Where the application is for a betting premises licence, other than in respect of a track, the location and extent of any part of the premises which will be used to provide facilities for gambling in reliance on the licence.

Such information may be used to inform the decision the council makes about whether to grant the licence, to grant the licence with special conditions or to refuse the application.

This policy does not preclude any application being made and each application will be decided on its merits, with the onus being upon the applicant to show how the concerns can be overcome

Duplication with other regulatory regimes

The council will seek to avoid any duplication with other statutory / regulatory systems where possible, including planning. The council will not consider whether a licence application is likely to be awarded planning permission or building regulations approval, in its consideration of it. It will though, listen to, and consider carefully, any concerns about conditions which are not able to be met by licensees due to planning restrictions, should such a situation arise.

Licensing objectives

Premises licences granted must be consistent with the licensing objectives. With regard to these objectives, the council has considered the Gambling Commission's Guidance to local authorities and some comments are made below.

Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime

The Gambling Commission will be taking a leading role in preventing gambling from being a source of crime. The Gambling Commission's Guidance does however envisage that licensing authorities should pay attention to the proposed location of gambling premises in terms of this licensing objective. Thus, where an area has known high levels of organised crime the council will consider carefully whether gambling premises are suitable to be located there and whether conditions may be suitable such as the provision of door supervisors. The council is aware of the distinction between disorder and nuisance and will consider factors such as whether police assistance was required and how threatening the behavior was to those who could see it, so as to make that distinction.

Ensuring that gambling is conducted in a fair and open way

The council has noted that the Gambling Commission has stated that it would generally not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licences. There is however, more of a role with regard to tracks which is explained in more detail in the 'tracks' section.

Protecting children and other vulnerable persons from being harmed or exploited by gambling

The Kirklees Safeguarding Children Board has a webpage dedicated to providing local information about child safety, child sexual exploitation, policies and procedures including risk factors and signs and symptoms:

<http://www.kirkleessafeguardingchildren.co.uk/>

The council is aware that this objective means preventing children from taking part in gambling (as well as restriction of advertising so that gambling products are not aimed at or are, particularly attractive to children). The council will therefore consider whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include supervision of entrances / machines, segregation of areas etc.

The council will also make itself aware of the Codes of Practice which the Gambling Commission issues as regards this licensing objective, in relation to specific premises such as casinos.

As regards the term "vulnerable persons" it is noted that the Gambling Commission is not seeking to offer a definition but states that "it will for regulatory purposes assume that this group includes people who gamble more than they want to; people who gamble beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs." The council will consider this licensing objective on a case by case basis. Should a practical definition prove possible in future then this policy statement will be updated by way of a revision.

Conditions

Any conditions attached to licences will be proportionate and will be:

- relevant to the need to make the proposed building suitable as a gambling facility;
- directly related to the premises and the type of licence applied for;
- fairly and reasonably related to the scale and type of premises; and
- reasonable **in all** other respects.

Decisions upon individual conditions will be made on a case by case basis, although there will be a number of measures the council will consider utilising should there be a perceived need, such as the use of supervisors, appropriate signage for adult only areas etc. There are specific comments made in this regard under some of the licence types below. The council will also expect the licence applicant to offer his/her own suggestions as to way in which the licensing objectives can be met effectively.

The council will also consider specific measures which may be required for buildings which are subject to multiple premises licences. Such measures may include the supervision of entrances; segregation of gambling from non-gambling areas frequented by children; and the supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives.

This authority will also ensure that where category C or above machines are on offer in premises to which children are admitted that:

- all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- only adults are admitted to the area where these machines are located;
- access to the area where the machines are located is supervised;
- the area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and
- at the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

These considerations will apply to premises including buildings where multiple premises licences are applicable.

There are conditions which the council cannot attach to premises licences which are:

- any condition on the premises licence which makes it impossible to comply with an operating licence condition;
- conditions relating to gaming machine categories, numbers, or method of operation;
- conditions which provide that membership of a club or body be required (the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated; and
- conditions in relation to stakes, fees, winning or prizes.

Door Supervisors

The Gambling Commission advises in its Guidance for local authorities that licensing authorities may consider whether there is a need for door supervisors in terms of the licensing objective of protection of children and vulnerable persons from being harmed or exploited by gambling, and also in terms of preventing premises becoming a source of crime.

Where operators and the council decide that supervision of entrances / machines is appropriate for particular cases, it will need to be decided whether these need to be Security Industry Authority (SIA) licensed or not. It will not be automatically assumed that they need to be.

2. Adult Gaming Centres

The council will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to, for example, ensure that under 18 year olds do not have access to the premises.

The council may consider measures to meet the licensing objectives such as:

- Proof of age schemes
- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Self-exclusion schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare.

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

3. (Licensed) Family Entertainment Centres:

The council will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas.

The council may consider measures to meet the licensing objectives such as:

- CCTV

- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Self-exclusion schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare.
- Measures / training for staff on how to deal with suspected truant school children on the premises

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

The council will refer to the Commission's website to see any conditions that apply to operating licences covering the way in which the area containing the category C machines should be delineated. The council will also make itself aware of any mandatory or default conditions on these premises licences, when they have been published.

Changes on the numbers of machines permitted came into force in 2011. Please see appendix one for limits on numbers of machines at the above type of premises.

4. Casinos

The council has not passed a 'no casino' resolution under Section 166 of the Gambling Act 2005, but is aware that it has the power to do so. Should the council decide in the future to pass such a resolution, it will update this policy statement with details of that resolution. Any such decision will be made by the full council.

Casinos and competitive bidding

The council is aware that where a licensing authority is empowered to grant a premises licence for a new style casino (i.e. the Secretary of State has made such regulations under Section 175 of the Gambling Act 2005) there are likely to be a number of operators which will want to run the casino. In such situations the local authority will run a 'competition' under Schedule 9 of the Gambling Act 2005. The council will run such a competition in line with any regulations / codes of practice issued under the Gambling Act 2005.

Licence considerations/conditions

The Gambling Commission has stated that "further guidance will be issued in due course about the particular issues that licensing authorities should take into account

in relation to the suitability and layout of casino premises". This guidance will be considered by the council when it is made available.

Betting machines

The council will take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of betting machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer.

5. Bingo premises

The council is aware that if children are allowed to enter premises licensed for bingo that they do not participate in gambling, other than on category D machines. Where category C or above machines are available in premises to which children are admitted the council will ensure that:

- all such machines are located in an area of the premises separate from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- only adults are admitted to the area where the machines are located;
- access to the area where the machines are located is supervised;
- the area where the machines are located is arranged so that it can be observed by staff of the operator or the licence holder; and
- at the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

This council is also aware that the Gambling Commission has stated that it is going to issue further guidance about the particular issues that licensing authorities should take into account in relation to the suitability and layout of bingo premises. This guidance will be considered by the council once it is made available.

6. Betting premises

Betting premises are premises such as bookmakers and betting offices where various types of gambling are authorised to take place. Children and young persons will not be able to enter such premises.

Betting premises will be able to provide a limited number of betting machines. The council will take into account the size of the premises, the number of counter

positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer.

7. Tracks

Tracks are sites (including racecourses and dog tracks) where races or other sporting events take place. There are currently no tracks within this council area.

Should the need arise the council is aware that such tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. The council will especially consider the impact upon the third licensing objective (i.e. the protection of children and vulnerable persons from being harmed or exploited by gambling) and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

The council will therefore expect the premises licence applicant to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided.

The council may consider measures to meet the licensing objectives such as:

- Proof of age schemes
- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Self-exclusion schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare

This list is not mandatory, nor exhaustive, and is merely indicative of example

measures.

Gaming machines

The council will consider the location of gaming machines at tracks, and applications for track premises licences will need to demonstrate that, where the applicant holds a pool betting operating licence and is going to use his entitlement to four gaming machines, these machines are located in areas from which children are excluded. Children and young persons are not prohibited from playing category D gaming machines at a track.

The council is aware that the Gambling Commission is preparing guidance as regards where gaming machines may be located at tracks and any special considerations that should apply in relation, for example, to the supervision of the machines and preventing children from playing them.

Betting machines

The council will take into account the size of the premises and the ability of staff to monitor the use of the betting machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer. It will also take note of the Gambling Commission's suggestion that licensing authorities will want to consider restricting the number and location of such machines in respect of applications for track betting premises.

Conditions on rules being displayed

In line with guidance from the Gambling Commission the council will consider attaching a condition to track premises licences requiring the track operator to ensure that the rules are prominently displayed in or near the betting areas, or that other measures are taken to ensure that they are made available to the public. For example, the rules could be printed in the race-card or made available in leaflet form from the track office."

8. Travelling Fairs

Travelling fairs have traditionally been able to provide various low stakes gambling without the need for a licence or permit provided that certain conditions are met. This provision continues in a similar fashion in the new Act.

The council will decide whether, where category D machines and / or equal chance prize gaming without a permit is to be made available for use at travelling fairs, the

statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.

The council will also consider whether the applicant falls within the statutory definition of a travelling fair.

It has been noted that the 27-day statutory maximum for the land being used as a fair, is per calendar year, and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. The council will work with its neighbouring authorities to ensure that land which crosses our boundaries is monitored so that the statutory limits are not exceeded.

9. Provisional Statements

A provisional statement application is a process which allows a developer to examine the likelihood of whether a building which has yet to be constructed or altered for the purpose of gambling, would be granted a premises licence when the building work is complete. It is not a licence and merely gives the holder some form of assurance that a premises licence would be granted. Once works are complete a full premises licence would still be required.

In terms of representations about premises licence applications, following the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless they concern matters which could not have been addressed at the provisional statement stage, or they reflect a change in the applicant's circumstances. In addition, the authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

- (a) which could not have been raised by objectors at the provisional licence stage;
or
- (b) which in the authority's opinion reflect a change in the operator's circumstances.

The council will not take into account irrelevant matters e.g. the likelihood of the applicant obtaining planning permission or building regulations approval for the proposal."

10. Reviews

Requests for a review of a premises licence can be made by interested parties or responsible authorities; however, it is for the council to decide whether the review is to be carried-out. This will be on the basis of whether the request for the review is :

- in accordance with any relevant code of practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission;
- reasonably consistent with the licensing objectives; and
- in accordance with the authority's statement of licensing policy.

Consideration will also be given as to whether the request is frivolous, vexatious, will certainly not cause this authority to alter/revoke/suspend the licence, or whether it is substantially the same as previous representations or requests for review.

The council can also initiate a review of a licence on the basis of any reason which it thinks is appropriate.

P A R T C

PERMITS/TEMPOARY & OCCASIONAL USE NOTICES

1. Unlicensed Family Entertainment Centre gaming machine permits (Statement of Principles on Permits)

The term 'unlicensed family entertainment centre' is one defined in the Act and refers to a premises which provides category D gaming machines along with various other amusements such as computer games and penny pushers. The premises is 'unlicensed' in that it does not require a premises licence but does require a permit to be able to provide its category D machines. It should not be confused with a 'licensed family entertainment centre' which does require a premises licence because it contains both category C and D gaming machines.

The Gambling Act 2005 contains a provision for local authorities to prepare a statement of principles that they propose to consider in determining the suitability of an applicant for a permit. Schedule 10, Para 7 of the Act states, "in preparing this statement, and/or considering applications, it need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the

Commission under Section 25."

In accordance with Gambling Commission guidance the council will give weight to child protection issues when considering applications for permits.

The council will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The council will assess these policies and procedures on their merits, however, they may include appropriate measures / training for staff as regards suspected truant school children on the premises, measures / training covering how staff would deal with unsupervised children being on the premises, or children causing problems on or around the premises. The council will also expect applicants to demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs, that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act); and that staff are trained to have a full understanding of the maximum stakes and prizes.

The council is aware that an application for a permit may only be granted if the chief officer of police has been consulted on the application.

In line with the Act the council cannot attach conditions to this type of permit and the "Statement of principles" only applies to initial applications and not to renewals

2. Gaming machine permits in premises licensed for the sale of alcohol

There is provision in the Act for premises licensed to sell alcohol for consumption on the premises, to automatically have 2 gaming machines, of categories C and/or D. The premises merely need to notify the licensing authority. The council can remove the automatic authorisation in respect of any particular premises if:

- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
- gaming has taken place on the premises that breaches a condition of section 282 of the Gambling Act (i.e. that written notice has been provided to the licensing authority, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with);
- the premises are mainly used for gaming; or
- an offence under the Gambling Act has been committed on the premises.

If a premises wishes to have more than 2 machines, then it needs to apply for a permit and the council must consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005, and "*such matters as they think relevant.*" The council considers that "such matters" will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the council that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines.

Measures which will satisfy the council that there will be no access may include the adult machines being in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage may also be help. As regards the protection of vulnerable persons applicants may wish to consider the provision of information leaflets / helpline numbers for organisations such as GamCare.

It is recognised that some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would most likely need to be applied for, and dealt with as an Adult Gaming Centre premises licence.

The council can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached.

The holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine.

3. Prize Gaming Permits - (Statement of Principles on Permits)

The council will expect the applicant to set out the types of gaming that he or she is intending to offer and be able to demonstrate:

- that they understand the limits to stakes and prizes that are set out in Regulations;
- and that the gaming offered is within the law.

In making its decision on an application for this permit the council does not need to have regard to the licensing objectives but must have regard to any Gambling

Commission guidance.

There are conditions in the Gambling Act 2005 by which the permit holder must comply, but that the licensing authority cannot attach conditions. The conditions in the Act are:

- the limits on participation fees, as set out in regulations, must be complied with;
- all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played;
- the prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and
- participation in the gaming must not entitle the player to take part in any other gambling.

4. Club Gaming and Club Machines Permits

Members clubs and miners' welfare institutes (but not commercial clubs) may apply for a Club Gaming Permit or a Clubs Gaming machines permit. The Club Gaming Permit will enable the premises to provide gaming machines (3 machines of categories B, C or D), equal chance gaming and games of chance as set-out in forthcoming regulations. A Club Gaming machine permit will enable the premises to provide gaming machines (3 machines of categories B, C or D).

To qualify for club permits members clubs must have at least 25 members and be established and conducted "wholly or mainly" for purposes other than gaming, unless the gaming is permitted by separate regulations. It is anticipated that this will cover bridge and whist clubs, which will replicate the position under the Gaming Act 1968. A members' club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include working men's clubs, branches of Royal British Legion and clubs with political affiliations."

The council may only refuse an application on the grounds that:

- (a) the applicant does not fulfill the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied;
- (b) the applicant's premises are used wholly or mainly by children and/or young

persons;

- (c) an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
- (d) a permit held by the applicant has been cancelled in the previous ten years; or
- (e) an objection has been lodged by the Commission or the police.

There is also a 'fast-track' procedure available under the Act for premises which hold a Club Premises Certificate under the Licensing Act 2003. Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the grounds upon which an authority can refuse a permit are reduced. The grounds on which an application under the process may be refused are:

- (a) that the club is established primarily for gaming, other than gaming prescribed under schedule 12;
- (b) that in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
- (c) that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled."

There are statutory conditions on club gaming permits that no child uses a category B or C machine on the premises and that the holder complies with any relevant provision of a code of practice about the location and operation of gaming machines.

S. Temporary Use Notices

Temporary use notices allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be useful for a temporary use notice would include hotels, conference centres and sporting venues.

The Act makes a special reference, in the context of temporary use notices, to a "set of premises" to try and ensure that large premises which cannot reasonably be viewed as separate are not used for more temporary use notices than permitted under the act. The council considers that the determination of what constitutes "a set of premises" will be a question of fact in the particular circumstances of each notice that is given. In considering whether a place falls within the definition of a "set of premises", the council will look at, amongst other things, the ownership/occupation and control of the premises. The council will be ready to object to notices where it

appears that their effect would be to permit regular gambling in a place that could be described as one set of premises.

6. Occasional Use Notices for tracks

There is a special provision in the Act which provides that where there is betting on a track on eight days or less in a calendar year, betting may be permitted by an occasional use notice without the need for a full premises licence. Track operators and occupiers need to be aware that the procedure for applying for an occasional use notice is different to that for a temporary use notice.

The council has very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. The council will though consider the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice.

More information relating to this can be found in the Guidance to licensing authorities 4th edition at <http://www.gamblingcommission.gov.uk>

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Name of meeting: Licensing & Safety Committee
Date: 4 November 2015

Title of report: Taxi & Private Hire Licensing – Driver Conditions

| | |
|---|---|
| Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards? | Not Applicable |
| Is it in the Council’s Forward Plan? | Yes |
| Is it eligible for “call in” by Scrutiny? | Not Applicable |
| Date signed off by <u>Director</u> & name | Jacqui Gedman - 09/09/15 |
| Is it signed off by the Director of Resources? | David Smith - 10/09/15 <i>Debbie Hogg on behalf of</i> |
| Is it signed off by the Assistant Director – Legal, Governance & Monitoring? | Julie Muscroft - 10/09/15 |
| Cabinet member portfolio | Cllr Steve Hall – Planning, Highways & Open Spaces |

Electoral wards affected and ward councillors consulted: ALL

Public or private: Public

1 Summary

1.1 The purpose of the report is to consider a change to the conditions attached to the grant of a hackney carriage or private hire drivers’ licence.

2 Background

2.1 Members may be aware from previous reports that the Council already has some conditions regarding expectations of taxi drivers. Attached at appendix 1 is a copy of the current conditions with the proposed changes tracked for ease of reference

2.2 Following the Jay & Casey reports at Rotherham which estimated that more than 1,400 children were abused in Rotherham from 1997-2013, this document considers the measures that Kirklees Council have in place before granting a drivers licence, to ensure the checks are fit for purpose. This issue is of particular importance because the Casey & Jay Reports both stated that taxi

drivers played a "prominent role" in the abuse which had "significant impact" on public confidence in the towns' drivers.

- 2.3 The licensing team are therefore reviewing all their current conditions to ensure that they remain fit for purpose and public confidence is maintained.

3. Current Practice

- 3.1 Before an applicant is granted a Hackney Carriage/Private Hire Vehicle Driver's Licence they are required to:-

- Undertake an Enhanced Disclosure and Barring Service Check which highlights any history of criminality. This profession is exempt from the Rehabilitation of Offenders Act and as such none of the information is exempt. Consequently, the Council is able to consider the applicant's full history and note any patterns of behavior/concern. A rigorous standard/policy is then applied to the consideration of any past criminality, particularly concerning sexual activity, violence, children, vulnerable adults, dishonesty or drug dealing which prevents applicants from becoming a licensed if deemed appropriate.
- Undertake a Check with the Driver and Vehicle Standards Agency (DVSA) to ensure that they are able to drive and what offences (if any) they may have.
- Undertake a DVSA Group Two Medical (this is the same level as that required to be a Heavy Goods Vehicle (HGV) or Public Service Vehicle (PSV) Driver.
- Present a Certificate of Good Conduct from the Country where they have resided, if they have lived out of the UK for a period of six months or longer since the age of ten (the age of criminal responsibility) to prove their previous good character. (This is a recommendation from the Jay Report).
- Pass an extended taxi and private hire driving test with the DVSA
- Pass an in-house training course to ensure that they understand a wide range of matters including customer care, disability awareness and matters relating to cse awareness and adult and child safeguarding. It also tests their knowledge on conditions of licence and their ability to communicate effectively.

- 3.2 In addition to the above, there is a strong partnership between the Police and the Licensing Authority with co-location and where appropriate, information is

exchanged between parties to prevent an applicant being licensed if it is not in the public's interest to do so.

- 3.3 In relation to driver licensing, the paramount aim is the safety of the travelling public and the safety of the public at large who may be put at risk if the driver is unfit to drive such a vehicle.

4. Consultation

- 4.1 A full consultation was carried out with the trade by sending trade representatives copies of the proposed changes. Copies were also made available at the licensing counters in Huddersfield & Dewsbury. The consultation was also posted online on the Councils website and on the Licensing facebook page.

Consultation was also carried out with all elected members of the Council, West Yorkshire Police and the School Transport Manager.

Copies of the responses received are attached at Appendix 2

- 4.2 As a result of the consultation some further amendments were made to the proposed changes which address all but one of the trades concerns.

5 Legal Implications

- 5.1 There is a risk of challenge by an aggrieved person to any conditions attached to the grant of a licence. However, as consultation has taken place with the trade (amongst others) the risk of any challenge will be alleviated.

6. Resource Implications

- 6.1 None

7. Officer Recommendations

- 7.1 Officers recommend that Members approve the proposed changes and authorise the Licensing manager to update the conditions accordingly and implement with immediate effect.

8. Cabinet portfolio holder recommendation

9. Contact officer and relevant papers

Catherine Walter
Licensing, Local Land Charges & Highways Registry Manager
Tel: 01484 221000
Email: catherine.walter@kirklees.gov.uk

Neal Fearn
Head of Building Control & Licencing
Tel: 01484 221000
Email: neal.fearn@kirklees.gov.uk

Papers:

Appendix 1: Conditions - Driver

Appendix 2: Drivers Conditions Responses

10. Assistant director responsible

Paul Kemp
Assistant Director – Place
Tel: 01484 221000
Email: paul.kemp@kirklees.gov.uk

KIRKLEES METROPOLITAN COUNCIL

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

PART 11 – LICENSING OF HACKNEY CARRIAGES AND PRIVATE HIRE VEHICLES

STANDARD CONDITIONS ATTACHED TO THE ISSUE OF A HACKNEY CARRIAGE/PRIVATE HIRE DRIVER LICENCE

1. The Driver shall not assign or in any way part with the benefit of the Licence, which is personal to the Driver.
2. The Driver shall not while driving or in charge of a Private Hire Vehicle:-
 - (a) tout or solicit on a road or other public place any person to hire or be carried for hire in any Private Hire Vehicle
 - (b) cause or procure any other person to tout or solicit on a road or other public place any on to hire or be carried for hire in any Private Hire Vehicle
 - (c) offer that vehicle for immediate hire while the Driver or that vehicle is on a road or other public place
 - (d) accept an offer for immediate hire of that vehicle while the Driver or that vehicle is on a road or other public place except where such an offer is first communicated to the Driver by telephone or by apparatus for wireless telegraphy fitted to that vehicle

In this Condition

“road” means any highway and any other road to which the public has access, and includes bridges over which a road passes.

3. The Driver shall not ~~carry more passengers than allowed by his private hire or hackney vehicle licence.~~
4. The Driver shall at all times when driving or acting in accordance with the Driver's licence granted to him wear the Driver's badge issued to the Driver by the Council in such position and manner as to be plainly and distinctly visible.
5. The Driver's badge referred to in the foregoing Condition shall remain the property of the Council, and if the Driver's licence is not renewed, such badge shall be returned by the Driver to the Council within 7 days of a notice by ~~the Licensing Manager or Senior Licensing Officer~~ requesting the Driver to do so ~~or immediately in the case of a suspension or revocation.~~
6. A failure to renew a Drivers licence by its expiry date will result in the Drivers badge lapsing and a driver having to make a fresh application for a new Drivers badge.
7. ~~(Sub-sections (2) to (5) of Section 233 of the Local Government Act 1972, shall have effect and are incorporated in these Conditions in relation to any notices required or authorised by these Conditions to be given or served on the Driver by or on behalf of the Council, or by an authorised officer~~

|
| 22-20. The driver shall ensure that at all times when driving a licensed vehicle for hire or reward that such a vehicle is kept in a clean and roadworthy condition.

| 23-21. The driver must ensure that his ability to drive is not impaired by working excessive hours. Guidance can be sought from the Road Transport (Working Time) Regulations 2005.

Catherine Walter
Licensing Manager
Flint Street
Fartown
Huddersfield
HD1 6LG

Revised 2015

DRAFT

- ~~8-7.~~ The Driver shall at any time or at such intervals as the Council may reasonably require, produce a certificate in the form required by the Council, signed **by the drivers own general practitioner or doctor with access to the drivers medical records** to the effect that he is or continues to be physically fit to be the driver of a Hackney Carriage or Private Hire Vehicle; whether or not such certificate is produced, the person shall, if required by the Council at any time, undergo a medical examination by a registered medical practitioner to be selected by the Council.
- ~~9-8.~~ The Driver shall at any time or at such intervals as the Council may reasonably require be required to pass a driving test carried out by an authorised officer of the Council or other body approved by the Council.
- ~~10.~~ **(A licence granted by the Council to enable a person to drive a Hackney Carriage or a Private Hire Vehicle will remain in force for a period of 1 year, unless the Council specify a lesser period or revoke or suspend the licence at any time.) REMOVE**
- ~~11-9.~~ The Driver shall **at all times be clean and respectable in his dress and person, behave in a civil and orderly manner and afford** all reasonable assistance with passengers' luggage and **comply with all reasonable requirements of any person hiring or being conveyed in the vehicle.**
- ~~12.~~ The Driver shall, within 7 days, disclose to the Council in writing, details of any **arrest whether charged or not, or any police investigation into his/her conduct. The Driver will also disclose to the Council in writing details of any** conviction or caution imposed on him during the period of the Licence, **, any arrest whether charged or not, or any police investigation into his/her conduct.**
- ~~10.~~
~~13-11.~~ The Driver shall, within 7 days, notify the Council in writing of any change in his/her **name address or phone number** taking place during the period of the Licence.
- ~~14-12.~~ The Driver shall not without the consent of the Hirer convey or permit to be conveyed any other person in that vehicle.
- ~~15-13.~~ **The driver shall take all reasonable steps to ensure the safety of passengers entering or leaving the vehicle**
- ~~16-14.~~ **The driver of a wheelchair accessible vehicle must ensure that any equipment associated with the carriage of wheelchair users must be in good order and ready for immediate use and that he is able to use such equipment in the correct manner.**
- ~~17-15.~~ **The driver of a licensed vehicle shall ensure that a current copy of the vehicles insurance is carried in the vehicle at all times.**
- ~~18-16.~~ **The driver of a licensed vehicle shall, at the request of an authorised officer, stop the vehicle to enable a check to be made for the purpose of preventing or detecting any contravention of any statutory requirements, or of the conditions, applicable to the vehicle and its use as a licensed vehicle whether or not passengers are carried at the time. It shall not proceed until the authorised officer is satisfied that all such requirements or conditions are being observed and complied with.**
- ~~19-17.~~ **The driver shall if required provide a written receipt for the fare paid.**
- ~~20-18.~~ **The driver shall declare to the Council any penalty points endorsed on his licence or any courses attended in relation to driving offences.**
- ~~21-19.~~ **The driver must carry any assistance dog or guide dog with no extra charge that is accompanying a passenger unless he is in possession of an exemption certificate.**

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21.07.2015

Dear Catherine Walters,

We the undersigned would like to oppose the below two rules pertaining to hackney carriage and private hire drivers which are being proposed and currently in consultation till 7th August 2015.

6. A failure to renew a Drivers licence by its expiry date will result in the Drivers badge lapsing and a driver having to make a fresh application for a new Drivers badge.

We know that the licensing department does show discretion in exceptional circumstances and would ask you to include this within the rule.

17.15. The driver of a licensed vehicle shall ensure that a current copy of the vehicles insurance is carried in the vehicle at all times.

This rule is pointless as the council would already have a copy of the drivers insurance and can be checked within minutes with the insurer. Carrying a copy does not prove that the driver is actually insured and in the climate we are living in there are steps being taking to reduce the need for paper documentation rather than increase it.

Please accept this letter as the view of the undersigned drivers and included in the consultation for the driver conditions being reviewed.

Thanking you in anticipation.

M N BUTT

KHCA Huddersfield

| NAME | BADGE NO | SIGNITURE |
|----------------------|----------|----------------------|
| Zafar Ali | DR 4926 | Zafar Ali |
| KHALID MASOOD | 632 | Khalid Masood |
| LIAQUAT | 1281 | Liaquat |
| M. HUSSAIN | 5839 | M. Hussain |
| H. SIDDIK | 1335 | H. Siddik |
| RASIB | 5728 | Rasib |
| UL. BAWAZ | 0408 | Ul. Bawaz |
| ANWAR KUMAR | 0375 | Anwar Kumar |
| LIAQUATALI | 1624 | Liaquat |
| NASIM AHMED | DR 0481 | N. Ahmed |
| MUNSEB ALI | 4608 | M. A. C. |
| Jawaid Iqbal | 2303 | Jawaid Iqbal |
| MOHABAT. | DR 5158 | M. Hussain |
| MOHD IDRIS | DR 0247 | Mohd Idris |
| AMSAAD NOBEM | DR 4360 | Amsaad |
| SAJAD AHMED | DR 6116 | S. Ahmed |
| Fazma Ali | DR 6339 | F. Ali |
| ABDUL MAJED | DR 2528 | ABDUL MAJED |
| MAHMOUD ANWAR | DR 0793 | M. A. |
| Mohammed Majid | DR 0720 | M. Majid |
| CHAS BAZAR | DR 6453 | Chas Bazar |
| TANVEER HUSSAIN | DR 4800 | T. Hussain |
| 164 d Brown | DR 5721 | J. R. |

| NAME | BADGE NO | SIGNITURE |
|-----------------|----------|----------------|
| M. N. BUTT | 1103 | |
| B. HUSSAIN | 4032 | |
| JAVID KHAN | 2294 | Joccc |
| MASID ALI | 6107 | Masid Ali |
| L.A. JAVAID | 982 | |
| K. NAZIR | 4019 | |
| IKRAM HUMAN | 5037 | Muhammad Human |
| MADUSSER KHAN | 5106 | |
| AVTAR S. SOHAL | DR 0267 | |
| MOHD RIAZ | DR 0473 | |
| MUHAMMAD YOUSUF | DR 1465 | |
| Saif-ur-Rahman | DR 4946 | |
| MUHAMMAD PERVEZ | 2102 | |
| MILYAS | 2247 | MILYAS |
| ATIF MUKHATAR | DR 5274 | |
| MUKHTAR AHMAD | DR 1297 | |
| S. HAI RASMA | DR 2378 | S. A. R. |
| PSINGY | DR 536 | PSINGY |
| M. TARIQ MAHMUD | DR 1606 | |
| Waseem ULLAH | DR 2857 | |
| ABOUL QUYUM | DR 1477 | |
| M. AHMAD | DR 2400 | |
| M. ASLAM | DR 4069 | |

| NAME | BADGE NO | SIGNITURE |
|----------------------|----------|---------------|
| MUHAMMAD SAJJAD RANA | DR 6264 | |
| MOHAMMED. HUSSAIN | DR 4368 | |
| M. ANWAR | DR 0826 | M. ANWAR |
| BARKAT HUSSAIN | DR 1391 | B. HUSSAIN |
| M. SAIR WAR | DR 0556 | |
| M. IZAZ | 42442 | M. IZAZ |
| M. NADEEM | DR 5926 | |
| M. A. ALAM | DR 1730 | |
| Tej Pal Singh | DR 430 | Tej Pal Singh |
| A. Hussain | DR 5169 | A. Hussain |
| M. Hussain | DR 5118 | M. Hussain |
| M. Shahid - KHAN | DR: 5570 | M. Shahid |
| M. SINGH | 174 | M. SINGH |
| Shahid Hussain | DR 2811 | |
| KHULIQ HUSSAIN | DR 824 | K. Hussain |
| UMER KHATIB | 6323 | U. Khatib |
| J. SINGH | DR 1301 | J. SINGH |
| R. T. KHAN | DR 5461 | R. T. KHAN |
| W. SINGH | DR 0807 | W. SINGH |
| M. Nawaz Khan | DR 5452 | |
| BILAL AMZAN | 1636 | |
| ABUL-REHMAN | 4089 | ABUL-REHMAN |
| Munir H | 4366 | Munir H |

| NAME | BADGE NO | SIGNITURE |
|---------------------|----------|-----------------|
| Balwant Singh | DR 6180 | B. Singh |
| MAHAMMED GULZAR | DR 6641 | |
| Balhar Singh Sachar | DR. 067 | B.S. Sachar |
| BALWANT SINGH BASSI | DR 0920 | Balwant Bassi |
| ZAHID AGI | DR 1080 | |
| M. Kassam | DR 579 | M. Kassam |
| A KHAN | DR 774 | A KHAN |
| A. Ishar | DR 6223 | A. Ishar |
| SINGH | DR 425 | H. Giverty |
| M. SALEEM | 1291 | M. Saleem |
| Rashid Ahmad | 2231 | Rashid Ahmad |
| J. MUHTAR | 1210 | J. Muhtar |
| ABDUL HAMID | 6306 | Abdul Hamid |
| L. Akbar | 4517 | L. Akbar |
| AHMED RAZA | DR 5290 | Ahmed Raza |
| LAKHVIK SINGH | DR 0101 | L. Singh |
| MOHD. RAMZAN | DR. 2749 | M. Ramzan |
| RAHIM DAD | DR 2443 | Rahim Dad |
| MOHAMED | DR 2557 | M. ISMAIL |
| IFTEKHAR ULLAH | D. 0249 | Iftekhara Ullah |
| HAFEEZ ULLAH | DR. 4831 | H. Ullah |
| MAMUNO | 1318 | M. Mamun |
| M. SALEEM | 173 | M. Saleem |

Catherine Walter

From: Neil.Cole@gmb.org.uk
Sent: 07 August 2015 14:48
To: Catherine Walter
Subject: GMB Response to draft consultation document regarding Driver Conditions

Hi Cath,

Following a consultation carried out with our members, GMB would like to put forward the following amendments:

Point 6 should only ever be used in exceptional circumstances.

Point 8 should be removed all together. This goes far over and above what could be considered reasonable and would never be applied consistently.

There has only recently been an introduction for drivers at nine points. Introducing this point would undermine all the work put into the previous consultation carried out.

I would refer you back to all the points raised during that consultation why this would be unfair and punishing.

Point 15 should be removed all together. This is unnecessary as insurance can be checked electronically by the police who are the only authority who would need to carry out such a check whilst the vehicle is being used on the road.

Having a paper copy in the vehicle just opens up all manner of potential threats to fraud and identity theft or both driver and vehicle.

Please give serious consideration to these points.

Kind regards,

Neil Cole
GMB Organiser



To All Kirklees Hackney Carriage/Private Hire Drivers

Dear Driver

Review of Conditions pertaining to Hackney Carriage/Private Hire Drivers

You may be aware that the Licensing department is currently reviewing its licensing conditions for taxi & private hire licensing.

The first set of conditions under review is those applying to drivers. After carrying out research with other councils across the combined authority district, we have now made some proposed amendments to the existing conditions. For ease of reference the the proposed changes to the existing conditions are in blue and red. The proposed changes are subject to a 6 week consultation period which will run from today until Friday 7th August 2015. At the end of the consultation a final decision on the amended conditions will be made by the Licensing and Safety Committee

<http://www2.kirklees.gov.uk/involve/entry.aspx?id=783>

Please note all our conditions are being reviewed and other consultations will follow in due course.

We would be grateful if you would read the proposals by following the link and then let us have any comments (either positive or negative) by the closing date.

You can also do this via your trade representative.

www2.kirklees.gov.uk/involve/publisheddoc.aspx...

19 people reached

Boost Post

 Kirklees Licensing Team

Like Comment Share

- Suhail Fever Rashid likes this.



Suhail Fever Rashid The conditions seem to be acceptable apart for carrying a copy of the insurance document in the vehicle. I'm not sure what the benefits would be for this rule. As a trade representative I would urge you to reconsider the said rule and maybe remove that condition. As far as I am concerned the rest seems reasonable and acceptable.

Catherine Walter

From: Akooji Badat <badatakooji@hotmail.com>
Sent: 04 July 2015 21:01
To: Catherine Walter; Cllr Hanif Mayet; Cllr Erin Hill; Cllr Shabir Pandor; Cllr David Sheard; Cllr Mahmood Akhtar; Cllr Amanda Stubbley; Cllr Gwen Lowe; Cllr David Ridgway; Cllr Mumtaz Hussain; Cllr MasoodG Ahmed; Cllr Abdul Patel; Cllr Abdul Patel; Cllr Ken Smith; Cllr Marielle Oneil Peters Daughter; Cllr Erin Hil Boyfriend Dathon Tedesco; Jo Cox; Hasan A badat mobile email; Fifty fifty. Main Ali badat mobile and email; yusufdawjee
Subject: Review of taxi drivers license conditions etc

Hi cath and all concerned.

Thanks for the letter and draft re taxi drivers draft licensing.

As the usual case, why taxi drivers always under the review?

The review needs to be within all kmc depts together with giving us accounts of the finance annually.

Working with other local authorities?

Wasn't this the main reason why your legal dept forcefully indirectly removed Cllr Mumtaz Hussain for being affiliated with Leeds re his taxi licensing badge matters.

It's currently ramadhan month and I would appreciate if you could kindly with the sub committee meet me and few of us after ramadhan to discuss debate the draft.

There's a lot that we have to say and in presence of my batley cllr's and MP would be more appropriate. Particularly to numbers. 2, 6.

15, 16,

And your own departments failure in combatting illegal driving. This we debated several years ago with out Batley cllr's with you at batley town hall.

Further at our last meeting you agreed with chair at the yime to look and respond back to me re bradford highways and several other things.

I haven't received anything so far.

Regards. Akooji

Cc on taxi drivers what's app

XXXXXXXXXXXXXXXXXXXXX

Akooji Badat (Yakub), Chairman.

M.M.N.I. (Mosque) Snowdon St, Batley, West Yorkshire,

WF17 7RS, 01924 472919.

Mobile: 07811700287.

Apart from islamic services, we assist with communal affairs matters with services such as mediation,

watchdog, free advice, and help.

K.M.C. (North) Private Hire and Hackney Taxi drivers Rep & Spokesman.

Email: badatakooji@hotmail.com.

Please note usual and obvious disclaimer rules regulations apply.

XXXXXXXXXXXXXXXXXXXXX

Catherine Walter

From: Cllr Martyn Bolt
Sent: 30 June 2015 08:03
To: Cllr Vivien Lees-Hamilton; Catherine Walter
Cc: Cllr Abdul Patel; Cllr Amanda Pinnock; Cllr Amanda Stubley; Cllr Andrew Cooper; Cllr Andrew Marchington; Cllr Andrew Palfreeman; Cllr Andrew Pinnock; Cllr Bill Armer; Cllr Cahal Burke; Cllr Carole Pattison; Cllr Cathy Scott; Cllr Charles Greaves; Cllr Christine Iredale; Cllr Darren O'Donovan; Cllr David Hall; Cllr David Ridgway; Cllr David Sheard; Cllr Donald Firth; Cllr Donna Bellamy; Cllr Edgar Holroyd-Doveton; Cllr Elizabeth Smaje; Cllr Eric Firth; Cllr Erin Hill; Cllr Gemma Wilson; Cllr Graham Turner; Cllr Gwen Lowe; Cllr Hanif Mayet; Cllr Hilary Richards; Cllr Jean Calvert; Cllr Jim Dodds; Cllr John Lawson; Cllr John Taylor; Cllr Judith Hughes; Cllr Julie Stewart-Turner; Cllr Karen Allison; Cllr Karen Rowling; Cllr Kath Pinnock; Cllr Kath Taylor; Cllr Ken Smith; Cllr Kenneth Sims; Cllr Linda Wilkinson; Cllr Lisa Holmes; Cllr Mahmood Akhtar; Cllr Marielle O'Neill; Cllr Mark Hemingway; Cllr MasoodG Ahmed; Cllr Michael Watson; Cllr Mohammad Sarwar; Cllr Mohan Sokhal; Cllr Molly Walton; Cllr Mumtaz Hussain; Cllr Musarrat Khan; Cllr Naheed Mather; Cllr Nicola Turner; Cllr Nigel Patrick; Cllr Nosheen Dad; Cllr Paul Kane; Cllr Peter McBride; Cllr Phil Scott; Cllr Robert Light; Cllr RobertW Barraclough; Cllr Shabir Pandor; Cllr Sheikh Ullah; Cllr Simon Alvy; Cllr Steve Hall; Cllr Terry Lyons; Cllr Viv Kendrick; Jacqui Gedman; Paul Kemp; Neal Fearn; Michael Bunting; Andrew Prescott; Anwar Butt; Beth Jennings; Karen Eastwood; Mike Skelton; Rox Javaid; Stephanie Cooper; Steve Shallow; Victoria Thomson
Subject: RE: Proposed New taxi & Private Hire conditions

It's not only phones. Why do we licence and sanction vehicles to carry passengers which may still use hand held radios?

There is no reason today why they shouldn't either have hands free or use other technology for fares

Martyn

From: Cllr Vivien Lees-Hamilton
Sent: 29 June 2015 22:41
To: Catherine Walter
Cc: Cllr Abdul Patel; Cllr Amanda Pinnock; Cllr Amanda Stubley; Cllr Andrew Cooper; Cllr Andrew Marchington; Cllr Andrew Palfreeman; Cllr Andrew Pinnock; Cllr Bill Armer; Cllr Cahal Burke; Cllr Carole Pattison; Cllr Cathy Scott; Cllr Charles Greaves; Cllr Christine Iredale; Cllr Darren O'Donovan; Cllr David Hall; Cllr David Ridgway; Cllr David Sheard; Cllr Donald Firth; Cllr Donna Bellamy; Cllr Edgar Holroyd-Doveton; Cllr Elizabeth Smaje; Cllr Eric Firth; Cllr Erin Hill; Cllr Gemma Wilson; Cllr Graham Turner; Cllr Gwen Lowe; Cllr Hanif Mayet; Cllr Hilary Richards; Cllr Jean Calvert; Cllr Jim Dodds; Cllr John Lawson; Cllr John Taylor; Cllr Judith Hughes; Cllr Julie Stewart-Turner; Cllr Karen Allison; Cllr Karen Rowling; Cllr Kath Pinnock; Cllr Kath Taylor; Cllr Ken Smith; Cllr Kenneth Sims; Cllr Linda Wilkinson; Cllr Lisa Holmes; Cllr Mahmood Akhtar; Cllr Marielle O'Neill; Cllr Mark Hemingway; Cllr Martyn Bolt; Cllr MasoodG Ahmed; Cllr Michael Watson; Cllr Mohammad Sarwar; Cllr Mohan Sokhal; Cllr Molly Walton; Cllr Mumtaz Hussain; Cllr Musarrat Khan; Cllr Naheed Mather; Cllr Nicola Turner; Cllr Nigel Patrick; Cllr Nosheen Dad; Cllr Paul Kane; Cllr Peter McBride; Cllr Phil Scott; Cllr Robert Light; Cllr RobertW Barraclough; Cllr Shabir Pandor; Cllr Sheikh Ullah; Cllr Simon Alvy; Cllr Steve Hall; Cllr Terry Lyons; Cllr Viv Kendrick; Jacqui Gedman; Paul Kemp; Neal Fearn; Michael Bunting; Andrew Prescott; Anwar Butt; Beth Jennings; Karen Eastwood; Mike Skelton; Rox Javaid; Stephanie Cooper; Steve Shallow; Victoria Thomson
Subject: Re: Proposed New taxi & Private Hire conditions

Dear Catherine,

Can we put in any stipulations regarding the use of hand held mobile phones whilst driving?

Catherine Walter

From: Cllr Eric Firth
Sent: 29 June 2015 14:14
To: Catherine Walter
Subject: Re: Proposed New taxi & Private Hire conditions
Attachments: Conditions - hackney carriage-private hire driver - AMENDED.pdf

Hi Catherine

How can anyone argue that these amendments are prohibitive , support fully.....Eric

Delivered to you with Kirklees Mobile Email solution.

From: "Catherine Walter" <Catherine.Walter@kirklees.gov.uk>
Sent: 29 Jun 2015 12:21
To: "Cllr Abdul Patel" <Abdul.Patel@kirklees.gov.uk>, "Cllr Amanda Pinnock" <Amanda.Pinnock@kirklees.gov.uk>, "Cllr Amanda Stubbley" <Amanda.Stubbley@kirklees.gov.uk>, "Cllr Andrew Cooper" <Andrew.Cooper@kirklees.gov.uk>, "Cllr Andrew Marchington" <andrew.marchington@kirklees.gov.uk>, "Cllr Andrew Palfreeman" <Andrew.Palfreeman@kirklees.gov.uk>, "Cllr Andrew Pinnock" <Andrew.Pinnock@kirklees.gov.uk>, "Cllr Bill Armer" <Bill.Armer@kirklees.gov.uk>, "Cllr Cahal Burke" <Cahal.Burke@kirklees.gov.uk>, "Cllr Carole Pattison" <Carole.Pattison@kirklees.gov.uk>, "Cllr Cathy Scott" <Cathy.Scott@kirklees.gov.uk>, "Cllr Charles Greaves" <Charles.Greaves@kirklees.gov.uk>, "Cllr Christine Iredale" <Christine.Iredale@kirklees.gov.uk>, "Cllr Darren O'Donovan" <Darren.O'Donovan@kirklees.gov.uk>, "Cllr David Hall" <David.Hall@kirklees.gov.uk>, "Cllr David Ridgway" <David.Ridgway@kirklees.gov.uk>, "Cllr David Sheard" <David.Sheard@kirklees.gov.uk>, "Cllr Donald Firth" <Donald.Firth@kirklees.gov.uk>, "Cllr Donna Bellamy" <Donna.Bellamy@kirklees.gov.uk>, "Cllr Edgar Holroyd-Doveton" <Edgar.Holroyd-Doveton@kirklees.gov.uk>, "Cllr Elizabeth Smaje" <Elizabeth.Smaje@kirklees.gov.uk>, "Cllr Eric Firth" <Eric.Firth@kirklees.gov.uk>, "Cllr Erin Hill" <Erin.Hill@kirklees.gov.uk>, "Cllr Gemma Wilson" <Gemma.Wilson@kirklees.gov.uk>, "Cllr Graham Turner" <Graham.Turner@kirklees.gov.uk>, "Cllr Gwen Lowe" <Gwen.Lowe@kirklees.gov.uk>, "Cllr Hanif Mayet" <Hanif.Mayet@kirklees.gov.uk>, "Cllr Hilary Richards" <Hilary.Richards@kirklees.gov.uk>, "Cllr Jean Calvert" <jean.calvert@kirklees.gov.uk>, "Cllr Jim Dodds" <Jim.Dodds@kirklees.gov.uk>, "Cllr John Lawson" <John.Lawson@kirklees.gov.uk>, "Cllr John Taylor" <John.J.Taylor@kirklees.gov.uk>, "Cllr Judith Hughes" <Judith.Hughes@kirklees.gov.uk>, "Cllr Julie Stewart-Turner" <Julie.Stewart-Turner@kirklees.gov.uk>, "Cllr Karen Allison" <Karen.Allison@kirklees.gov.uk>, "Cllr Karen Rowling" <Karen.Rowling@kirklees.gov.uk>, "Cllr Kath Pinnock" <Kath.Pinnock@kirklees.gov.uk>, "Cllr Kath Taylor" <Kath.Taylor@kirklees.gov.uk>, "Cllr Ken Smith" <Ken.Smith@kirklees.gov.uk>, "Cllr Kenneth Sims" <kenneth.sims@kirklees.gov.uk>, "Cllr Linda Wilkinson" <Linda.Wilkinson@kirklees.gov.uk>, "Cllr Lisa Holmes" <Lisa.Holmes@kirklees.gov.uk>, "Cllr Mahmood Akhtar" <Mahmood.Akhtar@kirklees.gov.uk>, "Cllr Marielle O'Neill" <Marielle.O'Neill@kirklees.gov.uk>, "Cllr Mark Hemingway" <Mark.Hemingway@kirklees.gov.uk>, "Cllr Martyn Bolt" <Martyn.Bolt@kirklees.gov.uk>, "Cllr MasoodG Ahmed" <MasoodG.Ahmed@kirklees.gov.uk>, "Cllr Michael Watson" <Michael.Watson@kirklees.gov.uk>, "Cllr Mohammad Sarwar" <Mohammad.Sarwar@kirklees.gov.uk>, "Cllr Mohan Sokhal" <Mohan.Sokhal@kirklees.gov.uk>, "Cllr Molly Walton" <Molly.Walton@kirklees.gov.uk>, "Cllr Mumtaz Hussain" <Mumtaz.Hussain@kirklees.gov.uk>, "Cllr Musarrat Khan" <Musarrat.Khan@kirklees.gov.uk>, "Cllr Naheed Mather" <Naheed.Mather@kirklees.gov.uk>, "Cllr Nicola Turner" <Nicola.Turner@kirklees.gov.uk>, "Cllr Nigel Patrick" <nigel.patrick@kirklees.gov.uk>, "Cllr Nosheen Dad" <Nosheen.Dad@kirklees.gov.uk>, "Cllr Paul Kane" <Paul.Kane@kirklees.gov.uk>, "Cllr Peter McBride" <Peter.McBride@kirklees.gov.uk>, "Cllr Phil Scott" <Phil.Scott@kirklees.gov.uk>, "Cllr Robert Light" <Robert.Light@kirklees.gov.uk>, "Cllr RobertW Barraclough" <Robertw.Barraclough@kirklees.gov.uk>, "Cllr Shabir Pandor" <Shabir.Pandor@kirklees.gov.uk>, "Cllr Sheikh Ullah" <Sheikh.Ullah@kirklees.gov.uk>, "Cllr Simon Alvy" <Simon.Alvy@kirklees.gov.uk>, "Cllr Steve Hall" <Steve.Hall@kirklees.gov.uk>, "Cllr Terry Lyons" <Terry.Lyons@kirklees.gov.uk>, "Cllr Viv Kendrick" <Viv.Kendrick@kirklees.gov.uk>, "Cllr Vivien Lees-Hamilton" <vivien.lees-hamilton@kirklees.gov.uk>, "Jacqui Gedman" <Jacqui.Gedman@kirklees.gov.uk>, "Paul Kemp" <Paul.Kemp@kirklees.gov.uk>, "Neal Fearn" <Neal.Fearn@kirklees.gov.uk>, "Michael Bunting" <Michael.Bunting@kirklees.gov.uk>, "Andrew Prescott"

Catherine Walter

From: Cllr Christine Iredale
Sent: 21 July 2015 13:18
To: Catherine Walter
Subject: Taxi & Private Hire

Hi Cath
Looks okay to me
Christine

Catherine Walter

From: Cllr Nicola Turner
Sent: 09 July 2015 15:00
To: Catherine Walter
Subject: FW: Proposed New taxi & Private Hire conditions

Hi

Please see comment below from David Ridgway on behalf of the Lib Dem group.

Regards

Nicola

From: Cllr David Ridgway
Sent: 01 July 2015 07:13
To: Cllr Nicola Turner
Subject: RE: Proposed New taxi & Private Hire conditions

The omission of a comment about mobile phones is valid.

The rest of the proposal is acceptable to me

David

From: Cllr Nicola Turner
Sent: 30 June 2015 13:25
To: Andrew O'Connor
Cc: Cllr Andrew Marchington; Cllr Andrew Pinnock; Cllr Cahal Burke; Cllr Christine Iredale; Cllr David Ridgway; Cllr James Blanchard; Cllr John Lawson; Cllr Kath Pinnock; Cllr Linda Wilkinson; Cllr Phil Scott
Subject: FW: Proposed New taxi & Private Hire conditions
Importance: High

Hi

If possible I would like our members on the licensing panel to have a look at this and make comment on behalf of the group.

Thanks

Nicola

From: Catherine Walter
Sent: 29 June 2015 12:21
To: Cllr Abdul Patel; Cllr Amanda Pinnock; Cllr Amanda Stuble; Cllr Andrew Cooper; Cllr Andrew Marchington; Cllr Andrew Palfreeman; Cllr Andrew Pinnock; Cllr Bill Armer; Cllr Cahal Burke; Cllr Caroie Pattison; Cllr Cathy Scott; Cllr Charles Greaves; Cllr Christine Iredale; Cllr Darren ODonovan; Cllr David Hall; Cllr David Ridgway; Cllr David Sheard; Cllr Donald Firth; Cllr Donna Bellamy; Cllr Edgar Holroyd-Doveton; Cllr Elizabeth Smaje; Cllr Eric Firth; Cllr Erin Hill; Cllr Gemma Wilson; Cllr Graham Turner; Cllr Gwen Lowe; Cllr Hanif Mayet; Cllr Hilary Richards; Cllr Jean Calvert; Cllr Jim Dodds; Cllr John Lawson; Cllr John Taylor; Cllr Judith Hughes; Cllr Julie Stewart-Turner; Cllr Karen Allison; Cllr Karen Rowling; Cllr Kath Pinnock; Cllr Kath Taylor; Cllr Ken Smith; Cllr Kenneth Sims; Cllr Linda Wilkinson; Cllr Lisa Holmes; Cllr Mahmood Akhtar; Cllr Marielle O'Neill; Cllr Mark Hemingway; Cllr Martyn Bolt; Cllr MasoodG Ahmed; Cllr Michael Watson; Cllr Mohammad Sarwar; Cllr Mohan Sokhal; Cllr Molly Walton; Cllr Mumtaz Hussain; Cllr Musarrat Khan; Cllr Naheed Mather; Cllr Nicola Turner; Cllr Nigel Patrick; Cllr Nosheen Dad; Cllr Paul Kane; Cllr Peter McBride;

Catherine Walter

From: Cllr Shabir Pandor
Sent: 30 June 2015 08:20
To: Cllr Martyn Bolt; Cllr Vivien Lees-Hamilton; Catherine Walter
Cc: Cllr Abdul Patel; Cllr Amanda Pinnock; Cllr Amanda Stublely; Cllr Andrew Cooper; Cllr Andrew Marchington; Cllr Andrew Palfreeman; Cllr Andrew Pinnock; Cllr Bill Armer; Cllr Cahal Burke; Cllr Carole Pattison; Cllr Cathy Scott; Cllr Charles Greaves; Cllr Christine Iredale; Cllr Darren O'Donovan; Cllr David Hall; Cllr David Ridgway; Cllr David Sheard; Cllr Donald Firth; Cllr Donna Bellamy; Cllr Edgar Holroyd-Doveton; Cllr Elizabeth Smaje; Cllr Eric Firth; Cllr Erin Hill; Cllr Gemma Wilson; Cllr Graham Turner; Cllr Gwen Lowe; Cllr Hanif Mayet; Cllr Hilary Richards; Cllr Jean Calvert; Cllr Jim Dodds; Cllr John Lawson; Cllr John Taylor; Cllr Judith Hughes; Cllr Julie Stewart-Turner; Cllr Karen Allison; Cllr Karen Rowling; Cllr Kath Pinnock; Cllr Kath Taylor; Cllr Ken Smith; Cllr Kenneth Sims; Cllr Linda Wilkinson; Cllr Lisa Holmes; Cllr Mahmood Akhtar; Cllr Marielle O'Neill; Cllr Mark Hemingway; Cllr MasoodG Ahmed; Cllr Michael Watson; Cllr Mohammad Sarwar; Cllr Mohan Sokhal; Cllr Molly Walton; Cllr Mumtaz Hussain; Cllr Musarrat Khan; Cllr Naheed Mather; Cllr Nicola Turner; Cllr Nigel Patrick; Cllr Nosheen Dad; Cllr Paul Kane; Cllr Peter McBride; Cllr Phil Scott; Cllr Robert Light; Cllr RobertW Barraclough; Cllr Sheikh Ullah; Cllr Simon Alvy; Cllr Steve Hall; Cllr Terry Lyons; Cllr Viv Kendrick; Jacqui Gedman; Paul Kemp; Neal Fearn; Michael Bunting; Andrew Prescott; Anwar Butt; Beth Jennings; Karen Eastwood; Mike Skelton; Rox Javaid; Stephanie Cooper; Steve Shallow; Victoria Thomson
Subject: RE: Proposed New taxi & Private Hire conditions

Do emergency vehicles still have this technology

Kind regards Shabir (07916 261 595)

Sent from my Windows Phone

From: Cllr Martyn Bolt
Sent: 30/06/2015 08:03
To: Cllr Vivien Lees-Hamilton; Catherine Walter
Cc: Cllr Abdul Patel; Cllr Amanda Pinnock; Cllr Amanda Stublely; Cllr Andrew Cooper; Cllr Andrew Marchington; Cllr Andrew Palfreeman; Cllr Andrew Pinnock; Cllr Bill Armer; Cllr Cahal Burke; Cllr Carole Pattison; Cllr Cathy Scott; Cllr Charles Greaves; Cllr Christine Iredale; Cllr Darren O'Donovan; Cllr David Hall; Cllr David Ridgway; Cllr David Sheard; Cllr Donald Firth; Cllr Donna Bellamy; Cllr Edgar Holroyd-Doveton; Cllr Elizabeth Smaje; Cllr Eric Firth; Cllr Erin Hill; Cllr Gemma Wilson; Cllr Graham Turner; Cllr Gwen Lowe; Cllr Hanif Mayet; Cllr Hilary Richards; Cllr Jean Calvert; Cllr Jim Dodds; Cllr John Lawson; Cllr John Taylor; Cllr Judith Hughes; Cllr Julie Stewart-Turner; Cllr Karen Allison; Cllr Karen Rowling; Cllr Kath Pinnock; Cllr Kath Taylor; Cllr Ken Smith; Cllr Kenneth Sims; Cllr Linda Wilkinson; Cllr Lisa Holmes; Cllr Mahmood Akhtar; Cllr Marielle O'Neill; Cllr Mark Hemingway; Cllr MasoodG Ahmed; Cllr Michael Watson; Cllr Mohammad Sarwar; Cllr Mohan Sokhal; Cllr Molly Walton; Cllr Mumtaz Hussain; Cllr Musarrat Khan; Cllr Naheed Mather; Cllr Nicola Turner; Cllr Nigel Patrick; Cllr Nosheen Dad; Cllr Paul Kane; Cllr Peter McBride; Cllr Phil Scott; Cllr Robert Light; Cllr RobertW Barraclough; Cllr Shabir Pandor; Cllr Sheikh Ullah; Cllr Simon Alvy; Cllr Steve Hall; Cllr Terry Lyons; Cllr Viv Kendrick; Jacqui Gedman; Paul Kemp; Neal Fearn; Michael Bunting; Andrew Prescott; Anwar Butt; Beth Jennings; Karen Eastwood; Mike Skelton; Rox Javaid; Stephanie Cooper; Steve Shallow; Victoria Thomson
Subject: RE: Proposed New taxi & Private Hire conditions

It's not only phones. Why do we licence and sanction vehicles to carry passengers which may still use hand held radios?

There is no reason today why they shouldn't either have hands free or use other technology for fares

Martyn

Catherine Walter

From: Cllr Shabir Pandor
Sent: 30 June 2015 02:00
To: Cllr Vivien Lees-Hamilton; Catherine Walter
Cc: Cllr Abdul Patel; Cllr Amanda Pinnock; Cllr Amanda Stuble; Cllr Andrew Cooper; Cllr Andrew Marchington; Cllr Andrew Palfreeman; Cllr Andrew Pinnock; Cllr Bill Armer; Cllr Cahal Burke; Cllr Carole Pattison; Cllr Cathy Scott; Cllr Charles Greaves; Cllr Christine Iredale; Cllr Darren O'Donovan; Cllr David Hall; Cllr David Ridgway; Cllr David Sheard; Cllr Donald Firth; Cllr Donna Bellamy; Cllr Edgar Holroyd-Doveton; Cllr Elizabeth Smaje; Cllr Eric Firth; Cllr Erin Hill; Cllr Gemma Wilson; Cllr Graham Turner; Cllr Gwen Lowe; Cllr Hanif Mayet; Cllr Hilary Richards; Cllr Jean Calvert; Cllr Jim Dodds; Cllr John Lawson; Cllr JohnJ Taylor; Cllr Judith Hughes; Cllr Julie Stewart-Turner; Cllr Karen Allison; Cllr Karen Rowling; Cllr Kath Pinnock; Cllr Kath Taylor; Cllr Ken Smith; Cllr Kenneth Sims; Cllr Linda Wilkinson; Cllr Lisa Holmes; Cllr Mahmood Akhtar; Cllr Marielle O'Neill; Cllr Mark Hemingway; Cllr Martyn Bolt; Cllr MasoodG Ahmed; Cllr Michael Watson; Cllr Mohammad Sarwar; Cllr Mohan Sokhai; Cllr Molly Walton; Cllr Mumtaz Hussain; Cllr Musarrat Khan; Cllr Naheed Mather; Cllr Nicola Turner; Cllr Nigel Patrick; Cllr Nosheen Dad; Cllr Paul Kane; Cllr Peter McBride; Cllr Phil Scott; Cllr Robert Light; Cllr RobertW Barraclough; Cllr Sheikh Ullah; Cllr Simon Alvy; Cllr Steve Hall; Cllr Terry Lyons; Cllr Viv Kendrick; Jacqui Gedman; Paul Kemp; Neal Fearn; Michael Bunting; Andrew Prescott; Anwar Butt; Beth Jennings; Karen Eastwood; Mike Skelton; Rox Javaid; Stephanie Cooper; Steve Shallow; Victoria Thomson
Subject: RE: Proposed New taxi & Private Hire conditions

Good point – driving using mobile phones is illegal for any driver *regardless of occupation*. See link below:

<https://www.gov.uk/using-mobile-phones-when-driving-the-law>

From: Cllr Vivien Lees-Hamilton
Sent: 29 June 2015 22:41
To: Catherine Walter
Cc: Cllr Abdul Patel; Cllr Amanda Pinnock; Cllr Amanda Stuble; Cllr Andrew Cooper; Cllr Andrew Marchington; Cllr Andrew Palfreeman; Cllr Andrew Pinnock; Cllr Bill Armer; Cllr Cahal Burke; Cllr Carole Pattison; Cllr Cathy Scott; Cllr Charles Greaves; Cllr Christine Iredale; Cllr Darren O'Donovan; Cllr David Hall; Cllr David Ridgway; Cllr David Sheard; Cllr Donald Firth; Cllr Donna Bellamy; Cllr Edgar Holroyd-Doveton; Cllr Elizabeth Smaje; Cllr Eric Firth; Cllr Erin Hill; Cllr Gemma Wilson; Cllr Graham Turner; Cllr Gwen Lowe; Cllr Hanif Mayet; Cllr Hilary Richards; Cllr Jean Calvert; Cllr Jim Dodds; Cllr John Lawson; Cllr JohnJ Taylor; Cllr Judith Hughes; Cllr Julie Stewart-Turner; Cllr Karen Allison; Cllr Karen Rowling; Cllr Kath Pinnock; Cllr Kath Taylor; Cllr Ken Smith; Cllr Kenneth Sims; Cllr Linda Wilkinson; Cllr Lisa Holmes; Cllr Mahmood Akhtar; Cllr Marielle O'Neill; Cllr Mark Hemingway; Cllr Martyn Bolt; Cllr MasoodG Ahmed; Cllr Michael Watson; Cllr Mohammad Sarwar; Cllr Mohan Sokhai; Cllr Molly Walton; Cllr Mumtaz Hussain; Cllr Musarrat Khan; Cllr Naheed Mather; Cllr Nicola Turner; Cllr Nigel Patrick; Cllr Nosheen Dad; Cllr Paul Kane; Cllr Peter McBride; Cllr Phil Scott; Cllr Robert Light; Cllr RobertW Barraclough; Cllr Shabir Pandor; Cllr Sheikh Ullah; Cllr Simon Alvy; Cllr Steve Hall; Cllr Terry Lyons; Cllr Viv Kendrick; Jacqui Gedman; Paul Kemp; Neal Fearn; Michael Bunting; Andrew Prescott; Anwar Butt; Beth Jennings; Karen Eastwood; Mike Skelton; Rox Javaid; Stephanie Cooper; Steve Shallow; Victoria Thomson
Subject: Re: Proposed New taxi & Private Hire conditions

Dear Catherine,

Can we put in any stipulations regarding the use of hand held mobile phones whilst driving?

I am continually seeing Taxi drivers using hand held mobile telephone whilst driving.

Catherine Walter

From: Cllr Nigel Patrick
Sent: 02 July 2015 11:35
To: Catherine Walter
Subject: RE: Proposed New taxi & Private Hire conditions

Catherine,

My initial thoughts are that the amendments are all reasonable, and should have been on any way. However, do the amendments go far enough? Do the amendments actually protect children? I don't think they go far enough specifically in relation to the age group Casey sets out to protect.

Cllr Nigel Patrick

From: Catherine Walter
Sent: 29 June 2015 12:21
To: Cllr Abdul Patel; Cllr Amanda Pinnock; Cllr Amanda Stubley; Cllr Andrew Cooper; Cllr Andrew Marchington; Cllr Andrew Palfreeman; Cllr Andrew Pinnock; Cllr Bill Armer; Cllr Cahal Burke; Cllr Carole Pattison; Cllr Cathy Scott; Cllr Charles Greaves; Cllr Christine Iredale; Cllr Darren O'Donovan; Cllr David Hall; Cllr David Ridgway; Cllr David Sheard; Cllr Donald Firth; Cllr Donna Bellamy; Cllr Edgar Holroyd-Doveton; Cllr Elizabeth Smaje; Cllr Eric Firth; Cllr Erin Hill; Cllr Gemma Wilson; Cllr Graham Turner; Cllr Gwen Lowe; Cllr Hanif Mayet; Cllr Hilary Richards; Cllr Jean Calvert; Cllr Jim Dodds; Cllr John Lawson; Cllr John J Taylor; Cllr Judith Hughes; Cllr Julie Stewart-Turner; Cllr Karen Allison; Cllr Karen Rowling; Cllr Kath Pinnock; Cllr Kath Taylor; Cllr Ken Smith; Cllr Kenneth Sims; Cllr Linda Wilkinson; Cllr Lisa Holmes; Cllr Mahmood Akhtar; Cllr Marielle O'Neill; Cllr Mark Hemingway; Cllr Martyn Bolt; Cllr MasoodG Ahmed; Cllr Michael Watson; Cllr Mohammad Sarwar; Cllr Mohan Sokhal; Cllr Molly Walton; Cllr Mumtaz Hussain; Cllr Musarrat Khan; Cllr Naheed Mather; Cllr Nicola Turner; Cllr Nigel Patrick; Cllr Nosheen Dad; Cllr Paul Kane; Cllr Peter McBride; Cllr Phil Scott; Cllr Robert Light; Cllr Robert W Barraclough; Cllr Shabir Pandor; Cllr Sheikh Ullah; Cllr Simon Alvy; Cllr Steve Hall; Cllr Terry Lyons; Cllr Viv Kendrick; Cllr Vivien Lees-Hamilton; Jacqui Gedman; Paul Kemp; Neal Fearn; Michael Bunting; Andrew Prescott; Anwar Butt; Beth Jennings; Karen Eastwood; Mike Skelton; Rox Javaid; Stephanie Cooper; Steve Shallow; Victoria Thomson
Cc: Neal Fearn
Subject: Proposed New taxi & Private Hire conditions
Importance: High

Dear All,

You may be aware that following the Casey Report the Licensing department is currently reviewing its licensing conditions for taxi & private hire licensing.

The first set of conditions under review are those applying to drivers. After carrying out research with other councils across the combined authority district, I now attach a draft of the proposed amended conditions. For ease of reference I have shown the proposed changes to the existing conditions in blue and red. The proposed changes are subject to a 6 week consultation period which will run from today until Friday 7th August 2015. At the end of the consultation a final decision on the amended conditions will be made by the Licensing and Safety Committee.

Please note all our conditions are being reviewed and other consultations will follow in due course.

I would be grateful if you could let me have any comments (either positive or negative) by the closing date so that I can incorporate them in my report to the committee. If you wish to discuss prior to making any comment please do not hesitate to give us a call and speak to either myself or my senior licensing officer Steve Shallow.

With many thanks

Catherine Walter

Catherine Walter

From: Cllr David Ridgway
Sent: 01 July 2015 07:10
To: Catherine Walter
Subject: RE: Proposed New taxi & Private Hire conditions

Hi Cath

I have seen the comments from other councillors and I think it would be appropriate to include a paragraph about mobile phones.

Cheers

David

From: Catherine Walter
Sent: 29 June 2015 12:21

To: Cllr Abdul Patel; Cllr Amanda Pinnock; Cllr Amanda Stuble; Cllr Andrew Cooper; Cllr Andrew Marchington; Cllr Andrew Palfreeman; Cllr Andrew Pinnock; Cllr Bill Armer; Cllr Cahal Burke; Cllr Carole Pattison; Cllr Cathy Scott; Cllr Charles Greaves; Cllr Christine Iredale; Cllr Darren O'Donovan; Cllr David Hall; Cllr David Ridgway; Cllr David Sheard; Cllr Donald Firth; Cllr Donna Bellamy; Cllr Edgar Holroyd-Doveton; Cllr Elizabeth Smaje; Cllr Eric Firth; Cllr Erin Hill; Cllr Gemma Wilson; Cllr Graham Turner; Cllr Gwen Lowe; Cllr Hanif Mayet; Cllr Hilary Richards; Cllr Jean Calvert; Cllr Jim Dodds; Cllr John Lawson; Cllr John Taylor; Cllr Judith Hughes; Cllr Julie Stewart-Turner; Cllr Karen Allison; Cllr Karen Rowling; Cllr Kath Pinnock; Cllr Kath Taylor; Cllr Ken Smith; Cllr Kenneth Sims; Cllr Linda Wilkinson; Cllr Lisa Holmes; Cllr Mahmood Akhtar; Cllr Marielle O'Neill; Cllr Mark Hemingway; Cllr Martyn Bolt; Cllr MasoodG Ahmed; Cllr Michael Watson; Cllr Mohammad Sarwar; Cllr Mohan Sokhal; Cllr Molly Walton; Cllr Mumtaz Hussain; Cllr Musarrat Khan; Cllr Naheed Mather; Cllr Nicola Turner; Cllr Nigel Patrick; Cllr Nosheen Dad; Cllr Paul Kane; Cllr Peter McBride; Cllr Phil Scott; Cllr Robert Light; Cllr RobertW Barraclough; Cllr Shabir Pandor; Cllr Sheikh Ullah; Cllr Simon Alvy; Cllr Steve Hall; Cllr Terry Lyons; Cllr Viv Kendrick; Cllr Vivien Lees-Hamilton; Jacqui Gedman; Paul Kemp; Neal Fearn; Michael Bunting; Andrew Prescott; Anwar Butt; Beth Jennings; Karen Eastwood; Mike Skelton; Rox Javaid; Stephanie Cooper; Steve Shallow; Victoria Thomson

Cc: Neal Fearn

Subject: Proposed New taxi & Private Hire conditions

Importance: High

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I would be grateful if you could let me have any comments (either positive or negative) by the closing date so that I can incorporate them in my report to the committee. If you wish to discuss prior to making any comment please do not hesitate to give us a call and speak to either myself or my senior licensing officer Steve Shallow.

With many thanks

Catherine Walter

From: Cllr Steve Hall
Sent: 30 June 2015 13:16
To: Catherine Walter
Subject: RE: Proposed New taxi & Private Hire conditions

Hi Cath the comment about driving using a mobile phone is a bit old hat now but one thing is are all taxis no smoking for both the driver and passenger. I think the changes are what is needed.

Regards Steve

From: Catherine Walter
Sent: 29 June 2015 12:21

To: Cllr Abdul Patel; Cllr Amanda Pinnock; Cllr Amanda Stubley; Cllr Andrew Cooper; Cllr Andrew Marchington; Cllr Andrew Palfreeman; Cllr Andrew Pinnock; Cllr Bill Armer; Cllr Cahal Burke; Cllr Carole Pattison; Cllr Cathy Scott; Cllr Charles Greaves; Cllr Christine Iredale; Cllr Darren O'Donovan; Cllr David Hall; Cllr David Ridgway; Cllr David Sheard; Cllr Donald Firth; Cllr Donna Bellamy; Cllr Edgar Holroyd-Doveton; Cllr Elizabeth Smaje; Cllr Eric Firth; Cllr Erin Hill; Cllr Gemma Wilson; Cllr Graham Turner; Cllr Gwen Lowe; Cllr Hanif Mayet; Cllr Hilary Richards; Cllr Jean Calvert; Cllr Jim Dodds; Cllr John Lawson; Cllr John J Taylor; Cllr Judith Hughes; Cllr Julie Stewart-Turner; Cllr Karen Allison; Cllr Karen Rowling; Cllr Kath Pinnock; Cllr Kath Taylor; Cllr Ken Smith; Cllr Kenneth Sims; Cllr Linda Wilkinson; Cllr Lisa Holmes; Cllr Mahmood Akhtar; Cllr Marielle O'Neill; Cllr Mark Hemingway; Cllr Martyn Bolt; Cllr Masood G Ahmed; Cllr Michael Watson; Cllr Mohammad Sarwar; Cllr Mohan Sokhal; Cllr Molly Walton; Cllr Mumtaz Hussain; Cllr Musarrat Khan; Cllr Naheed Mather; Cllr Nicola Turner; Cllr Nigel Patrick; Cllr Nosheen Dad; Cllr Paul Kane; Cllr Peter McBride; Cllr Phil Scott; Cllr Robert Light; Cllr Robert W Barraclough; Cllr Shabir Pandor; Cllr Sheikh Ullah; Cllr Simon Alvy; Cllr Steve Hall; Cllr Terry Lyons; Cllr Viv Kendrick; Cllr Vivien Lees-Hamilton; Jacqui Gedman; Paul Kemp; Neal Fearn; Michael Bunting; Andrew Prescott; Anwar Butt; Beth Jennings; Karen Eastwood; Mike Skelton; Rox Javaid; Stephanie Cooper; Steve Shallow; Victoria Thomson

Cc: Neal Fearn

Subject: Proposed New taxi & Private Hire conditions

Importance: High

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With many thanks

Catherine Walter

Licensing, Local Land Charges and Highways Registry Manager

Kirklees Council

catherine.walter@kirklees.gov.uk

Catherine Walter

From: Cllr David Ridgway
Sent: 01 July 2015 07:10
To: Catherine Walter
Subject: RE: Proposed New taxi & Private Hire conditions

Hi Cath

I have seen the comments from other councillors and I think it would be appropriate to include a paragraph about mobile phones.

Cheers

David

From: Catherine Walter
Sent: 29 June 2015 12:21

To: Cllr Abdul Patel; Cllr Amanda Pinnock; Cllr Amanda Stubley; Cllr Andrew Cooper; Cllr Andrew Marchington; Cllr Andrew Palfreeman; Cllr Andrew Pinnock; Cllr Bill Armer; Cllr Cahal Burke; Cllr Carole Pattison; Cllr Cathy Scott; Cllr Charles Greaves; Cllr Christine Iredale; Cllr Darren ODonovan; Cllr David Hall; Cllr David Ridgway; Cllr David Sheard; Cllr Donald Firth; Cllr Donna Bellamy; Cllr Edgar Holroyd-Doveton; Cllr Elizabeth Smaje; Cllr Eric Firth; Cllr Erin Hill; Cllr Gemma Wilson; Cllr Graham Turner; Cllr Gwen Lowe; Cllr Hanif Mayet; Cllr Hilary Richards; Cllr Jean Calvert; Cllr Jim Dodds; Cllr John Lawson; Cllr John J Taylor; Cllr Judith Hughes; Cllr Julie Stewart-Turner; Cllr Karen Allison; Cllr Karen Rowling; Cllr Kath Pinnock; Cllr Kath Taylor; Cllr Ken Smith; Cllr Kenneth Sims; Cllr Linda Wilkinson; Cllr Lisa Holmes; Cllr Mahmood Akhtar; Cllr Marielle O'Neill; Cllr Mark Hemingway; Cllr Martyn Bolt; Cllr MasoodG Ahmed; Cllr Michael Watson; Cllr Mohammad Sarwar; Cllr Mohan Sokhal; Cllr Molly Walton; Cllr Mumtaz Hussain; Cllr Musarrat Khan; Cllr Naheed Mather; Cllr Nicola Turner; Cllr Nigel Patrick; Cllr Nosheen Dad; Cllr Paul Kane; Cllr Peter McBride; Cllr Phil Scott; Cllr Robert Light; Cllr Robert W Barraclough; Cllr Shabir Pandor; Cllr Sheikh Ullah; Cllr Simon Alvy; Cllr Steve Hall; Cllr Terry Lyons; Cllr Viv Kendrick; Cllr Vivien Lees-Hamilton; Jacqui Gedman; Paul Kemp; Neal Fearn; Michael Bunting; Andrew Prescott; Anwar Butt; Beth Jennings; Karen Eastwood; Mike Skelton; Rox Javaid; Stephanie Cooper; Steve Shallow; Victoria Thomson

Cc: Neal Fearn

Subject: Proposed New taxi & Private Hire conditions

Importance: High

Dear All,

You may be aware that following the Casey Report the Licensing department is currently reviewing its licensing conditions for taxi & private hire licensing.

The first set of conditions under review are those applying to drivers. After carrying out research with other councils across the combined authority district, I now attach a draft of the proposed amended conditions. For ease of reference I have shown the proposed changes to the existing conditions in blue and red. The proposed changes are subject to a 6 week consultation period which will run from today until Friday 7th August 2015. At the end of the consultation a final decision on the amended conditions will be made by the Licensing and Safety Committee.

Please note all our conditions are being reviewed and other consultations will follow in due course.

I would be grateful if you could let me have any comments (either positive or negative) by the closing date so that I can incorporate them in my report to the committee. If you wish to discuss prior to making any comment please do not hesitate to give us a call and speak to either myself or my senior licensing officer Steve Shallow.

With many thanks

Catherine Walter

From: Cllr Karen Rowling
Sent: 30 June 2015 11:18
To: Catherine Walter
Subject: RE: Proposed New taxi & Private Hire conditions

Thank very much for the quick response and explanations Catherine.

Taking these into consideration I am in support of the new conditions.

Regards

Karen

Delivered to you with Kirklees Mobile Email solution.

From: "Catherine Walter" <Catherine.Walter@kirklees.gov.uk>
Sent: 30 Jun 2015 10:45
To: "Cllr Karen Rowling" <Karen.Rowling@kirklees.gov.uk>
Subject: RE: Proposed New taxi & Private Hire conditions

Morning Karen,

The length of licences changes on 1st October when new legislation comes into force. From then on we have to grant a licence for a duration of three years unless individual circumstances dictate otherwise. E.g. a driver has reached 65 and from then requires a medical annually – he would only get an annual licence.

With regard to working hours, unlike lorry and bus drivers there are no legal specific limits for taxi drivers. We know some of the drivers work incredibly long hours as they may work in a factory during the day and then drive taxis at night. The condition is in line with neighbouring authorities and its meant to make the driver focus on his fitness to drive. If they choose to ignore it they will be more culpable in the event they have an accident and it is discovered that they had been working excessive hours. We are of the view that taxi drivers should work an average working week i.e. no more than 39 – 40 hours.

I hope this helps?

Kind regards

Cath

Catherine Walter

Licensing, Local Land Charges and Highways Registry Manager
Kirklees Council
catherine.walter@kirklees.gov.uk

Telephone 01484 456860 (internal 860-3860)

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Catherine Walter

From: Cllr Steve Hall
Sent: 30 June 2015 13:16
To: Catherine Walter
Subject: RE: Proposed New taxi & Private Hire conditions

Hi Cath the comment about driving using a mobile phone is a bit old hat now but one thing is are all taxis no smoking for both the driver and passenger. I think the changes are what is needed.
Regards Steve

From: Catherine Walter
Sent: 29 June 2015 12:21

To: Cllr Abdul Patel; Cllr Amanda Pinnock; Cllr Amanda Stubley; Cllr Andrew Cooper; Cllr Andrew Marchington; Cllr Andrew Palfreeman; Cllr Andrew Pinnock; Cllr Bill Armer; Cllr Cahal Burke; Cllr Carole Pattison; Cllr Cathy Scott; Cllr Charles Greaves; Cllr Christine Iredale; Cllr Darren O'Donovan; Cllr David Hall; Cllr David Ridgway; Cllr David Sheard; Cllr Donald Firth; Cllr Donna Bellamy; Cllr Edgar Holroyd-Doveton; Cllr Elizabeth Smaje; Cllr Eric Firth; Cllr Erin Hill; Cllr Gemma Wilson; Cllr Graham Turner; Cllr Gwen Lowe; Cllr Hanif Mayet; Cllr Hilary Richards; Cllr Jean Calvert; Cllr Jim Dodds; Cllr John Lawson; Cllr John J Taylor; Cllr Judith Hughes; Cllr Julie Stewart-Turner; Cllr Karen Allison; Cllr Karen Rowling; Cllr Kath Pinnock; Cllr Kath Taylor; Cllr Ken Smith; Cllr Kenneth Sims; Cllr Linda Wilkinson; Cllr Lisa Holmes; Cllr Mahmood Akhtar; Cllr Marielle O'Neill; Cllr Mark Hemingway; Cllr Martyn Bolt; Cllr Masood G Ahmed; Cllr Michael Watson; Cllr Mohammad Sarwar; Cllr Mohan Sokhal; Cllr Molly Walton; Cllr Mumtaz Hussain; Cllr Musarrat Khan; Cllr Naheed Mather; Cllr Nicola Turner; Cllr Nigel Patrick; Cllr Nosheen Dad; Cllr Paul Kane; Cllr Peter McBride; Cllr Phil Scott; Cllr Robert Light; Cllr Robert W Barraclough; Cllr Shabir Pandor; Cllr Sheikh Ullah; Cllr Simon Alvy; Cllr Steve Hall; Cllr Terry Lyons; Cllr Viv Kendrick; Cllr Vivien Lees-Hamilton; Jacqui Gedman; Paul Kemp; Neal Fearn; Michael Bunting; Andrew Prescott; Anwar Butt; Beth Jennings; Karen Eastwood; Mike Skelton; Rox Javaid; Stephanie Cooper; Steve Shallow; Victoria Thomson

Cc: Neal Fearn

Subject: Proposed New taxi & Private Hire conditions

Importance: High

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With many thanks

Catherine Walter

Licensing, Local Land Charges and Highways Registry Manager

Kirklees Council

catherine.walter@kirklees.gov.uk

Catherine Walter

From: Cllr Elizabeth Smaje
Sent: 01 July 2015 10:13
To: Catherine Walter
Subject: RE: Proposed New taxi & Private Hire conditions

Catherine

What about driving whilst using a mobile phone and parking so as not to obstruct other traffic and adhere to any parking restrictions.

Are there any specific rules that need to be followed if carrying any vulnerable person - either young or old - in the taxi?

thanks

Liz

From: Catherine Walter

Sent: 29 June 2015 12:21

To: Cllr Abdul Patel; Cllr Amanda Pinnock; Cllr Amanda Stublely; Cllr Andrew Cooper; Cllr Andrew Marchington; Cllr Andrew Palfreeman; Cllr Andrew Pinnock; Cllr Bill Armer; Cllr Cahal Burke; Cllr Carole Pattison; Cllr Cathy Scott; Cllr Charles Greaves; Cllr Christine Iredale; Cllr Darren ODonovan; Cllr David Hall; Cllr David Ridgway; Cllr David Sheard; Cllr Donald Firth; Cllr Donna Bellamy; Cllr Edgar Holroyd-Doveton; Cllr Elizabeth Smaje; Cllr Eric Firth; Cllr Erin Hill; Cllr Gemma Wilson; Cllr Graham Turner; Cllr Gwen Lowe; Cllr Hanif Mayet; Cllr Hilary Richards; Cllr Jean Calvert; Cllr Jim Dodds; Cllr John Lawson; Cllr JohnJ Taylor; Cllr Judith Hughes; Cllr Julie Stewart-Turner; Cllr Karen Allison; Cllr Karen Rowling; Cllr Kath Pinnock; Cllr Kath Taylor; Cllr Ken Smith; Cllr Kenneth Sims; Cllr Linda Wilkinson; Cllr Lisa Holmes; Cllr Mahmood Akhtar; Cllr Marielle O'Neill; Cllr Mark Hemingway; Cllr Martyn Bolt; Cllr MasoodG Ahmed; Cllr Michael Watson; Cllr Mohammad Sarwar; Cllr Mohan Sokhal; Cllr Molly Walton; Cllr Mumtaz Hussain; Cllr Musarrat Khan; Cllr Naheed Mather; Cllr Nicola Turner; Cllr Nigel Patrick; Cllr Nosheen Dad; Cllr Paul Kane; Cllr Peter McBride; Cllr Phil Scott; Cllr Robert Light; Cllr RobertW Barracough; Cllr Shabir Pandor; Cllr Sheikh Ullah; Cllr Simon Alvy; Cllr Steve Hall; Cllr Terry Lyons; Cllr Viv Kendrick; Cllr Vivien Lees-Hamilton; Jacqui Gedman; Paul Kemp; Neal Fearn; Michael Bunting; Andrew Prescott; Anwar Butt; Beth Jennings; Karen Eastwood; Mike Skelton; Rox Javaid; Stephanie Cooper; Steve Shallow; Victoria Thomson

Cc: Neal Fearn

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With many thanks

Catherine Walter

Licensing, Local Land Charges and Highways Registry Manager

Catherine Walter

From: Cllr Julie Stewart-Turner
Sent: 30 June 2015 15:41
To: Catherine Walter
Subject: RE: Proposed New taxi & Private Hire conditions

Thank you for highlighting the amendments. I don't think I can add anything to the report. However, I do agree with the comments made by other Councillors about mobile phones.

Regards

Julie

From: Catherine Walter
Sent: 29 June 2015 12:21

To: Cllr Abdul Patel; Cllr Amanda Pinnock; Cllr Amanda Stuble; Cllr Andrew Cooper; Cllr Andrew Marchington; Cllr Andrew Palfreeman; Cllr Andrew Pinnock; Cllr Bill Armer; Cllr Cahal Burke; Cllr Carole Pattison; Cllr Cathy Scott; Cllr Charles Greaves; Cllr Christine Iredale; Cllr Darren O'Donovan; Cllr David Hall; Cllr David Ridgway; Cllr David Sheard; Cllr Donald Firth; Cllr Donna Bellamy; Cllr Edgar Holroyd-Doveton; Cllr Elizabeth Smaje; Cllr Eric Firth; Cllr Erin Hill; Cllr Gemma Wilson; Cllr Graham Turner; Cllr Gwen Lowe; Cllr Hanif Mayet; Cllr Hilary Richards; Cllr Jean Calvert; Cllr Jim Dodds; Cllr John Lawson; Cllr John J Taylor; Cllr Judith Hughes; Cllr Julie Stewart-Turner; Cllr Karen Allison; Cllr Karen Rowling; Cllr Kath Pinnock; Cllr Kath Taylor; Cllr Ken Smith; Cllr Kenneth Sims; Cllr Linda Wilkinson; Cllr Lisa Holmes; Cllr Mahmood Akhtar; Cllr Marielle O'Neill; Cllr Mark Hemingway; Cllr Martyn Bolt; Cllr Masood G Ahmed; Cllr Michael Watson; Cllr Mohammad Sarwar; Cllr Mohan Sokhal; Cllr Molly Walton; Cllr Mumtaz Hussain; Cllr Musarrat Khan; Cllr Naheed Mather; Cllr Nicola Turner; Cllr Nigel Patrick; Cllr Nosheen Dad; Cllr Paul Kane; Cllr Peter McBride; Cllr Phil Scott; Cllr Robert Light; Cllr Robert W Barraclough; Cllr Shabir Pandor; Cllr Sheikh Ullah; Cllr Simon Alvy; Cllr Steve Hall; Cllr Terry Lyons; Cllr Viv Kendrick; Cllr Vivien Lees-Hamilton; Jacqui Gedman; Paul Kemp; Neal Fearn; Michael Bunting; Andrew Prescott; Anwar Butt; Beth Jennings; Karen Eastwood; Mike Skelton; Rox Javaid; Stephanie Cooper; Steve Shallow; Victoria Thomson

Cc: Neal Fearn

Subject: Proposed New taxi & Private Hire conditions

Importance: High

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With many thanks

Catherine Walter

Licensing, Local Land Charges and Highways Registry Manager

Catherine Walter

From: Cllr Vivien Lees-Hamilton
Sent: 29 June 2015 22:41
To: Catherine Walter
Cc: Cllr Abdul Patel; Cllr Amanda Pinnock; Cllr Amanda Stublely; Cllr Andrew Cooper; Cllr Andrew Marchington; Cllr Andrew Palfreeman; Cllr Andrew Pinnock; Cllr Bill Armer; Cllr Cahal Burke; Cllr Carole Pattison; Cllr Cathy Scott; Cllr Charles Greaves; Cllr Christine Iredale; Cllr Darren O'Donovan; Cllr David Hall; Cllr David Ridgway; Cllr David Sheard; Cllr Donald Firth; Cllr Donna Bellamy; Cllr Edgar Holroyd-Doveton; Cllr Elizabeth Smaje; Cllr Eric Firth; Cllr Erin Hill; Cllr Gemma Wilson; Cllr Graham Turner; Cllr Gwen Lowe; Cllr Hanif Mayet; Cllr Hilary Richards; Cllr Jean Calvert; Cllr Jim Dodds; Cllr John Lawson; Cllr John Taylor; Cllr Judith Hughes; Cllr Julie Stewart-Turner; Cllr Karen Allison; Cllr Karen Rowling; Cllr Kath Pinnock; Cllr Kath Taylor; Cllr Ken Smith; Cllr Kenneth Sims; Cllr Linda Wilkinson; Cllr Lisa Holmes; Cllr Mahmood Akhtar; Cllr Marielle O'Neill; Cllr Mark Hemingway; Cllr Martyn Bolt; Cllr MasoodG Ahmed; Cllr Michael Watson; Cllr Mohammad Sarwar; Cllr Mohan Sokhal; Cllr Molly Walton; Cllr Mumtaz Hussain; Cllr Musarrat Khan; Cllr Naheed Mather; Cllr Nicola Turner; Cllr Nigel Patrick; Cllr Nosheen Dad; Cllr Paul Kane; Cllr Peter McBride; Cllr Phil Scott; Cllr Robert Light; Cllr RobertW Barraclough; Cllr Shabir Pandor; Cllr Sheikh Ullah; Cllr Simon Alvy; Cllr Steve Hall; Cllr Terry Lyons; Cllr Viv Kendrick; Jacqui Gedman; Paul Kemp; Neal Fearn; Michael Bunting; Andrew Prescott; Anwar Butt; Beth Jennings; Karen Eastwood; Mike Skelton; Rox Javaid; Stephanie Cooper; Steve Shallow; Victoria Thomson
Subject: Re: Proposed New taxi & Private Hire conditions
Attachments: Conditions - hackney carriage-private hire driver - AMENDED.pdf

Dear Catherine,

Can we put in any stipulations regarding the use of hand held mobile phones whilst driving?

I am continually seeing Taxi drivers using hand held mobile telephone whilst driving.

I now have CCTV fitted to the front and rear of my vehicle. You are welcome to any and all incriminating footage.

Regards

Vivien

Delivered to you with Kirklees Mobile Email solution.

From: "Catherine Walter" <Catherine.Walter@kirklees.gov.uk>

Sent: 29 Jun 2015 12:21

To: "Cllr Abdul Patel" <Abdul.Patel@kirklees.gov.uk>, "Cllr Amanda Pinnock" <Amanda.Pinnock@kirklees.gov.uk>, "Cllr Amanda Stublely" <Amanda.Stublely@kirklees.gov.uk>, "Cllr Andrew Cooper" <Andrew.Cooper@kirklees.gov.uk>, "Cllr Andrew Marchington" <andrew.marchington@kirklees.gov.uk>, "Cllr Andrew Palfreeman" <Andrew.Palfreeman@kirklees.gov.uk>, "Cllr Andrew Pinnock" <Andrew.Pinnock@kirklees.gov.uk>, "Cllr Bill Armer" <Bill.Armer@kirklees.gov.uk>, "Cllr Cahal Burke" <Cahal.Burke@kirklees.gov.uk>, "Cllr Carole Pattison" <Carole.Pattison@kirklees.gov.uk>, "Cllr Cathy Scott" <Cathy.Scott@kirklees.gov.uk>, "Cllr Charles Greaves" <Charles.Greaves@kirklees.gov.uk>, "Cllr Christine Iredale" <Christine.Iredale@kirklees.gov.uk>, "Cllr Darren O'Donovan" <Darren.O'Donovan@kirklees.gov.uk>, "Cllr David Hall" <David.Hall@kirklees.gov.uk>, "Cllr David Ridgway" <David.Ridgway@kirklees.gov.uk>, "Cllr David Sheard" <David.Sheard@kirklees.gov.uk>, "Cllr Donald Firth" <Donald.Firth@kirklees.gov.uk>, "Cllr Donna Bellamy"

Catherine Walter

From: Cllr Molly Walton
Sent: 29 June 2015 21:33
To: Catherine Walter
Subject: Re: Proposed New taxi & Private Hire conditions
Attachments: Conditions - hackney carriage-private hire driver - AMENDED.pdf

Cath---seem reasonable to me. Molly

Delivered to you with Kirklees Mobile Email solution.

From: "Catherine Walter" <Catherine.Walter@kirklees.gov.uk>
Sent: 29 Jun 2015 12:21
To: "Cllr Abdul Patel" <Abdul.Patel@kirklees.gov.uk>, "Cllr Amanda Pinnock" <Amanda.Pinnock@kirklees.gov.uk>, "Cllr Amanda Stubley" <Amanda.Stubley@kirklees.gov.uk>, "Cllr Andrew CathCooper" <Andrew.Cooper@kirklees.gov.uk>, "Cllr Andrew Marchington" <andrew.marchington@kirklees.gov.uk>, "Cllr Andrew Palfreeman" <Andrew.Palfreeman@kirklees.gov.uk>, "Cllr Andrew Pinnock" <Andrew.Pinnock@kirklees.gov.uk>, "Cllr Bill Armer" <Bill.Armer@kirklees.gov.uk>, "Cllr Cahal Burke" <Cahal.Burke@kirklees.gov.uk>, "Cllr Carole Pattison" <Carole.Pattison@kirklees.gov.uk>, "Cllr Cathy Scott" <Cathy.Scott@kirklees.gov.uk>, "Cllr Charles Greaves" <Charles.Greaves@kirklees.gov.uk>, "Cllr Christine Iredale" <Christine.Iredale@kirklees.gov.uk>, "Cllr Darren O'Donovan" <Darren.O'Donovan@kirklees.gov.uk>, "Cllr David Hall" <David.Hall@kirklees.gov.uk>, "Cllr David Ridgway" <David.Ridgway@kirklees.gov.uk>, "Cllr David Sheard" <David.Sheard@kirklees.gov.uk>, "Cllr Donald Firth" <Donald.Firth@kirklees.gov.uk>, "Cllr Donna Bellamy" <Donna.Bellamy@kirklees.gov.uk>, "Cllr Edgar Holroyd-Doveton" <Edgar.Holroyd-Doveton@kirklees.gov.uk>, "Cllr Elizabeth Smaje" <Elizabeth.Smaje@kirklees.gov.uk>, "Cllr Eric Firth" <Eric.Firth@kirklees.gov.uk>, "Cllr Erin Hill" <Erin.Hill@kirklees.gov.uk>, "Cllr Gemma Wilson" <Gemma.Wilson@kirklees.gov.uk>, "Cllr Graham Turner" <Graham.Turner@kirklees.gov.uk>, "Cllr Gwen Lowe" <Gwen.Lowe@kirklees.gov.uk>, "Cllr Hanif Mayet" <Hanif.Mayet@kirklees.gov.uk>, "Cllr Hilary Richards" <Hilary.Richards@kirklees.gov.uk>, "Cllr Jean Calvert" <jean.calvert@kirklees.gov.uk>, "Cllr Jim Dodds" <Jim.Dodds@kirklees.gov.uk>, "Cllr John Lawson" <John.Lawson@kirklees.gov.uk>, "Cllr JohnJ Taylor" <JohnJ.Taylor@kirklees.gov.uk>, "Cllr Judith Hughes" <Judith.Hughes@kirklees.gov.uk>, "Cllr Julie Stewart-Turner" <Julie.Stewart-Turner@kirklees.gov.uk>, "Cllr Karen Allison" <Karen.Allison@kirklees.gov.uk>, "Cllr Karen Rowling" <Karen.Rowling@kirklees.gov.uk>, "Cllr Kath Pinnock" <Kath.Pinnock@kirklees.gov.uk>, "Cllr Kath Taylor" <Kath.Taylor@kirklees.gov.uk>, "Cllr Ken Smith" <Ken.Smith@kirklees.gov.uk>, "Cllr Kenneth Sims" <kenneth.sims@kirklees.gov.uk>, "Cllr Linda Wilkinson" <Linda.Wilkinson@kirklees.gov.uk>, "Cllr Lisa Holmes" <Lisa.Holmes@kirklees.gov.uk>, "Cllr Mahmood Akhtar" <Mahmood.Akhtar@kirklees.gov.uk>, "Cllr Marielle O'Neill" <Marielle.O'Neill@kirklees.gov.uk>, "Cllr Mark Hemingway" <Mark.Hemingway@kirklees.gov.uk>, "Cllr Martyn Bolt" <Martyn.Bolt@kirklees.gov.uk>, "Cllr MasoodG Ahmed" <MasoodG.Ahmed@kirklees.gov.uk>, "Cllr Michael Watson" <Michael.Watson@kirklees.gov.uk>, "Cllr Mohammad Sarwar" <Mohammad.Sarwar@kirklees.gov.uk>, "Cllr Mohan Sokhal" <Mohan.Sokhal@kirklees.gov.uk>, "Cllr Molly Walton" <Molly.Walton@kirklees.gov.uk>, "Cllr Mumtaz Hussain" <Mumtaz.Hussain@kirklees.gov.uk>, "Cllr Musarrat Khan" <Musarrat.Khan@kirklees.gov.uk>, "Cllr Naheed Mather" <Naheed.Mather@kirklees.gov.uk>, "Cllr Nicola Turner" <Nicola.Turner@kirklees.gov.uk>, "Cllr Nigel Patrick" <nigel.patrick@kirklees.gov.uk>, "Cllr Nosheen Dad" <Nosheen.Dad@kirklees.gov.uk>, "Cllr Paul Kane" <Paul.Kane@kirklees.gov.uk>, "Cllr Peter McBride" <Peter.McBride@kirklees.gov.uk>, "Cllr Phil Scott" <Phil.Scott@kirklees.gov.uk>, "Cllr Robert Light" <Robert.Light@kirklees.gov.uk>, "Cllr RobertW Barraclough" <Robertw.Barraclough@kirklees.gov.uk>, "Cllr Shabir Pandor" <Shabir.Pandor@kirklees.gov.uk>, "Cllr Sheikh Ullah" <Sheikh.Ullah@kirklees.gov.uk>, "Cllr Simon Alvy" <Simon.Alvy@kirklees.gov.uk>, "Cllr Steve Hall" <Steve.Hall@kirklees.gov.uk>, "Cllr Terry Lyons" <Terry.Lyons@kirklees.gov.uk>, "Cllr Viv Kendrick" <Viv.Kendrick@kirklees.gov.uk>, "Cllr Vivien Lees-Hamilton" <vivien.lees-hamilton@kirklees.gov.uk>, "Jacqui Gedman" <Jacqui.Gedman@kirklees.gov.uk>, "Paul Kemp" <Paul.Kemp@kirklees.gov.uk>, "Neal Fearn" <Neal.Fearn@kirklees.gov.uk>, "Michael Bunting" <Michael.Bunting@kirklees.gov.uk>, "Andrew Prescott" <Andrew.Prescott@kirklees.gov.uk>, "Anwar Butt" <Anwar.Butt@kirklees.gov.uk>, "Beth Jennings"



Name of meeting: Licensing & Safety Committee

Date: 4 November 2015

Title of report: Licensed Vehicle Age Limits & Insurance total loss vehicles (write offs)

| | |
|---|---|
| Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards? | Not Applicable |
| Is it in the Council's Forward Plan? | Not Applicable |
| Is it eligible for "call in" by Scrutiny? | Not Applicable |
| Date signed off by Director & name | Jacqui Gedman – 06/10/15 |
| Is it signed off by the Director of Resources? | David Smith - 10/09/15 <i>Debbie Hogg on behalf of</i> |
| Is it signed off by the Assistant Director – Legal, Governance & Monitoring? | Julie Muscroft - 10/09/15 |
| Cabinet member portfolio | Cllr Steve Hall - Planning, Highways & Open Spaces |

Electoral wards affected and ward councillors consulted: ALL

Public or private: Public

1 Summary

1.1 To consider the existing Licensed Vehicle Age Policy and the licensing of vehicles previously written off and decide whether the current policy should be amended.

2 Introduction

2.1 Hackney carriages and private hire vehicles have a specific role to play in an integrated transport system. They are able to provide services in situations where other public transport is either not available (for example in rural areas, or outside "normal" hours of operation such as in the evenings or on Sundays), or for those with mobility difficulties. It is vitally important that the provision of a professional and respected hackney carriage and private hire trade is maintained, by continued partnership working with the trade and also by monitoring and implementing improvements of the required standards of service.

2.2 Licensing Authorities have a wide range of discretion over the types of vehicle that they can licence as hackney carriages or private hire vehicles.

The Department of Transport's Best Practice Guidance suggests that local Licensing Authorities should adopt the principle of specifying as many different types of vehicle as possible. Authorities are encouraged to leave it open to the trade to put forward vehicles of their own choice which can be shown to meet basic criteria. In that way, emerging new designs for vehicles can be readily taken into account.

3.0 Purpose of the Age Policy

- 3.1 The Council is empowered to impose such conditions, as it considers reasonably necessary, in relation to the grant of a hackney carriage or private hire vehicle licence. Hackney carriages and private hire vehicles provide a necessary service to the public, so it is appropriate to set standards for the external and internal condition of the vehicles, provided that the standards are reasonable and proportionate. It has long been the case that Kirklees have imposed limits on the age of vehicles it will licence.
- 3.2 Kirklees Council currently works to the following criteria on vehicle age limits for licensed vehicles.
1. Applications for Hackney Carriage/Private Hire Vehicles are considered for first licensing up to six years of age.
 2. Hackney Carriage/Private Hire Vehicles over ten years of age will be refused further licences.
 3. That an exemption to the maximum age limit of ten years will be applied to London cab type vehicles, the maximum age for such vehicle will be indefinite provided that on attaining fifteen years they are compliance tested twice a year.
 4. That an exemption to the maximum age limit of ten years will be applied to wheelchair accessible vehicles used for Hackney Carriage or Private Hire purposes to be licensed to a maximum of twelve years.
- 3.3 A request has been received from the taxi trade asking for the age limit for first licensed vehicles and the upper age limit on currently licensed vehicles to be increased. Copies of trade representations can be found at Appendix 2.

4 Vehicle Age & Other Criteria

- 4.1 Whilst our current age policy has operated with little or no issues, it is perfectly possible for an older vehicle to be in good condition. The DOT Best Practice Guidance suggests that the setting of an age limit beyond which a local authority will not licence vehicles may be arbitrary and inappropriate. But a greater frequency of testing may be appropriate for older vehicles - for example, twice-yearly tests for vehicles of more than a certain age.
- 4.2 In addition to compliance testing the physical condition of a licensed vehicle is an important criteria used when assessing the suitability of a vehicle. In exceptional circumstances a licence may not be renewed if the physical appearance of the vehicle is not of a suitable standard despite having passed a Compliance test.
- 4.3 Currently Kirklees licensed vehicles have a mandatory yearly compliance test. This ensures that the vehicle is of the required standard. Any vehicle which fails its annual compliance test because of poor maintenance is required to undergo a further compliance test at the 6 month stage.

- 4.4 At present Kirklees Council will grant a new licence to a vehicle that is either a Cat C or Cat D insurance losses write off. For the benefit of members an explanation of the Category loss codes is attached to this report at appendix one. The granting of a licence to a vehicle that is a Cat C write off is subject to the prospective licence holder obtaining a certificate of repair from Autolign. An explanation of the Autolign checks are also attached at appendix one.

5 Next Steps

- 5.1 The Committee is asked to consider the current policy. A bench marking exercise across a number of other licensing authorities has also been done to ascertain what if any age criteria on vehicles are applied in those authorities. Appendix 2

6 Officer Recommendations

- 6.1 Officers would recommend that members do not make any changes at this time as this matter is one of those being looked at by the licensing group from the Combined Authority region. It would be more appropriate to reconsider the issue once an agreed approach across the region has been reached.

7 Resource Implications

- 7.1 If a decision was made to increase/remove the age limit there would be a need for an increased use of officer time for inspections & assessment of vehicle suitability.

8 Legal Implications

- 8.1 None

7. Cabinet portfolio holder recommendation

- 7.1 Cllr Hall notes the pressure from the trade but would like to see a decision deferred for the outcome of the Combined Authority work and recommends that the matter be reviewed in April or May of 2016.

8. Contact officer and relevant papers

Catherine Walter
Licensing, Local Land Charges & Highways Registry Manager
Tel: 01484 221000
Email: catherine.walter@kirklees.gov.uk

Papers:

Appendix 1: Age Policy
Appendix 2: Trade Reps Age Policy

9. Assistant director responsible

Paul Kemp
Assistant Director – Place
Tel: 01484 221000
Email: paul.kemp@kirklees.gov.uk

Appendix 1 Age Policy report

| Authority | 1 st App age | | | Annual Test | | | 6 Monthly test | | | 4 Monthly test | | | Age taken off | | | Outside standard | Write off accepted? | |
|-------------|-------------------------|----|----|-------------|----|----|----------------|----|----|----------------|----|----|---------------|----|----|------------------|---------------------|-------|
| | HV | PV | WC | HV | PV | WC | HV | PV | WC | HV | PV | WC | HV | PV | WC | | Cat C | Cat D |
| Kirklees | 6 | 6 | 6 | Y | Y | Y | | | | | | | 10 | 10 | 12 | Y w/autolign | Y | |
| Calderdale | 6 | 6 | 8 | Y | Y | Y | >6 | >6 | >6 | | | | 10 | 10 | 10 | N | Y w/autolign | |
| Bradford | 10 | 10 | 10 | <6 | <6 | <6 | >6 | >6 | >6 | | | | 10 | 10 | 12 | Y w/autolign | Y w/autolign | |
| Sheffield | 5 | 5 | | <9 | <6 | | >9 | >6 | | | | | 15 | 9 | | N | N | |
| Wakefield | 5 | 5 | 5 | <5 | <5 | <5 | >5 | >5 | >5 | | | | / | / | / | Y | Y | |
| York | / | / | / | <5 | <5 | <5 | >5 | >5 | >5 | | | | / | / | / | Y | Y | |
| Leeds | 5 | 5 | | Y | Y | | | | | | | | 7 | 7 | | N | N | |
| | | | | | | | | | | | | | | | | | | |
| Barnsley | / | / | / | | | | <5 | <5 | <5 | >5 | >5 | >5 | / | / | / | Y | Y | |
| Birmingham | 14 | 8 | | Y | Y | | | | | | | | / | / | / | Y | Y | |
| Oldham | 5 | 5 | 5 | | | | <8 | <8 | <8 | >8 | >8 | >8 | 10 | 10 | 10 | Y w/autolign | Y w/autolign | |
| Rossendale | 7 | 7 | | | | | Y | Y | | | | | 10 | 10 | | Y | Y | |
| | | | | | | | | | | | | | | | | | | |
| Rochdale | / | / | / | Y | Y | Y | | | | | | | / | / | / | Y | Y | |
| Bolton | / | / | | <3 | <3 | | >6 | >6 | | | | | / | / | | N | Y | |
| Scarborough | 4 | 4 | 5 | | | | Y | Y | Y | | | | 8 | 8 | 10 | Y | Y | |
| Selby | / | / | / | <5 | <5 | <5 | >5 | >5 | >5 | >7 | >7 | >7 | / | / | / | Y | Y | |
| Harrogate | 5 | 5 | 5 | Y | Y | Y | | | | | | | 9 | 9 | 12 | | | |
| Skipton | 5 | 5 | 5 | <6 | <6 | <6 | >6 | >6 | >6 | | | | 10 | 10 | 10 | | | |
| Doncaster | | | | <4 | <4 | <4 | >4 | >4 | >4 | >7 | >7 | >7 | | | | | | |

Catherine Walter

From: ismail <savilestars@hotmail.co.uk>
Sent: 03 September 2015 17:18
To: Catherine Walter
Subject: Re; Age Limit for Taxi's

Hi Catherine,

We refer to the above matter and would like to suggest a further proposal should our initial proposal be rejected. We would like to put forward that the age limit of taxi's be extended to 15 years which at present is 10 years. Also currently the car should be no older than 6 years old we however propose that the age of the car should correspond with the age limit of the taxi as long as it passes the stringent MOT that is carried out by the Kirklees Licencing Office.

Kind regards,
Ismail Bhana
(Chair Person for Hackney Carriages Association)

Kirklees Hackney Carriage and Private Hire Drivers Petition

We the Kirklees Hackney and private hire taxi drivers feel that our age limit for our cars should be increased from 10 years to 15 years. As taxi drivers it is already difficult financially to earn a decent living as we are in an economic climate which has been hard hit by the recession. We are suffering hardship by having to work long hours daily and still struggling to make a reasonable wage.

| Name & Address | Plate | Badge no | Signature |
|--|------------------------------|--|--|
| MOHAMMED FAZAL 6-BIRKDALE ROAD DEWSBURY A: LA MID | 7275 6793 | DR 1432 713 | Faz. Lamin |
| 12 WELLS LAKE ISHAK PATEL 62, WARREN ST - SAVILTOWN | | DR 3161 | |
| Yusef Zaidi 9, GEORGE ST Gohi Ajaz | 7358 | 1439 | Yusef Zaidi Gohi Ajaz |
| MOHD AZAM 2 THORNHILL ST 11, AFZAL HAWARD ST | 2433 6062 6992 | DR 111 DR 0183 DR 0562 | M. Azam M. Azam |
| USMAN KHUSHAL MOHD KHUSHAL | 7169 | DR 3193 DR 4147 | USMAN KHUSHAL |
| Obaid Hussain M. Jamil PATEL S. NAWAZ A. Amir ZULFIQAR - ALI | 7169 DR 6785 | DR 4147 DR 010 | Hussain M. Jamil PATEL S. NAWAZ A. Amir Z-ALI |
| ASIF KARIM ASHRAF MAHMOOD 9 CLEMMY DRIVE IMRAN ALI | 2882 6132 6261 | DR 2882 DR 4885 DR 3163 | Asif Karim A. Neat Imran Ali |
| M. ABAS ISMAIL AHMED PATEL Imy. m. Hossain ARSHAD MALIK | 6867 7470 6013 7446 | DR 1551 DR 0213 DR 0185 DR 2731 | M. Abas I. Ahmed Patel Imy. m. Hossain Arshad Malik |
| 15 EASTBOROUGH CRESENT Amjad mehmood Koyani SHAHZAD AFZAL | 5807 | DR 3162 DR 4818 | Amjad mehmood Koyani Shahzad Afzal |

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| Name & Address | Plate | Badge no | Signature |
|---|----------------------|--------------|-----------|
| S. Patel | 6011 | | |
| NASEEM NAZIR 5 Mill St. E | | 5063 | |
| Wajid Khan 59 Moorside Rd Dewsbury | 2530 | 4545 | |
| Nizar Ahmed 6 Ficen St Dewsbury | 3564 6436 | 4944 | |
| F. SMIRH. XXXXXXXXXXXXXXXXXXXX | XXXXXX | DR 4606 | |
| SAGIB MAHMOOD 112 LOBLEY ST HIRE | 2610 | 4223 | |
| TALIB HUSSAIN DIN Mohammed Imran 26 Deansley Street Abdul Mahmood | 4280 5842 | 4280 6517 | |
| Shadiq Mustafa | | 0961 | |
| YUSUF A.A. PATEL | | 1565 | |
| MOHAMMAD SALEEM | | 6715 | |
| ABID AKBAR | 2080 | 4206 | |
| M. SAAD AHMED | | 5141 | |
| JAMAL ABDUL NASIR Thoru. | | DR 0256 | |
| Rashid Mahmood | | DR 6192 | |
| MOHAMMED YASIN KHAN | | | |
| ADIL SALEEM | | | |
| SHACQIAT ALI | 7238 | DR 2099 | |
| AB NAZIR MAHMOOD | 5005 | 4285 | |
| SHABAN HOSSAIN | | 4674 | |
| MOHAMMED. RAFIK. PATEL | 7030 | 0357 | |
| ABID HUSSAIN. 2 Firthcliffe View | 7364 | DR 6232 | |
| Mohammed Navid Sabir | 7444 | DR 5353 | |
| MOHAMMED TOBAL | 6040 | 3257 | |
| | | | |
| | | | |
| | | | |

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Name of meeting: Licensing & Safety Committee
Date: 4 November 2015

Title of report: Assessment Criteria and Convictions Policy for Licensed Drivers (1)

| | |
|---|---|
| Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards? | Not Applicable |
| Is it in the Council's Forward Plan? | Not Applicable |
| Is it eligible for "call in" by Scrutiny? | Not Applicable |
| Date signed off by Director & name | Jacqui Gedman - 09/09/15 |
| Is it signed off by the Director of Resources? | David Smith - 10/09/15 <i>Debbie Hogg on behalf of</i> |
| Is it signed off by the Assistant Director - Legal & Governance? | Julie Muscroft - 10/09/15 |
| Cabinet member portfolio | Cllr Steve Hall – Planning, Highways & Open Spaces |

Electoral wards affected and ward councillors consulted: ALL

Public or private: Public

1 Summary

- 1.1 To consider the revision of the Policy on the relevance of criminal conduct, unsavoury conduct and complaints against Licence Holders and Applicants for licences.

2 Introductions

- 2.1 Hackney carriages and private hire vehicles have a specific role to play in an integrated transport system. They are able to provide services in situations where other public transport is either not available (for example in rural areas, or outside "normal" hours of operation such as in the evenings or on Sundays), or for those with mobility difficulties.
- 2.2 It is vitally important that the provision of a professional and respected hackney carriage and private hire trade is maintained, by continued partnership working with the trade and also by monitoring and implementing improvements of the required standards of service.

3 Background

- 3.1 Kirklees Council adopted the policy at the last Licensing & Safety Committee on October 15th 2014. First revisions were made in February 2015.
- 3.2 The Licensing regime exists to ensure that the safety of the public is protected. As a result it is necessary for the Council to have a robust assessment criteria and convictions policy that adequately deals with any issue that might undermine the safety of the public.
- 3.3 Members may recall that the policy is a live working document and would be kept under constant review. After almost 12 months in use a number of matters have been added to the policy for clarification of some issues and to add some further offences and to also make the document more user friendly.
- 3.4 A copy of the revised Policy (changes tracked for ease of reference) is attached at Appendix 1.
- 3.5 Members may be pleased to know that the policy was the subject of judicial examination this year in the case of Kirklees Council –v- Singh 2015. HHJ Brown sitting with lay justices described the policy as “sensible and balanced”.

4 Proposals

- 4.1 By virtue of section 59 (1) (a) (in relation to hackney carriage drivers licences) and section 51 (1) (a) (in relation to private hire drivers licences) of the Local Government (Miscellaneous Provisions) Act 1976 a Council shall not grant a licence ‘unless they are satisfied that the applicant is a fit and proper person to hold a driver’s licence’.
- 4.2 What constitutes fit and proper is not defined in the Town Police Clauses Act 1847 or the Local Government (Miscellaneous Provisions) Act 1976. It is for the Licensing Authority to determine whether an applicant or driver is fit and proper based on the information presented and having regard to the following:
 - The rules of natural justice
 - The Human Rights Act 1998
 - Section 17 of the Crime and Disorder Act 1998
 - The Council’s own Conditions, By-laws and Policies
- 4.3 Members must consider each application on its own merit in light of the Council’s policies. However, the Licensing Authority must not apply its policies in such a way as to fetter its discretion.
- 4.4 The overriding concern for any decision-maker must be the protection and the safety of the public. The Policy brings clarity for the benefit of applicants and decision-makers, and explains that the Licensing Authority will deal with cautions and other sanctions in a similar way to convictions.
- 4.5 The Department for Transport’s best practice guide to Hackney Carriage and Private Hire licensing issued in March 2010 states the following in respect of criminal records checks:

'A criminal record check is an important safety measure particularly for those working closely with children and the vulnerable... An Enhanced Disclosure may also include any other information held in police records that is considered relevant by the police, for example, details of minor offences, non-conviction information on the Police National Computer such as Fixed Penalty Notices and, in some cases, allegations...'

In considering an individual's criminal record, local licensing authorities will want to consider each case on its merits, but they should take a particularly cautious view of any offences involving violence, and especially sexual attack. In order to achieve consistency, and thus avoid the risk of successful legal challenge, local authorities will doubtless want to have a clear policy for the consideration of criminal records, for example the number of years they will require to have elapsed since the commission of particular kinds of offences...'

- 4.7 It can be seen that the Policy has been written following the advice in the Best Practise Guide.

5. Resource Implications

- 5.1 A consistent and considered use of the Policy is likely to have savings on Panel time as applying the Policy at the application point should reduce the number of referrals to Regulatory Panel.

6. Officer Recommendations

- 6.1 The Licensing Committee is requested to consider the revised policy and authorise the Licensing Manager to implement its use by officers and Elected Members sitting on the Regulatory Panel effective immediately.

7. Cabinet portfolio holder recommendation

Cllr Hall recommends adoption of the policy to the Council

8. Contact officer and relevant papers

Catherine Walter
Licensing, Local Land Charges & Highways Registry Manager
Tel: 01484 221000
Email: catherine.walter@kirklees.gov.uk

Background Papers:

Appendix 1: Revised Assessment Criteria & Convictions Policy

9. Assistant director responsible

Paul Kemp
Assistant Director – Place
Tel: 01484 221000
Email: paul.kemp@kirklees.gov.uk

HACKNEY CARRIAGE AND PRIVATE HIRE LICENCES

**A Policy on the Relevance of Criminal Conduct, Improper
Behaviour and Complaints against Licence Holders and Applicants
for Licences.**



Taxi and PHV Licensing Criminal Convictions' Policy

1. Introduction

The public are entitled to have the utmost confidence in drivers of taxis and private hire vehicles: therefore, the Council must ensure that only fit and proper persons obtain drivers' and operator licences.

The purpose of this policy is to provide guidance on the criteria taken into account by the Licensing Authority when determining whether or not an applicant or an existing licence holder is a fit and proper person to hold a hackney carriage and/or private hire driver or operator licence.

The overriding aim of the Licensing Authority is to protect the safety of the public.

The Licensing Authority is concerned to ensure:

- That a person is a fit and proper person
- That the person does not pose a threat to the public
- That the public are safeguarded from dishonest persons
- The safeguarding of children, young people and vulnerable adults.

In this scheme "safeguarding " means the protection of children or vulnerable adults from harm to their health ,safety , well-being or development and "safeguarding concern" means grounds to believe that the individual applicant or driver may not be a fit and proper person because grant , retention or renewal of a licence may risk such harm occurring. Vulnerable adult has the meaning as in section 59 of the Safeguarding Vulnerable Groups Act 2006

This policy provides guidance to any person with an interest in taxi and private hire licensing. In particular, but not exclusively:

- Applicants for drivers' licences
- Existing licensed drivers whose licences are being reviewed
- Councillors
- Licensing officers
- Legal officers
- Magistrates hearing appeals against local authority decisions

For renewal applications and current licence holders the policy will not be applied retrospectively. However, the Policy will be applied to renewal and current licence holders if any additional convictions, cautions or complaints are incurred or brought to the attention of the Council that along with the historical information would call into question a person's suitability to hold a licence.

Where licensing officers have delegated powers to grant licences, they will utilise these guidelines when making a decision to grant a licence. Whilst officers will have regard to the guidelines contained in the policy, **each case will be considered on its individual merits** and where the circumstances demand, the officer may pass the matter to the Councils Regulatory Committee.

All licences are issued with a set of Conditions which the licence holder must comply with. By-laws are also in place in relation to Hackney Carriage Drivers. Copies are attached to every licence and are available on request. A repeated breach of licensed driver and or licensed vehicle conditions and or by-laws may also lead to a person having his hackney carriage/private hire driver licence suspended or revoked.

2. General policy

There may be occasions where it is appropriate to depart from the guidelines, for example where the offence is a one-off occasion or there are exceptional mitigating circumstances or alternatively where there are many or continuous offences or complaints which may show a pattern of offending and unfitness.

A person with a conviction for a serious offence need not be automatically barred from obtaining a licence, but would normally be expected to:

- Remain free of conviction for an appropriate period; AND show adequate evidence that he or she is a fit and proper person to hold a licence (the onus is on the applicant to produce such evidence). Simply remaining free of conviction may not generally be regarded as adequate evidence that a person is a fit and proper person to hold a licence.

Where an applicant has been convicted of a criminal offence, the Licensing Authority cannot review the merits of the conviction [Nottingham City Council v. Mohammed Farooq (1998)].

It is the responsibility of the applicant/licence holder to satisfy the Licensing Authority that they are a 'fit and proper person' to hold a licence. The applicant/licence holder must ensure that all convictions, cautions, warnings, reprimands, fixed penalties, arrests and summonses are disclosed to the Council.

3. Appeals

Any applicant refused a driver's licence on the grounds that the Licensing Authority is not satisfied he is a fit and proper person to hold such a licence has a right to appeal to the Magistrates' Court within 21 days of the notice of refusal.

4. Powers

Section 61 and Section 62 of the Local Government Miscellaneous Provisions Act 1976 allow the Licensing Authority to suspend, revoke or refuse to renew a licence if the application/licence holder has been convicted of an offence involving dishonesty, indecency, violence; failure to comply with the provisions of the Town Police Clauses Act 1847; failure to comply with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976; or any other reasonable cause.

The Rehabilitation of Offenders Act 1974 (Exceptions)(Amendment) Order 2002, allows the Licensing Authority to take into account all convictions recorded against an applicant or the holder of a private hire vehicle or hackney carriage driver's licence, whether spent or not. Therefore the Licensing Authority will have regard to all relevant convictions, particularly where there is a long history of offending or a recent pattern of repeat offending.

In this policy the term "disqualification" refers to the period served, in order to take account of the fact that a court may reduce the period of disqualification from driving. An applicant must provide evidence in advance to prove that the court agreed a reduction in the period of disqualification.

5. Consideration of disclosed criminal history

Under the provisions of Sections 51, 55, and 59, Local Government (Miscellaneous Provisions) Act 1976, the Licensing Authority is required to ensure that an applicant for the grant or renewal of a hackney carriage and/or a private hire vehicle drivers' licence and/or private hire vehicle operator's licence is a 'fit and proper' person to hold such a licence. However, if an applicant has any convictions, warnings, cautions or charges awaiting trial, the Licensing Authority will look into:

- How relevant the offence(s) are to the licence being applied for

- How serious the offence(s) were
- When the offence(s) were committed
- The date of conviction
- Circumstances of the individual concerned
- Sentence imposed by the court
- The applicant's age at the time of conviction
- Whether they form part of a pattern of offending
- Any other character check considered reasonable (e.g. personal references)
- Any other factors that might be relevant

Existing holders of drivers' licenses are required to notify the Licensing Authority in writing **within seven days** of receiving a driving licence endorsement, fixed penalty notice or criminal conviction (including cautions).

Applicants can discuss further what effect a caution/conviction may have on any application by contacting a licensing officer in confidence for advice.

The Licensing Authority conducts enhanced disclosures from the Disclosure & Barring Service (DBS) formerly the Criminal Records Bureau (CRB) of any applicant for a driver licence. The Licensing Authority follows the DBS's Code of Practice on the fair use of disclosure information. A copy is available on request.

Applicants applying for the grant or a renewal of a drivers' licence will be required to obtain an enhanced disclosure at their expense. The Licensing Authority abides by the DBS's Policy on the secure storage, handling, use, retention and disposal of disclosure information, which is available on request.

More information about the DBS can be found on their website at

<https://www.gov.uk/government/organisations/disclosure-and-barring-service>

The Licensing Authority is also entitled to use other records and information, **including any complaints history** that may be available to it in determining applications or an entitlement to continue holding a licence. This may include information held by the Licensing Authority or other Licensing Authorities, and information disclosed by the police under the Home Office scheme for reporting offences committed by notifiable occupations.

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DBS disclosures will not include details of any foreign convictions or cautions unless they have been recorded on the UK National Computer. Any applicant who has resided outside the UK for any period longer than 3 months within the preceding 3 years will be required to produce a "Certificate of Good Conduct" from the relevant countries which details any cautions or convictions arising against the applicant while resident in that country. It shall be the applicant's responsibility to obtain this documentary evidence and to bear the costs of such. The requirement is in addition to the DBS disclosure.

Where an applicant is unable to obtain the above, a discussion will take place with the licensing manager to ascertain what alternative evidence should be provided. This may include character references from appropriate individuals or other bodies as to the applicants conduct whilst resident in the other country.

If character references are supplied the referee must have known the person applying for at least 5 years if they are a friend, neighbour or colleague. If the referee is a professional, i.e. teacher, solicitor etc then they must have known the person for at least 2 years.

The referee cannot be closely related to the applicant, in a relationship or live at the same address as the person applying.

Non-conviction information

If an applicant has, on one or more occasions, been arrested or charged, but not convicted, for a serious offence which suggests he could be a danger to the public, consideration should be given to refusing the application. Such offences would include but is not limited to serious violent offences, offences involving child sexual exploitation and sex offences.

The Licensing Authority considers cases to the civil burden of proof i.e. a “balance of probabilities” and is able to make a decision on the alleged offences regardless of whether a criminal conviction followed the offence.

In assessing the action to take, the safety of the travelling public must be the paramount concern.

It is an offence for any person knowingly or recklessly to make a false declaration or to omit any material particular in giving information required by the application for a licence. Where an applicant has made a false statement or a false declaration on their application for the grant or renewal of a licence, the licence will normally be refused.

The following lists are **not exhaustive** and any offences not covered by this Policy will not prevent the Licensing Authority from taking into account those offences. The seriousness of the offence and sentence imposed will be considered in making a determination of the application.

6. Sex and indecency offences

As licensed drivers often carry unaccompanied and vulnerable passengers, applicants with convictions for sexual offences must be closely scrutinised. Those with convictions for the more serious sexual offences will normally be refused. For other offences, applicants will be expected to show a substantial period (normally at least 5 years) free of conviction for such offences before a licence will be granted.

No period is thought appropriate to have elapsed and an application will normally be refused where the applicant has a conviction for an offence such as:

- Rape
- Assault by penetration
- Sexual offences involving children, young persons or vulnerable adults
- Sexual Assault
- Indecent assault
- Abuse of position of trust
- Familial child sex offences
- Female circumcision
- Female genital mutilation
- Possession of indecent photographs of children
- Abuse of children and young persons through prostitution or pornography
- Trafficking for sexual exploitation
- Preparatory offences

- Any sexual offence committed in the course of taxi or private hire work
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

Before an application is allowed, an applicant should be free of conviction for at least 10 years (or at least 3 years must have passed since the completion of the sentence, whichever is longer), if he/she has a conviction for an offence such as:

- Exploitation of prostitution
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

Before a licence is granted, an applicant should be free of conviction for at least 5 years (or at least 3 years must have passed since the completion of the sentence, whichever is longer), if he/she has a conviction for an offence such as:

- Indecent exposure
- Soliciting (kerb crawling)
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

In addition to the above the Licensing Authority will not grant a licence to any applicant who is currently on the Sex Offenders Register.

A licence will not normally be granted if an applicant has more than one conviction for a sex or indecency offence.

7. Offences against Children

No period is thought appropriate to have elapsed and an application will normally be refused where the applicant has a conviction for an offence such as:

- Sexual activity with a child
- Causing or inciting a child to engage in sexual activity
- Causing a child to watch a sexual act
- Sexual activity in the presence of a child
- Arranging or facilitating child prostitution or pornography
- Arranging or facilitating commission of a child sexual offence
- Meeting a child following sexual grooming etc.
- Possession of indecent photographs of children
- Grooming of children for sexual exploitation
- Trafficking of children for sexual exploitation
- Supplying or offering to supply Class A drugs to a child
- Voyeurism

A licence will not normally be granted where the applicant has a conviction for an offence of similar offence(s) which replace the offences below and the conviction is less than 10 years prior to the date of application:

- Neglect of a child

- Child cruelty
- Abandonment of a child
- Drunk in charge of a child
- Under the influence of drugs in charge of a child
- Exposing a child to risk

8. Serious offences involving violence

Licensed drivers have close regular contact with the public. A firm line is to be taken with those who have convictions for offences involving violence. An application will normally be refused if the applicant has a conviction for an offence that involved the loss of life.

In other cases anyone of a violent disposition will normally be refused to be licensed until at least 3 years free of such conviction. However, given the range of the offences that involve violence, consideration must be given to the nature of the conviction.

Unless there are truly exceptional circumstances a licence will not normally be granted where the applicant has a conviction for an offence such as:

- Murder
- Manslaughter
- Infanticide
- Child destruction
- Manslaughter or culpable homicide while driving
- Terrorism offences
- Kidnapping or abduction
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

A licence will not normally be granted where the applicant has a conviction for an offence of similar offence(s) which replace the offences below and the conviction is less than 10 years prior to the date of application:

- Arson
- Malicious wounding or grievous bodily harm which is racially aggravated
- Actual bodily harm which is racially aggravated
- Grievous bodily harm with intent (s18 Offences Against the Person Act 1861)
- Grievous bodily harm (s20 Offences Against the Person Act 1861)
- Robbery (armed or otherwise)
- Possession or distribution of prohibited weapon or firearm
- Riot
- Common assault with racially aggravated features
- Violent disorder
- Threats to kill
- Any HATE motivated crime
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

A licence will not normally be granted where the applicant has a conviction for one of the offences listed below or for an offence which replaces or is broadly equivalent to the offences listed below and the conviction is less than 5 years prior to the date of application:

- Racially-aggravated criminal damage
- Racially-aggravated offences
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

A licence will not normally be granted where the applicant has a conviction for one of the offences listed below or for an offence which replaces or is broadly equivalent to the offences listed below and the conviction is less than 3 years prior to the date of application:

- Common assault
- Assault occasioning actual bodily harm
- Assaulting a Police Officer
- Affray
- S5 Public Order Act 1986 offence (harassment, alarm or distress)
- S4 Public Order Act 1986 offence (fear of provocation of violence)
- S4A Public Order Act 1986 offence (intentional harassment, alarm or distress)
- Harassment
- Obstruction
- Criminal damage
- Violent disorder
- Resisting arrest
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

A licence will not normally be granted if an applicant has more than one conviction in the last 10 years for an offence of a violent nature.

In the event of a licence being granted, a strict warning both verbally and in writing should be administered.

9. Driving offences involving the loss of life

A very serious view is to be taken of any applicant who has been convicted of a driving offence that resulted in the loss of life.

A licence will not normally be granted where the applicant has a conviction for:

- Causing death by dangerous driving
- Causing death by careless driving whilst under the influence of drink or drugs
- Causing death by driving while unlicensed, disqualified or uninsured
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

Before a licence is granted, an applicant should be free of conviction for 10 years (or at least 3 years must have passed since the completion of the sentence, whichever is longer), if he has a conviction for:

- Causing death by careless driving

10. Possession of a weapon

If an applicant has been convicted of possession of a weapon or possession of a firearm or any other weapon related offence, this will give serious concern as to whether the person is fit to carry the public.

Depending on the circumstances of the offence, an applicant should be free of conviction for 3 years (or at least 3 years must have passed since the completion of the sentence, whichever is longer), before a licence is granted.

11. Dishonesty

A licensed PHV or taxi driver is expected to be a trustworthy person. They deal with cash transactions and valuable property may be left in their vehicles. All drivers are required to deposit such property with either the Licensing Authority or the police within 24 hours. The widespread practice of delivering unaccompanied property is indicative of the trust that business people place in licensed drivers. Moreover, it is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal or agreed fare, etc.

Overseas visitors can be confused by our currency and may be vulnerable to an unscrupulous driver. For all these reasons, a serious view is taken of any conviction involving dishonesty.

In general, a minimum period of 3 years free of conviction or at least 3 years from completion of sentence (whichever is longer) should be required before granting a licence. The more serious the offence the longer the period free of conviction should be. Offences involving dishonesty include:

- theft
- burglary
- fraud
- benefit fraud
- handling or receiving stolen goods
- forgery
- conspiracy to defraud
- obtaining money or property by deception
- deception designed to obtain a pecuniary advantage
- other deception
- taking a vehicle without consent
- or any similar offences (including attempted or conspiracy to commit) offences which replace the above.
- perverting the course of justice

12. Drugs

A serious view is taken of any drug related offence. The nature and quantity of the drugs, whether for personal use or supply are issues which should be considered.

A licence will not normally be granted where the applicant has a conviction for an offence related to the supply of or cultivation of drugs and has not been free of conviction for 10 years.

A licence will not normally be granted where the applicant has more than one conviction for offences related to the possession of drugs and has not been free of conviction for 5 years.

An application from an applicant who has an isolated conviction for an offence related to the possession of drugs within the last 3-5 years may be granted a licence, but consideration should be given to the nature and quantity of the drugs.

If there is evidence of persistent drugs use, misuse or dependency a specialist medical examination (in accordance with DVLA Group 2 medical standards) may be required before the licence is granted. If the applicant was an addict then they would normally be required to show evidence of 5 years free from drug taking after detoxification treatment.

13. Drink driving/driving under the influence of drugs

As licensees are professional vocational drivers, a serious view is taken of convictions for driving, or being in charge of a vehicle while under the influence of drink or drugs. Provided that a period of 2 years has elapsed since conviction an isolated incident would not necessarily debar an applicant from proceeding with an application but he should be warned as to the significant risk to his licence status in the event of re-offending.

More than one conviction for these offences raises significant doubts as to the applicant's fitness to drive the public. At least 5 years, after the restoration of the driving licence following a second conviction for driving or being in charge of a vehicle whilst under the influence of drink or drugs should elapse before an application will be considered. If there is any suggestion that the applicant is alcohol or drug dependent, a satisfactory special medical report must be provided before the application can be allowed to proceed.

14. Outstanding charges or summonses

If the individual is the subject of an outstanding charge or summons their application may in some circumstances continue to be processed, but the application will need to be reviewed at the conclusion of proceedings.

Where information is received through the Notifiable Occupations Scheme on existing licence holders, consideration will be given to the information in accordance with this policy.

If the outstanding charge or summons involves a serious offence and the individual's conviction history indicates a possible pattern of unlawful behaviour or character trait, then in the interests of public safety the application may be put on hold until proceedings are concluded or the licence may be refused. Existing drivers may have their licence suspended or revoked.

A suspension or revocation of the licence of a driver normally takes effect at the end of the period of 21 days beginning with the day on which notice is given to the driver. If it appears that the interests of public safety require the suspension or revocation of the licence to have immediate effect, and the notice given to the driver includes a statement that is so and an explanation why, the suspension or revocation takes effect when the notice is given to the driver.

This section includes applicants or licensees who may be subject to police bail having been arrested for an offence and who is currently under investigation.

15. Cautions

Admission of guilt is required before a caution can be issued. Every case will be considered on its own merits including the details and nature of the offence.

16. Licensing offences

Certain offences under taxi legislation such as plying for hire, overcharging and refusing to carry disabled persons or assistance dogs would normally prevent a licence being granted or renewed until a period of 3 years has passed since conviction.

17. Complaints

We can take action up to and including suspension and revocation of a drivers licence if a complaint is made which suggests a driver's fitness & propriety is undermined This may be for a number of reasons including but not limited to the following:

- misconduct
- any behaviour, action or negligence impacting on customer safety
- driving standards
- physical or mental ill-health
- lack of the necessary knowledge of English language to be able to perform the role of a licensed driver safely.
- Mischarging
- Inappropriate or aggressive behaviour

The number and type of complaint(s) will be given consideration to and a driver's history will be examined to ascertain whether there have been previous complaints. Except in the most serious of cases, a driver will be given an opportunity to respond to the complaint before any action is taken.

18. Insurance offences

A serious view will be taken of convictions of driving or being in charge of a vehicle without insurance. An isolated incident in the past will not necessarily stop a licence being granted provided he/she has been free of conviction for 3 years; however strict warning should be given as to future behaviour. More than one conviction for these offences would normally prevent a licence being granted or renewed.

At least three years should elapse (after the restoration of the DVLA driving licence), before a licence would normally be granted for a hackney carriage or private hire drivers licence. An operator found guilty of aiding and abetting the driving of passengers for hire and reward whilst without insurance will have his operators' licence revoked immediately and prevented from holding a licence for three years.

19. Licenses issued by other Licensing Authorities

Applicants who hold a licence with one Licensing Authority should not automatically assume that their application will be granted by another. Each case will be decided on its own merits.

20. Suspensions / Revocations

A licence will be suspended by an Officer of the Council, with immediate effect, in the interest of public safety, in the following circumstances:

- a person is charged with a serious offence
- a person is under investigation for serious offences
- a person is deemed by a qualified general practitioner that the individual is unfit to drive to Group 2 Medical Standards
- a person after experiencing a change in medical condition fails to provide proof of his/her fitness to drive to Group 2 Medical Standards

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- a person fails to provide a valid photo card DVLA driving licence, on request

A licence will be revoked by an Officer of the Council with immediate effect in the interest of public safety in the following circumstances:

- a person's ordinary Road Traffic Act Driving licence is revoked or suspended
- a person is disqualified from driving for any period of time

21. Summary

To summarise, a criminal history in itself may not automatically result in refusal and a current conviction for a serious crime need not bar an applicant permanently from becoming licensed. As the preceding paragraphs indicate, in most cases, an applicant would be expected to remain free from conviction for 3 to 10 years, according to circumstances, before an application can be considered. However, there may be occasions when an application can be allowed before 3 years free from conviction have elapsed.

Any person who has committed an offence and has to wait before an application is positively considered is more likely to value their licence and act accordingly.

While it is possible that an applicant may have a number of convictions that, individually, do not meet the above guidelines, the overall offending history must be considered when assessing an applicant's suitability to be licensed. A series of offences over a period of time is more likely to give cause for concern than an isolated minor conviction. Obviously some discretion can be afforded if an offence disclosed is isolated and there are mitigating circumstances, but the overriding consideration is the protection of the public.

Before a decision is made to refuse or revoke a licence a meeting will be held in order to afford an applicant or existing driver an opportunity to put their case.

In the Council's view this statement and the guidelines that follow are compatible with the rights and freedoms under the European Convention on Human Rights.

This policy will be continuously monitored and, if necessary, a review will be undertaken.

22. Motoring offences and penalty points

The following is a guide to the number of penalty points a court may impose, it does not reflect the fact that some offences may incur a disqualification. These codes are recorded from information supplied by the courts (accurate at the time of this document).

Existing drivers who have accumulated 9 or more points on their DVLA driving licence will have their private hire/hackney carriage driver licence suspended, until the driver has successfully undertaken a private hire or hackney carriage DSA driving test, at their own expense.

New applicants are required, as part of the application process, to undertake a DSA driving test and therefore will be able to satisfy the Council of their driving ability.

Code Offence Penalty Points

Accident Offences

- AC10 Failing to stop after an accident 5-10
- AC20 Failing to give particulars or to report an accident within 24 hours 5-10
- AC30 Undefined accident offences 4-9

Disqualified Driver

- BA10 Driving whilst disqualified by order of court 6
- BA30 Attempting to driver while disqualified by order of court 6

Careless Driving

- CD10 Driving without due care and attention 3-9
- CD20 Driving without reasonable consideration for other road users 3-9
- CD30 Driving without due care and attention or without reasonable consideration for other road users 3-9
- CD40 Causing death through careless driving when unfit through drink 3-11
- CD50 Causing death by careless driving when unfit through drugs 3-11
- CD60 Causing death by careless driving with alcohol level above the limit 3-11
- CD70 Causing death by careless driving then failing to supply a specimen for analysis 3-11
- CD71 Causing death by careless driving then failing to supply A specimen for drug analysis 3-11
- CD80 Causing death by careless, or inconsiderate, driving 3-11
- CD90 Causing death by driving: unlicensed, disqualified or Uninsured drivers 3-11

Construction & Use Of Offences

- CU10 Using a vehicle with defective brakes 3
- CU20 Causing or likely to cause danger by reason of use of unsuitable vehicles or using a vehicle with parts or accessories (excluding brakes, steering or tyres) in a dangerous condition 3
- CU30 Using a vehicle with defective tyre(s) 3
- CU40 Using a vehicle with defective steering 3
- CU50 Causing or likely to cause danger by reason of load or passengers 3
- CU80 Using a mobile phone while driving a vehicle 3

Dangerous Driving

- DD40 Dangerous Driving 3-11
- DD60 Manslaughter or culpable homicide while driving a vehicle 3-11
- DD90 Furious Driving 3-9

Drink or Drugs

- DR10 Driving or attempting to drive with alcohol level above limit 3-11
- DR20 Driving or attempting to drive while unfit through drink 3-11
- DR30 Driving or attempting to drive then failing to supply a specimen for analysis 3-11
- DR40 In charge of a vehicle while alcohol level above limit 10
- DR50 In charge of vehicle while unfit through drink 10
- DR60 Failure to provide a specimen for analysis in circumstances other than driving or attempting to drive 10
- DR61 Failure to supply a specimen for drug analysis in circumstances other than driving or attempting to drive 10
- DR70 Failing to provide specimen for breath test 4
- DR80 Driving or attempting to drive when unfit through drugs 3-11
- DR90 In charge of a vehicle when unfit though drugs 3-11

Insurance Offences

- IN10 Using a vehicle uninsured against third party risks 6-8

Licence Offences

- LC20 Driving otherwise than in accordance with the licence 3-6
- LC30 Driving after making a false declaration about fitness when applying for a licence 3-6
- LC40 Driving a vehicle having failed to notify a disability 3-6
- LC50 Driving after a licence has been revoked or refused on medical ground 3-6

Miscellaneous Offences

- MS10 Leaving a vehicle in a dangerous position 3
- MS20 Unlawful pillion riding 3
- MS30 Play street offences 2
- MS50 Motor racing on the highway 3-11
- MS60 Offences not covered by other codes As Appropriate
- MS70 Driving with uncorrected defective eyesight 3
- MS80 Refusing to submit to an eyesight test 3
- MS90 Failure to give information as to identity of driver etc. 3

Motorway Offences

- MW10 Contravention of Special Roads Regulations (excluding speed limits) 3

Pedestrian Crossings

- PC10 Undefined Contravention of Pedestrian Crossing Regulation 3
- PC20 Contravention of Pedestrian Crossing Regulations with moving vehicle 3
- PC30 Contravention of Pedestrian Crossing Regulations with stationary vehicle 3

Speed Limits

- SP10 Exceeding goods vehicle speed limits 3-6
- SP20 Exceeding speed limit for type of vehicle (excluding goods or passenger vehicles) 3-6
- SP30 Exceeding statutory speed limit on a public road 3-6
- SP40 Exceeding passenger vehicle speed limit 3-6
- SP50 Exceeding speed limit on a motorway 3-6

Traffic Directions And Signs

- TS10 Failing to comply with traffic light signals 3
- TS20 Failing to comply with double white lines 3
- TS30 Failing to comply with 'Stop' sign 3
- TS40 Failing to comply with direction of a constable/warden 3
- TS50 Failing to comply with a traffic sign (excluding stop signs, traffic signs or double white lines) 3
- TS60 Failing to comply with a school crossing patrol sign 3
- TS70 Undefined failure to comply with a traffic direction sign 3

Special Code

- TT99 To signify a disqualification under totting-up procedure.

If the total of penalty points reaches 12 or more within 3 years, the driver is liable to be disqualified

Theft or Unauthorised Taking

- UT50 Aggravated taking of a vehicle 3-11

Aiding, abetting, counselling or procuring

Offences as coded, but with 0 changed to 2 e.g. LC10 becomes LC12.

Causing or permitting

Offences as coded, but with 0 changed to 4 e.g. LC10 becomes LC14.

Inciting

Offences as coded, but with the end 0 changed to 6 e.g. DD40 becomes DD46.

Non-endorsable offences

Some offences are non-endorsable. A non-endorsable offence is an offence which courts do not endorse onto paper counterpart. No penalty points are attributed to these offences but they carry a period of disqualification.

At the end of the disqualification (over 56 days) the driver will have to apply for a renewal licence together with the appropriate fee. Any queries about offences and endorsements should be directed to the convicting court.

Period of time

Periods of time are signified as follows: D=Days, M=Months, Y=Years

Endorsements remain on a counterpart licence for the following periods of time:

Endorsements must remain on a licence for 11 years from date of conviction if the offence is:

- Drinking/drugs and driving (shown on the licence as DR10, DR20, DR20 and DR80).
- Causing death by careless driving whilst under the influence of drink/drugs (shown on the licence as CD40, CD50 and CD 60).
- Causing death by careless driving, then failing to provide a specimen for analysis (shown on the licence as CD70).

Or 4 years from the date of conviction if the offence is as listed below:

- Reckless/dangerous driving (shown on the licence as DD40, DD60 and DD80).
- Offences resulting in disqualification.
- Disqualified from holding a full licence until a driving test has been passed.

Or 4 years from the date of offence in all other cases.

Source www.direct.gov.uk

Issued by Kirklees Council, Licensing Department, Huddersfield 01484 456868



Name of meeting: Licensing & Safety Committee

Date: 4th November 2015

Title of report: Taxi & Private Hire Licensing - Fees

| | |
|--|---|
| Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards? | Not Applicable |
| Is it in the Council's Forward Plan? | Yes |
| Is it eligible for "call in" by Scrutiny? | Not Applicable |
| Date signed off by <u>Director</u> & name | Jacqui Gedman - 15.10.2015 |
| Is it signed off by the Director of Resources? | David Smith - 14.10.2015 |
| Is it signed off by the Assistant Director - Legal, Governance & Monitoring? | Julie Muscroft - 15.10.2015 |
| Cabinet member portfolio | Cllr Steve Hall Planning, Highways & Open Spaces |

Electoral wards affected and ward councillors consulted: ALL

Public or private: Public

1 Purpose of report

- 1.1 For the Licensing Committee to determine approval for new fees for taxi and private hire licensing. To also consider the objections received from the taxi and private hire trade regarding fees and charges and to set a date for the fees to come into force with or without modification.
- 1.2 Fees levied must be reasonable and should be set at a level to enable full cost recovery for the appropriate licensing services provided, so as to avoid any additional financial burden on the Council Tax Payer.

2 Background

- 2.1 Sections 53 and 70 of the Local Government (Miscellaneous Provisions) Act 1976 (“the Act”) allow the Council to charge fees for the grant of licences in respect of hackney carriage and private hire drivers, vehicles and operators. The legislation specifies the elements that can be included in the cost of the licence fee.
- 2.2 The cost of issue and administration can be recovered in drivers’ licence fees. In respect of vehicle and operator licences the reasonable cost of inspecting and enforcement may be charged. Additionally, the reasonable cost of providing hackney carriage stands and any reasonable administrative or other costs in connection with the foregoing and with the control and supervision of hackney carriages and private hire vehicles can be included in the fees.
- 2.3 The cost for the enforcement of unlicensed drivers, vehicles or operators cannot be included in the calculation. The Council cannot make a profit from licence fees and there must be a carry forward of any surplus. There can also be recovery of any deficit.
- 2.4 The last inflationary increase in licensing fees was implemented in October 2014. That increase was at the then rate of inflation in recognition of the economic downturn.

The proposed increases and decreases in fees are necessary to ensure the Licensing Section receives appropriate resources to:-

- i. carry out its administrative and inspection activities and maintain its enforcement role.
- ii. ensure that the section receives sufficient resources to ensure continued service delivery
- iii. achieve cost recovery.

3. Deregulation Act 2015

- 3.1 The purpose of the ‘Deregulation Act is:
 - i. to make provision for the reduction of burdens resulting from legislation for businesses or other organisations or for individuals
 - ii. make provision for the repeal of legislation which no longer has practical use

- iii. make provision about the exercise of regulatory functions and for connected purposes

3.2 The Act is some 169 pages and covers a multitude of issues.

3.2.1 In summary the amendments to the Deregulation Act will change the legislation affecting taxis and private hire vehicles in two ways:

- i. Allowing private hire operators to sub-contract bookings to operators licensed in a different district. The basis of this is the belief that this would improve an operator's ability to meet passengers' needs and make the passengers experience more convenient
- ii. Making the standard duration for all taxi and PHV driver licences 3 years. Shorter durations will only be granted on a case-by-case basis. This, the Government considers will reduce the financial and administrative burden of having to make more frequent licence renewals.

4. Challenge to Proposed Fees and Charges

4.1 On 23rd July 2015, a draft schedule of the proposed taxi and private hire fees and charges for the financial year 2015/16 was put out to consultation with the trade. A copy of the original proposals is attached at [Appendix 1](#) of this report.

4.2 A number of representations have been received from the trade and trade representatives. They object to the fees regarding drivers' badges on the grounds that they are excessive. No representations have been received regarding the reductions in vehicle licensing fees'. Copies of the consultation responses are at [Appendix 2](#)

4.3 Following receipt of the objections the Council has been in dialogue with trade representatives providing information on the fees setting process and responding to queries.

4.4 From the information supplied on the fees in [Appendix 1](#) the trade have identified one specific error which has been corrected. Despite this the objection has not been withdrawn.

4.5 The Council's process for setting the taxi and private hire fees and charges has not undergone detailed assessment for a number of years. With the introduction of changes to licence durations it was felt that a detailed costs assessment must be carried out on this occasion. The assessment is represented by the spreadsheet in [Appendix 4](#)

4.6 Licensing accounts are subject to annual inspection by the council's finance and audit team and no anomalies have been reported.

4.7 The Licensing & Safety Committee must consider the objections; approve the taxi and private hire fees and charges for 2015/16 with or without modification and set a date for implementation which must be no later than 13th November 2015.

5. Legal Requirements

5.1 As required by Section 70 of the Act, a notice was published in the Huddersfield Examiner and Dewsbury Reporter advertising the fees and charges and confirming they would take effect from 13th November 2015.

6. Detailed Proposals

6.1 An increase is proposed across all discretionary fees covering taxi & private hire driver and operator licensing. A decrease is proposed in respect of licensed vehicle fees. (Members are reminded that fees relating to licences issued under the Licensing Act for alcohol, entertainment, and late night refreshment activities, are set by central government and have not been increased since the Act came into force in 2005.)

6.2 The full range of proposed fees for taxi and private hire licensing are at **Appendix 3**. The fee setting process combines all of the business support officers and licensing officer's average timings for carrying out their functions for the particular application process and management of that licence. The timings have been established for the average application or licence, that being one that fits the norm rather than a complex or simple application. Although there will be applications and licences that are more or less complex than the norm, these tend to balance each other out. The rates have been calculated for each of the different bands of officers involved in the process which takes into account not only the officer's salary costs but also the direct costs associated with that licensing regime, e.g. central service recharges such as HR, IT building maintenance to direct charges for legal, Committee Services, etc.

6.3 To calculate the fee the officer's hours are put together and the costs for those timings established. The total amount is then deemed to be the reasonable fee for that application process and to ensure compliance for that particular licence

7. Resource Implications

- 7.1 Proposed fees will help maintain the level of Licensing's enforcement role across all licensable activities, including maintaining vehicle and driver standards within the Kirklees taxi and private hire fleet.

8. Consultees & their opinions

- 8.1 Trade and Members. **Appendix 1** gives the trade responses. No Member opinions recorded

9. Cabinet portfolio holder recommendation

Portfolio Holder, Cllr Steve Hall, has noted the report and would like to recommend that Cabinet approve the proposals in full in order that the current level of service delivery be maintained.

10. Officer recommendations

- 10.1 Officers recommend, that Cabinet approve the new fees structure, set out in Appendix 3, for implementation with effect from 13th November 2015.

11. Contact officer and relevant papers

Catherine Walter
Licensing, Local Land Charges & Highways Registry Manager
Tel: 01484 221000
Email: catherine.walter@kirklees.gov.uk

Neal Fearn
Head of Building Control & Licencing
Tel: 01484 221000
Email: neal.fearn@kirklees.gov.uk

Papers:

- Appendix 1: First draft proposed fees**
- Appendix 2: Consultation responses**
- Appendix 3: Final proposed fees**
- Appendix 4: Spreadsheet showing fee analysis**

10. Assistant director responsible

Paul Kemp
Assistant Director – Place
Tel: 01484 221000
Email: paul.kemp@kirklees.gov.uk

Date: Monday, 28 July 2015

Dear Member

Re: Proposed changes to taxi and private hire fees and licences.

From the 1st October 2015, Kirklees Council will be making Hackney Carriage & Private Hire Driver licenses (badges) available for a period of three years.

The implementation will be introduced over a rolling period so that three year grants of a Drivers Badge will coincide with the 3 yearly DBS renewal.

This means, any existing driver due for a new DBS from the 1st October this year will be allowed a three year badge subject to meeting all other criteria for a three year badge. If a DBS is not due until the following year, then a driver will be issued with a 1 year badge but may next year on renewal and after completion of the DBS receive a 3 year badge. Similarly, if a driver renewing after 1st October had his DBS last year, he can have a two year badge and once the DBS is renewed in 2 years' time, he can then have a 3 year badge.

Also on the 1st October changes to the duration of a Private Hire Operator Licences also come into effect. From that date, licences may be granted for a period of up to 5 years.

As part of the changes to badge duration we will also be delivering some driver refresher training to all existing badge holders. This training will be free of charge and drivers have now been written to with an invitation to attend on a specific date. If a driver cannot attend on the date they have been allocated, it is imperative that they contact the office to make alternative arrangements. If they fail to attend the training and fail to make alternative arrangements then they may find that their badge renewal is delayed until such time they have completed the training. I would welcome your support in encouraging drivers to attend the training.

The changes to licences will also have an impact on current fee charges and all our fees have recently been reviewed and a new table of proposed fees is attached for your information.

You will note that whilst some fees have increased others have reduced – in some cases quite significantly.

Any objections in respect of the above proposals must be submitted in writing to the undersigned by 22nd August 2015. If no objections are received the varied fees listed above shall come into effect on the 1st October 2015.

Yours Sincerely

Catherine Walter
Licensing Manager

Taxi Licensing 2015

| | Current | Proposed | Difference |
|---|----------------------------------|--------------------------------------|--|
| New Driver Application 1 year (includes DBS) | £265.40 | £234.00 | -£31.40 |
| New Driver Application 3 Year (includes DBS) | | £420.00 | |
| Driver Renewal 1 Year (No DBS) | £52.50 | £90.00 | +£37.50 |
| Driver Renewal 3 Year (including DBS) | | £333.00 | |
| New Vehicle Licence 1 year | £257.60 | £230.00 | -£27.60 |
| Vehicle Renewal 1 year | £206.10 | £177.00 | -£29.10 |
| Operator Licence (2 vehicles or less) 1 year | £98.00 | £93.00 | -£5.00 |
| Operator Licence (2 vehicles or less) 5 years | | £433.00 | |
| Operator Licence (3 vehicles or more) 1 year | £206.55 | £227.00 | +£20.45 |
| Operator Licence (3 vehicles or more) 5 years | | £1,115.00 | |
| Vehicle Transfer | £38.25 | £50.00 | +£11.75 |
| Duplicate Vehicle Licence | £18.50 | £10.50 | -£8.00 |
| Vehicle Change | £254.60 | £173.00 | -£81.60 |
| Please see below examples of how the fee changes impact on two of the most common applications | | | |
| New driver and New Vehicle | Current Combined Cost £522.60 | Proposed Combined Cost £464.00 | Overall saving for drivers =£58.60 |
| Driver and vehicle renewal | Current Combined Cost £258.60 | Proposed Combined Cost £267.00 | Overall drivers will pay additional £2.30 |



To Whom It May Concern

We the undersigned would like to object to the current proposed fees increases being proposed by Kirklees Licensing department.

The yearly renewal taxi badge and the three year badges are significantly very high and not proportional in relation to previous fee increases. The whole purpose of obtaining a three year badge was that it would be cost effective for both the drivers and the licensing department. This, however, has not been incorporated in the proposed fees where the three year badge is simply calculated by multiplying the yearly badge. The three year badge would free up valuable time and costs for the licensing department hence should be significantly cheaper to process. Across West Yorkshire Taxi Licensing fees for three year badges are significantly lower and cheaper compared to the proposed fee's which is the whole purpose of the three year badge.

One of the arguments for the significant price rises was the costs associated with taking drivers to committee. To that we, the undersigned, would like to propose charging the individual drivers a fee or costs for attending committee. This would reduce the unnecessary need for drivers to go to committee for trivial matters and hence reduce costs as the onus would be on the driver.

As part of the Deregulation Bill 2014-2015 the Government guidelines state:-

Making the standard duration for all taxi and PHV driver licences three years; and five years for all PHV operator licences. Shorter durations will only be granted on a case by case basis, where it is justifiable for a particular reason. **This will reduce the financial and administrative burden of having to make more frequent licence renewals.**

According to the guidelines the proposed fee's have gone against this and made the taxi badge significantly very expensive which defies its purpose.

We would ask Kirklees Licensing Department to reconsider the proposed taxi badge renewal both yearly and three yearly in line with guidelines and make it more cost effective which benefits both parties.

We look forward to working with you on the proposed changes.

Mr M N Butt

KHCA Chair

Mnaeem3@hotmail.com uk

| NAME | BADGE NO | SIGNATURE |
|------------------|----------|-----------|
| M. N. BUTT | 1103 | |
| S. A. RASHID | 2378 | |
| M. FIATZ | 2442 | |
| M. RIAZ | DR0473 | |
| K. NAZIK | 4019 | |
| ATIF MUKHTAR | DR5274 | |
| JAVED KHAN | DR 2294 | |
| Madness Khan | DR 5106 | |
| Jawaid Iqbal | DR 2303 | |
| L. A. JAWAID | DR 982 | |
| A. S. SOHAL | DR 267 | |
| Ikram Humun | DR 5037 | |
| ABDUL HAMID | DR 6306 | |
| M. SALEEM | DR0546 | |
| ASGHAR ALI | DR4433 | |
| M. ANWAR | DR 0826 | |
| Mohammed Mujahid | DR 0720 | |
| Gurmit Singh | 046 | |
| D. SINGH | 0536 | |
| B SINGH | 2791 | |
| R. S. Sandhu | 067 | |
| ANWAR KUMAR | 0375 | |
| L. SINGH | 0807 | |
| M. KASSAN | 0579 | |
| QASIM ALI | 1712 | |
| RASIB | 3728 | |
| KULBAHAR | 0408 | |
| UMER KHATAB | 2363 | |
| FARMAN ALI | 6339 | |
| BALWANT SINGH | 6180 | |

| | NAME | BADGE NO | SIGNATURE |
|----|--|-------------------------|---------------|
| 1 | RIZWAN SARWAR | DR 6006 | Rizwan |
| 2 | TARIQ MEHMOOD | DR 4417 | Tariq Mehmood |
| 3 | ZAHID KHODDARY | DR 4769 | Zahid |
| 4 | BABAR MAHMOOD | DR 5841 | Babar |
| 5 | MUHAMMAD SAEED | DR 2089 | M. Saeed |
| 6 | Shahid imtiaz | DR 5881 | shahid imtiaz |
| 7 | YASER MIRZA | DR 6236 | Yaser Mirza |
| 8 | NADFEM. UDDIAL | DR 2290 | Nadferm |
| 9 | RANAT IQBAL RANA | DR 5313 | Rana |
| 10 | M. ASHRAF | DR 4828 | M. Ashraf |
| 11 | GHULAM MURTAZA | DR 280 | Ghulam |
| 12 | ASIF AMIN | DR 5218 | Asif Amin |
| 13 | ZALFOAN. AHMED | DR 2392 | Zalfoan |
| 14 | M. Y. KHAN | DR 0743 | M. Y. Khan |
| 15 | M. HUSSAN | DR 4500 | M. Hussan |
| 16 | M. P. RIZWANI M. P. RIZWANI | DR 4500 | M. P. Rizwani |
| 17 | MR. Khalid Zaman | DR 5337 | Khalid |
| 18 | ANSAR MAHMOOD | DR 6213 | Ansar |
| 19 | M. HAIDER FATMI | DR 6794 | Haider |
| 20 | MUJIBULLAH | DR 45 | Mujibullah |
| 21 | R. A. L. | DR 1667 1667 | R. A. L. |
| 22 | NASIR ALI | DR 5257 | Nasir Ali |
| 23 | A. REHMAN | 6665 | A. Rehman |
| 24 | M. FAYAZ | DR 5256 | M. Fayaz |
| 25 | A. BAKAR | DR 4444 | A. Bakar |
| 26 | S. ANWAR | DR 4230 | S. Anwar |
| 27 | MANZOOR AHMAD | DR 4601 | Manzoor Ahmad |
| 28 | SHAMPAL MUSSAIN | DR 5784 | S. Musain |
| | Khalid Hussain | DR 5557 | Khalid |

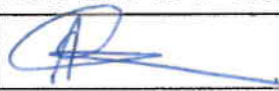






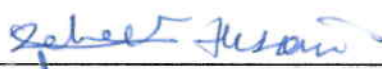







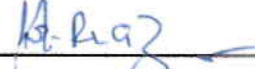

| NAME | BADGE NO | SIGNATURE |
|----------------------|----------|-------------------|
| TICKA KHAN | DR 4068 | Ticka Khan |
| U. ARBAAN | DR 4517 | U. Arbaan |
| M. KHALID RAMZAN | DR 0786 | M. Khalid |
| Shenzad Hussain | DR 284 | Shenzad Hussain |
| M. YOUNIS | DR 1465 | M. Younis |
| F. HOSSAIN | DR 0932 | F. HOSSAIN |
| KHALID MASOOD | 632 | Khalid Masood |
| M. SAHHID | 4524 | M. Sahhid |
| AMRIT ATWAL | 6776 | Amrit Atwal |
| M. S. RAMA | DR 6264 | M. S. Rama |
| Jarwinder Singh | DR 1058 | Jarwinder Singh |
| Asif Mulla | DR 6581 | Asif Mulla |
| Sajjad Saddique | DR 5524 | S. Saddique |
| A. HOSSAIN | DR 5948 | A. Hossain |
| M. NAVAZ | DR 847 | M. Navaz |
| MOHAMMED NAIM | 248 | Mohammed Naim |
| Khalid Mahmood | 10921 | K. M. M. |
| MOHD. RAMZAN | 2749 | M. Ramzan |
| Muneer Ahmed | DR 5031 | M. A. A. |
| MUHAMMAD RIAZ | DR 5078 | M. Riaz |
| MUHAMMAD ANWAR | DR 0884 | M. Anwar |
| M. A. SADIQ 2432 | DR 2432 | M. A. Sadiq |
| Shakeel Ahmed | DR 2350 | Shakeel Ahmed |
| NWAZ SHAFI | DR 5724 | Nwaz Shafi |
| IRSHAD AHMAD | DR 2563 | Irshad Ahmad |
| M. GHARIB | 2249 | M. Ghazib |
| ASGHAR ALI | DR 5216 | Asghar Ali |
| AFMUL MUHAMMAD | DR 2063 | A. F. M. Muhammad |
| ALAM-S. RIAZ-CHOUHRY | DR 0214 | A. Riaz |



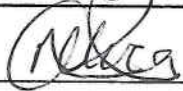

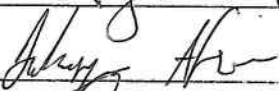

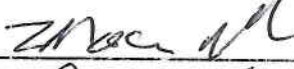
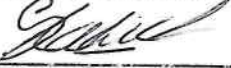


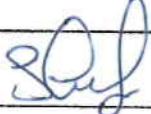
| NAME | BADGE NO | SIGNATURE |
|---------------------------|----------|------------------|
| M. AKRAM | 2712 | M. AKRAM |
| SHAHID HUSSAIN | 4890 | Shahid Hussain |
| TEJ PAL SINGH | 430 | Tej Pal Singh. |
| ABDUL MAJIED | 2528 | ABDUL MAJIED |
| TARIQ AHMED MAHMOOD | 6074 | |
| BRIGADIER MUSTAFA | 7174 | |
| Muhammad Hussain | 5118 | M. Hussain |
| HAFEEZ UR REHMAN | 4831 | Hafeez |
| MASUD ALI | 6107 | M. Ali |
| MUZAFFAR HUSSAIN | 2098 | Muzaffar Hussain |
| J. SINGH | 0276 | J. Singh |
| Rashid Ahmad | 2231 | Rashid Ahmad |
| M. AKRAM | 6467 | M. Akram |
| JOGINDERS | 1301 | J. Gindera |
| M. S. CHAUDHRY | DR0556 | M. S. Chaudhry |
| M AHMED. | DR 1318 | M. Ahmed |
| R. KHAN | DR 5461 | R. Khan |
| AKHAN | DR 4774 | ADILAT KHAN |
| MOHD ASLAM | DR 2409 | M. A. |
| KHALIQ HUSSAIN | DR. 824 | K. Hussain |
| M. RAMZAN | 1636 | M. Ramzan |
| Tasnuva Reid | 0142 | Tasnuva |
| FIRAZ PERVEZ | DR 5159 | F. Pervez |
| MUHAMMAD ALI BASIM SATTAR | DR 6326 | M. A. Basim |
| J THORNTON | DR 5207 | J. Thornton |
| B. S. | 6320 | B. S. |
| M. A. | 4069 | M. A. |
| M. HUSSAIN | 4822 | M. Hussain |
| AMJAD NAJEM | 4360 | A. Najem |
| Imran Arif | 4577 | I. Arif |

| NAME | BADGE NO | SIGNATURE |
|------------------|----------|-----------|
| SANA U BOTT | DR6343 | |
| M A H B O B | DR 2389 | |
| ZAFAR AZI | DR5303 | E. A. |
| MOHAMMAD ASLAM | DR 2338 | |
| MOHAMMED ZAMEER | DR 6488 | |
| MUHAMMAD RAFIQ | DR 2762 | |
| MADRID NIAZ | DR 6270 | |
| MUHAMMAD RIAZ | DR 5915 | |
| AASIM AHMED | DR 5589 | |
| LAQAT ALI | DR 5102 | |
| M. Majeed Afzal | DR 5001 | |
| SHUAB KHAN | DR 6154 | |
| MOLLSIN ALI | DR 6312 | |
| G SHAUDARI | DR 0616 | |
| HASSAN GAVEEDA | DR 5362 | |
| SADAT HUSAIN | DR 5988 | |
| KHAID HUSSAIN | DR 5801 | |
| SHARBEEL AHMAD | DR 5495 | S. Ahmad |
| JUNAID MUGHAL | DR 6678 | |
| Shakawan Shahwan | DR 6325 | |
| M. Ahmed | DR 4869 | |
| S E | DR 6368 | |
| AKAB RIAZ | DR 4313 | A. Riaz |
| FATISAHAM-UD-DAW | DR 6431 | |
| M. SHARBEEL | DR 2337 | |
| M. Hussain | DR 6175 | |
| ARSLAN HABIB | DR 6416 | |
| A. Asif | DR 5888 | |
| M. Parveen | DR 6796 | |
| JUNAID MUGHAL | DR 6678 | |

| | NAME | BADGE NO | SIGNATURE |
|----|---------------------------|----------|---------------------|
| 8 | SYED AHMAD | DR 6177 | S. Ahmad |
| 29 | Neveer Maturwatsone | DR 6817 | Neveer Maturwatsone |
| 42 | MOHAMMED JAMEEL | DR 2209 | M. Jameel |
| 28 | MOHAMMAD NAEEM | DR 4778 | Muhammad Naeem |
| | TIMOTHY AHMEDS | DR 1014 | Timothy |
| | IBRAHIM HUSSAIN | DR 5656 | Ibrahim |
| | MAHMOOD HUSSAIN | 1065 | M Hussain |
| | MUHAMMED AKMAL MANZOOR | DR 4805 | M. Akmal |
| | Isam | DR 4457 | |
| | M. AYUB | DR 2298 | M. Ayub |
| | TOKIR SURA | DR 5787 | Tokir Sura |
| | L. Hudson | DR 4982 | L. Hudson |
| | Ehjaz Mahmood | DR 4357 | Ehjaz Mahmood |
| | MASOOD ALI | DR 5366 | Masood Ali |
| | SHAUKAT ALI | DR 4098 | Shaukat Ali |
| | Zahid Akhonor | DR 6255 | Zahid Akhonor |
| 61 | WASIM ALI | DR 5617 | Wasim Ali |
| | M. ZUBAIR | DR 5587 | M. Zubair |
| | M. AFZAL SAJID | DR 5311 | M. Afzal Sajid |
| | M. SHEHARZ | DR 2163 | M. Sheharz |
| | Muhammad Ali | DR 2267 | Muhammad Ali |
| | M. SAJED | DR 6102 | M. Sajed |
| | Ashar Ali | DR 6022 | Ashar Ali |
| | PAUL LAWRENCE | DR 2516 | P. Lawrence |
| | Dingston. Billy | DR 4104 | Dingston. Billy |
| | N A HUSSAIN | DR 0973 | N. A Hussain |
| | WAHEED IQBAL | DR 2761 | Waheed Iqbal |
| | ZAFAR IQBAL | DR 4082 | Zafar Iqbal |
| | ARIF RAFIQUE | DR 4550 | Arif Rafique |

| NAME | BADGE NO | SIGNATURE |
|------------------|----------|------------------|
| Zafar. Majed | DR4936 | Zafar |
| SAIF-ur-Rahman. | DR4946 | Saif |
| MASOOD MUKHTAR | DR 6226 | M. Mukhtar |
| MUKHTAR AHMAD | DR 1297 | M. Ahmad |
| AHMAD RAZA | DR 5290 | A. Raza |
| MUHAMMAD SALEEM | DR 1291 | M. Saleem |
| K. SINGH | DR 425 | K. Singh |
| ZALD A. | DR 1080 | Z. A. |
| M. A. ALAM | DR 1730 | M. A. Alam |
| MR MUNIR. | 4366 | M. Munir |
| HARIS BIN TAHIR | DR 5270 | H. Bin Tahir |
| MOHAMMAD FORISS | 0247 | M. Foriss |
| ABDUL QYUM | DR 1477 | A. Qyum |
| M. ARAFAN | 2906 | M. Arfan |
| S. ALI | DR 1399 | S. Ali |
| MuHAMMED ARSHAD. | DR 2060 | Muhammed Arshad. |
| PASAM ZALCOOL | DR 4948 | P. Zalcool |
| MOHAMMAD NAEEM | DR 5376 | M. Naeem |
| M. A. ZAM | DR 2015 | M. A. Zam |
| CH. ABDULRAZAQ | DR 2103 | Ch. Abdulrazaq |
| FARID HUSSAIN | DR 864 | F. Hussain |
| Muhammed YOUNIS | 744 | M. Younis |
| ISHTIAQ AHMAD | DR 6317 | I. Ahmad |
| J. NAZR | DR 2547 | J. Nazr |
| LIAQUAT | 1281 | Liaquat |
| Sajid Hussain | 4288 | S. Hussain |
| RASHID AHMED | 0265 | R. Ahmed |
| M. Idris Khan | DR 4610 | M. Idris Khan |
| BABAR-HUSSAIN | DR 4032 | B. Hussain |
| M SHAHID PERVEZ | DR 2102 | M. Shahid Pervez |

| NAME | BADGE NO | SIGNITURE |
|-----------------------|-----------------------|---|
| Irsham Anwar | DR 4820 |  |
| Subhan Ali | 50 DR 2870 |  |
| ZAHID ASSHAFZ | 2799 |  |
| M. Afaq | DR 2298 |  |
| F. Ghaffar | |  |
| N. Hussain | DR 5465 |  |
| Imran Ali | DR 5792 |  |
| Zakeer Hussain | DR 6645 |  |
| IMRAN AKRAM. | DR 4143 |  |
| BILAL AHMED | DR 2408 |  |
| Noor Adhwal | DR 0975 |  |
| ZAHID MAHMOOD | DR 5998 |  |
| I. Broscome | |  |
| M. Hussain | DR 2137 |  |
| K. Hussain | DR 0824 |  |
| ALAM S. RIAZ CHAUDHRY | DR 0214 |  |
| Jamil Ahmad | DR 6615 |  |
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| NAME | BADGE NO | SIGNITURE |
|------------------------------|------------------|---|
| M. Nadeem Atiq | DR 6402 |  |
| Imtiaz AHMED | DR 6399 |  |
| JAMIL Akhtar | DR 0930 | J.M. |
| Saahib Jamil (PREPARETOR) | DR 5895 | Saahib |
| NASSAR MIRZA | DR 6531 |  |
| Nabeel Hussain | DR 6699 |  |
| MOHAMMAD RIZWAN | DR 5743 | Rizwan Y |
| JA HANGIK AFSAR | YASIN DR 2389 |  |
| MURAM SHAHZAD | DR 6734 |  |
| SHAKEEL AHMED | | S. Ahmed |
| ZAHOR AHMED | DR 0298 |  |
| SHAHID IQBAL | DR 6230 |  |
| QASAR MIRZA | DR 0285 |  |
| LIQAT MIRZA | | |
| SOHAIL QAMMAR | | |
| RIZWAN YASIN | | |
| MAURBEEN MIRZA | | |
| MARIK PARVIN | | |
| PILLUP HANLON | DR 2150 |  |
| ABDUL GHANI | | |
| CAR 18 SHAFIQ SABIR | DR 3166 |  |
| NADEEM AFSAR | | |
| CAR 22 | | |
| CAR 23 | | |

| NAME | BADGE NO | SIGNITURE |
|------------------|----------|----------------|
| ABID. MEHMOOD | 3199 | |
| ARIF MAHMOOD | DR 4071 | |
| TAHIR MUHAMMAD | 1223 | Tahir Mahmood |
| ZUFRAN IQBAL | DRB379 | |
| ABDUL QADIR | DR 4183 | ABDUL QADIR |
| MOHAMMED SALIM | DR 2816 | M. Salim |
| UMAR REHMAN | | |
| ARSHAD MIR | DR 4510 | |
| MOHAMMED NAZAM | DR 5162 | Mohammed Nazam |
| Rangzeb Iqbal | DR 5103 | |
| RAAZAT HUSSAIN | DR 4283 | R. Raazi |
| Tahir Hussain | DR 5509 | |
| P. Iqbal | DR. 6020 | PERVEZ IBBAT |
| P. Muhammad | DR 4743 | |
| Basharat Mahmood | DR 5496 | |
| Sohail Muhammad | DR 6247 | |
| SOMNIB WISNOSE | DR 5095 | |
| SAYYID AHMED | DR 0916 | |
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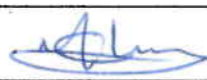








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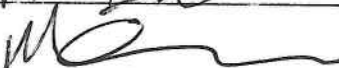





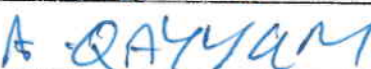
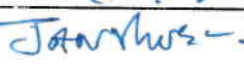


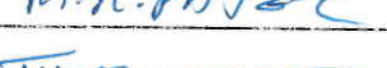
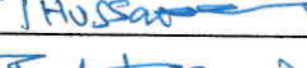
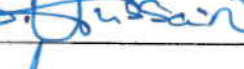

| NAME | BADGE NO | SIGNITURE |
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| MOHAMMAD SIDDIQ | DR 6571 | |
| MOHAMMED SAQAD AHMED | DR 5141 | M. SAHMEED |
| M. HAMMED IQBAL | 3257 | |
| ZAMIEER AHMED | | |
| MOHAMMED YASIR KHAN | DR 4558 | M. YASIR KHAN |
| Haris yousuf | DR 6185 | |
| KHALID HUSSAIN | DR 4438 | |
| INSHA ZAKIR | DR 3249. | |
| MOHAMMAD SALEEM | DR 6715 | S. Saleem |
| ABID HUSSAIN | DR 6232 | |
| YVSUF A. PATEL | DR. 1565 | |
| WAD AR-AHMAD | DR - 4599 | |
| Mohammed Nawaz | DR - 6583 | |
| Mohammeel Imran. | DR - 6517 | |
| ISMAIL PATEL | DR - 0213 | I. Patel. |
| Mohammed N SAHAR | DR - 5353 | |
| DINA SINGH | DR - 1234 | |
| GABBAR SINGH | DR - 1564 | |
| ADIL SALEEM | DR 5973 | Adils |
| ARIF HUSSAIN | DR 2207 | A. Hussain |
| ARIF RAFIQ | DR 5080 | |
| M UNUS | DR 4020 | M. UNUS |
| G. SAKHAI | DR 5507 | G. Sakhai |
| M. Niz | DR 0024 | |

| | NAME | BADGE NO | SIGNITURE |
|------|--------------------|------------|-----------|
| (1) | SAKHTAWAT HUSSAIN | DR 0821 | |
| (2) | FAHEEM KHAN | DR 5305 | |
| (3) | RAHIS TAJAIB | DR 5232 | |
| (4) | M. IKHLAQ | DR 81 | |
| (5) | JAVED IQBAL | DR 1556 | |
| (6) | NASIR KHAN | DR 3245 | |
| (7) | IFTIKHAR AHMED | DR 159 | |
| (8) | MUKHTAR AHMED | DR 0474 | |
| (9) | M. MIZRAB | DR 1466 | |
| (10) | MUSHTAQ AHMED | DR 0136 | |
| (11) | MOHAMMED SABIR | DR 4880 | |
| (12) | M. IBRAR | DR 3055 | |
| (13) | M. NAZIR | DR 0558- | |
| (14) | HASEEB RAZA | DR 5506 | |
| (15) | MOLHANAD JLYHS | DR 0835 | |
| (16) | TANZEER AHMED | 1114 | |
| (17) | QUEBANI HUSSAIN | DR 1509 | |
| (18) | MOHAMMAD QADEER | DR 5033 | |
| (19) | M. KHITAR | DR 5533 | |
| (20) | Z. KARAMAH HUSSAIN | DR DR 6108 | |
| (21) | T. ISTAHHAN | DR 3066 | |
| (22) | M. WAWAZ | DR 0278 | |
| (23) | REHMAN AHMED | DR 6808 | |
| (24) | FAISAL MAHMOOD | DR 0433 | |

| NAME | BADGE NO | SIGNITURE |
|-------------------|----------------------|----------------|
| ALLAH-BAKSH | 0949 | A. Bakshi |
| RIZWAN MAHMOOD | 3221 | Rizwan |
| REHAN MEHMOOD | 5113 | Rehan Mahmood |
| MUNIR AKHTAR | 3146 | M. Akhtar |
| M. HANIF | 1048 | Hanif |
| M. Fatooh | 4522 | Fatooh |
| M. Jamil | 6178 | Jamil |
| Z. Sarfraz | 6598 | Z. Sarfraz |
| M. Ali | 6791 | M. Ali |
| YUSUF ADAM BADIAT | 0798 | Y A Badiat |
| IMRAN KHAN | DR 41792 | Imran |
| Muazzam Mahmood | DR 6056 | M. Mahmood |
| Imran Qureshi | DR 5423 | Imran |
| M. RIZWAN | DR 5874 | M. Rizwan |
| M. IDRIS | DR 0725 | M. Idris |
| J. ALBIDIN | DR 5744 | Jalaluddin |
| SHOKAT HUSSAIN | DR 56 672 | Shokat Hussain |
| SOHAIL HUSSAIN | DR 6652 | Sohail Hussain |
| TALIB HUSSAIN | DR 6279 | Talib Hussain |
| MUSHA BHAI | 5332 | Musha Bhai |
| M. ACTAF | 4307 | M. Actaf |
| USMAN | 0710 | Usman |
| GULFARAZ KHAN | 5266 | Gulfaraz |

| NAME | BADGE NO | SIGNITURE |
|-------------------|----------|-------------|
| HABIB ALI | | |
| SHUKAT FIBED | DR6089 | |
| IBRAR | DR593 | 4 Hussain |
| M. ASAR | DR 4327 | |
| Abbas Ahmed | DR 2805 | Abbas Ahmed |
| NABEEM RASOOL | DR 3209 | |
| M-SAGHIR | DR3209 | |
| YUSUF DAWJEE | DR0329 | |
| QASAR MAHMOOD | DR 1423 | |
| M. Anwar | 1121 | SANFAR |
| M-SAJJAD | 101 | |
| TAHIR ALTAF | DR | |
| ABID HUSSAIN | 4110 | |
| MURAD ASAD Gul | DR 5181 | |
| UMARFAOORAN | DR 1549 | |
| M. Hussain | DR. 3088 | |
| M. Niaz | | M. Niaz |
| ZAFAR | DR 4455 | |
| MAHROOF | DR 1036 | |
| Asad | 4199 | |
| MOHAMMED Z. QIBAL | 1176 | |
| M. Amin Khan | DR5170 | |
| TAYYAB HUSSAIN | | |

| NAME | BADGE NO | SIGNITURE |
|--|----------------------|---|
| MAJID KHAN | DR3109 |  |
| S H OULIAT | 3071 | AL |
| SHARQAT-ALI | 2099 |  |
| Muzafar | 5246 | |
| Abdul Kader | 6274 | ABU |
| M. ABD ^{TABRAIZ} M. HAMMED | 6721 | M. T.  |
| REHAN MEHMOOD | 5113 | Rehan Mehmood |
| SAEED ABED | DR 1525 | Saeed |
| ISMAIL PATEL | 3170 | Ismaeel Patel |
| ABID HUSSAIN | 5002 | Abid Hussain |
| ANSAR M | 2866 |  |
| MUHAMMAD UNAR | 4561 | M. Unar |
| S A Raza | 5504 | S. Raza |
| SAQIB HUSSAIN | | S. Hussain |
| RIFAAT KIANI | 3175 3175 |  |
| ZULFIQAR ALI | | Z. Ali |
| KASHIF SOHAIL | 6463 |  |
| ASIF | |  |
| Khawaja Shabir | |  |
| PARVEZ ALTAJ | P. Altaj | 207 |
| Abdul Hamid Patel | 349 |  |
| FIROZ PATEL | DR 3129 | F. Patel |
| Nafees Ahmed | DR 0883 | N. Ahmed |

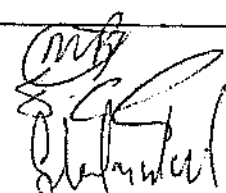
| NAME | BADGE NO | SIGNITURE |
|---------------------------|----------|---|
| SAJID HUSSAIN | DR 3140 |  |
| NAHEEM NOOR | DR 5907 |  |
| MOHAMMED SARWAR | DR 0762 |  |
| NAJIB REHMAN | DR 5477 |  |
| ASIF AHMED | DR 6557 |  |
| MENAZZ BASHIR AHMED | DR 4427 |  |
| JAVED AKHTAR | DR 4473 |  |
| RAZIQ HUSSAIN | DR 1482 |  |
| HANIF MOHAMMED | DR 3029 |  |
| M. Aamir | DR 1298 |  |
| RIASAT ALI | DR 686 |  |
| Wahid Ghani | DR 727 |  |
| SOBAT ALI | DR 4347 |  |
| MOHAMMED BASHIR | DR 3190 |  |
| NADIM ALI | DR 4929 |  |
| ABDUL-QAYYUM | DR 3124 |  |
| JAMALABOUL NADIR VHORA | DR 0252 |  |
| Liaqat ALI | DR 4471 |  |
| Mohammed Alik | DR 0357 |  |
| TALIB HUSSAIN DIN | DR 4280 |  |
| BANARAS HUSSAIN | DR 3003 |  |
| ARSHAD MAHMOOD | DR 1145 |  |
| M. AWAD | 1110 |  |

| NAME | BADGE NO | SIGNITURE |
|--------------------------------|-------------------------------|----------------|
| M. Waqas | DR 6500 | M. Waqas |
| Amal Hussain | DR 3274 | Amal Hussain |
| Mohammed Faraz Shroof | DR 6019 | M. Faraz |
| ABDUL KAIYUM ^{PATHAN} | DR-1471 | A. Kaiyum |
| H. N. KAPAD | DR 480 | H. N. Kapad |
| YOUSUF | DR 0493 | Yousuf |
| ABUBAKAR MULLA | DR 0717 | Abubakar Mulla |
| BASHIR BATEL | DR 0641 | B. Batel |
| MAKBUL M. DALAL | DR-3085 | M. Dalal |
| YUSUF SALOO | DR-153 | Y. Saloo |
| ZAID HANIF | DR 0976 | Z. Hanif |
| ISHFARAHMED | PR 6015 | Ishfarahmed |
| ALLAH DITTA | DR 0238 | A. Ditta |
| J. Akbar | DR 3061 | J. Akbar |
| M. YA LOONAT | DR 047 DR 047 | M. Loonat |
| ZAKIR HUSSAIN | DR 0191 Z. Hussain | Z. Hussain |
| HASAN LAKHA | DR, 0751 | H. Lakha |
| A. HABIB | DR 492. | A. Habib |
| M. Amin. | DR 6319 | M. Amin |
| M. TARAO | DR 520 | M. Tarao |
| I. Shirdal | DR 0181 | I. Shirdal |
| Iqbal Jibril | 3252 | Iqbal Jibril |
| YANUS LAKHA | 31 69 | Yanus Lakha |







| NAME | BADGE NO | SIGNITURE |
|------------------------------------|-----------|----------------------|
| SAJID SHARIF | DR 3292 | Sajid S |
| M. Badat | DR. 517. | Badat. |
| Mohammed Liqat | DR 0834 | M. Liqat |
| ALIAH DITTA | DR 0238 | A. DITTA |
| M. SHAZAD | DR 518 | M. Shazad |
| A-KARIM | DR. 184 | A. Karim |
| ABDUL LATIF ABDUL LATIF | DR. 3153. | (A) |
| ABDUL LATIF | DR. 0656 | Abdul Latif |
| DADU YUSUF | DR 0881 | D. A. Yusuf |
| ABDULLAH ADAM | DR 0909 | Adam |
| ETULAM. M. PATEL | DR. 0568 | Patel |
| ZAMURRAD HUSSAIN | DR 0417 | Z. Hussain |
| MOHAMMED TARIQ LALL | DR 2790 | M. Tariq Lall |
| JUNUS. HAJI | DR. 180 | Haji |
| Ayub Rehad | DR0401 | Ayub |
| NISAR ALI | DR 3132 | Nisar Ali |
| TAHIR. BASHIR | DR0811 | Tahir Bashir |
| MOHAMMED ARIF | DR 4909 | M. Arif |
| SAYEED A. NOSS | DR 0572 | S. A. Nali |
| LIAQAT ALI | DR 1031 | Liaqat Ali |
| ERHAHIM ALLOO | DR. 119. | E. Alloo |
| Kamran Hussain | DR 5127 | Kamran |
| BANATAR RASHID | DR 6429 | Banatar |
| WASIM RASHID | DR. 6125 | Wasim |

| NAME | BADGE NO | SIGNITURE |
|-------------------|-----------------|-----------------|
| AKHTAR ZAMAN | 1508 | A. Zaman |
| NAZA A CHEEMA | 5406 | NA cheema |
| SHOKAT ALI | 2096 | Shokati |
| M. S. AKHTAR | 1508 | MS Akhtar |
| NAZAKAT ALI | 5259 | NAZAKAT ALI |
| ALTA F HUSSAIN | 1034 | Altal Hussain |
| M. SAGHEER | 41253 | m. Sagheer |
| IBRARAHMED | 7393 | IBRARAHMED |
| OSMAN RAZA ALI | 6153 | Osman Raza Ali |
| ALPA F HUSSAIN | DR-3262 | Alpa Hussain |
| MOHAMMED ARIF | 3074 | M. Arif |
| NASRAT ZAMAN | 5320 | N. Zaman |
| RAMIZ MURTAZA | 6440 | Ramiz Murtaza |
| SHOUKAT HUSSAIN | 6564 | Shokati Hussain |
| SAGIB HUSSAIN | 5911 | Sagib Hussain |
| MAHMOOD YUNUS | 5433 | M. Yunus |
| VAKAR AKHTAR | 6602 | V. Akhtar |
| MOHAMMAD AZAD | 4235 | M. Azad |
| MOHAMMED AYUB | 4857 | M. Ayub |
| MOHAMMED WASIM | 4859 | M. Wasim |
| MULDASSAR AHMAD | 6131 | M. Ahmad |
| OMAIR ZAMAN | 3238 | O. Zaman |
| TABASSAM ZULFIQAR | 4887 | T. Zulfikar |

mohammed Basharat Altari 5544
 Shamraze Ali 5300
 SHAFIQAT ALI 5806


 Signature

| NAME | BADGE NO | SIGNITURE |
|------------------|------------------------|----------------------|
| SHAHZAD AFEZAL | 4818 | |
| IMRAN ALI | 3163 | |
| M. Jamil RAZVI | 010 | M. Jamil Razvi |
| ASHRAF MAHMOOD | 4885 | A. Mahmood |
| LIQAT Hussain | 4147 | Liqaat Hussain |
| Yusuf SEEDAT | 1430 | Yusuf Seefat |
| ABDUL JABBAR | 4802 | |
| ABDUL KASIM | DR0211 | |
| MOHAMMED FAZAL | DR1432 | |
| MOHAMMED AZAM | D 1126 | M. Azam |
| ASIF KARIM | DR2882 | |
| TARIQ MAHMOOD | DR0635 | T. Mahmood |
| MUBARRAK HUSSAIN | DR 4242 | M HUSSAIN |
| A-RAZA | DR 4904 | A-Raz |
| Gonvir Agos | DR111 | |
| Y. Mahmud | DR PR.0186. | Y. Mahmud |
| M. LATIF | DR 5823 | 63 PILSBRIDGE ST. DC |
| A. HAMID | DR 713 | 12 WELLS LANE |
| Imyaz m. Hadrat | DR 0185 | Muham Hadrat |
| M. Abbas | DR 1557 | |
| M. AFZAL | DR 0562 | |
| USMAN | DR3193 | |
| MISAQ. | DR-3161 | |
| ARSHID. | DR-2731 | |
| IQBAL | DR-4941 | |

| NAME | BADGE NO | SIGNITURE |
|------------------------------|----------|---|
| MOHD SADIQ | 3141 |  |
| MOHAMMAD. ARSLID | 5776 |  |
| BASAT AZAM | 4661 |  |
| M.R. DITTA - Mehboob Khan | 3026 | Ullan |
| FAISAL Mehmood | 6659 | MDK |
| SHABIE HUSSAIN | 6622 | Fals |
| ZUBAIR AMMAR | 3303 | Delic the |
| MUHAMMED ATTIQ | DR 6835 |  |
| SALEEM AKHTAR | DR 6552 | M. Atiq |
| Onme JAHANGIR | DR 6218 | S. Akhtar |
| M. CIAPAT | DR 5111 | O. Fida |
| I. Ibrahim | DR 0902 | Zayeen |
| KHALID HUSSAIN | | Z. Q. |
| TARIQ JAUED | DR 0283 |  |
| NADEEM HUSSAIN | DR 0295 | Taued. |
| Sarfraz Bosharat | DR 5041 | N. Kh. |
| Muhammad Irfan | DR 5707 | S. Bosharat |
| MAHBOOB KHAN | DR 6815 | M. Irfan |
| Javed Rasib | DR 0770 | M. Khan |
| ISMAIL DADHIWALA | DR 4055 | Javed Rasib |
| IFTIKHAR HUSSAIN | DR 5019 |  |
| ABDUS ALI SHAH | DR 0988 | Ali Shah |
| | DR 1512 | AAshah |

Mark Horsfall

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Badge no 815

7th August 2015

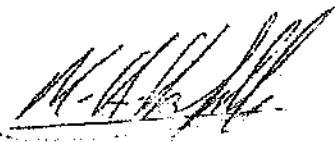
Kirklees Council
Investment and Regeneration Licensing
Flint Street
Huddersfield
HD1 6LG

Dear Catherine Walter

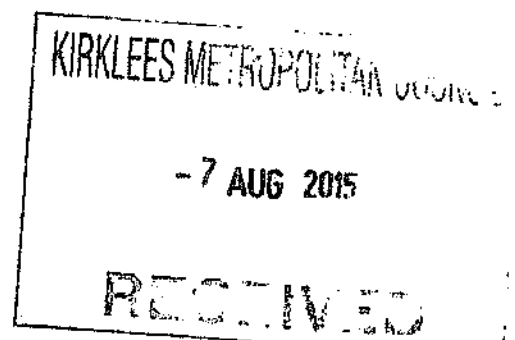
I am in receipt of your letter dated 6th July regarding proposed changes to taxi & private hire fees and licenses. I note there is a proposed increase of more than 70% on annual driver renewals with no DBS. I would like Kirklees Council to justify an increase of this enormity.

I look forward to hearing from you in due course, with a justifiable breakdown of this increase.

Your very concerned private hire driver.



Mark Horsfall



Kirklees Licensing

Published by Catherine Walter · 30 July at 13:09 ·

From the 1st October 2015, Kirklees Council Hackney Carriage & Private Hire Driver licenses (badges) will be available for a period of three years.

The changes to licences will also have an impact on current fee charges and all our fees have recently been reviewed and a new table of proposed fees is attached.

You will note that whilst some fees have increased others have reduced – in some cases quite significantly.

Any objections in respect of the above proposals must be submitted in writing to the licencing manager by 22nd August 2015.

Involve: Fee increase for Hackney Carriage & Private Hire trade

Carry out consultation with the taxi & private hire trade and other stakeholders about proposed fee increases.
KIRKLEES.GOV.UK|BY CATHERINE WALTER

114 people reached

Boost Post



Like Comment

Share

- Most Recent

Atif Mukhtar, Suhail Fever Rashid and Basharat Rashid like this.



Basharat Rashid The badage fee is to high £333 it should be £250 including DBS

Like · Reply · 2 · 30 July at 22:26



Suhail Fever Rashid The taxi badge renewal for one year and three years is way to high. This needs to be looked at again to a reasonable price. The three year badge should be cheaper and not simply worked out by multiplying the one year badge three times.

Like · Reply · 1 · 31 July at 12:38



Atif Mukhtar Agree with Basharat Rashid, 3 year badges increase it too high considering the cost of processing will be reduced.

Like · Reply · 31 July at 12:40 · Edited



Ikram Hussain How can badge prices jump up so much, £52.50 to 90 pound, you have yearly put prices up on badges and MOTs, IT'S A RIP OFF!!!!

Like · Reply · 1 · 3 August at 09:55

Response to Review of Taxi & Private Hire Fees

From: Arfan Asif, Town Cars

Why is a three year badge the cost of a 1 year badge multiplied by three when there is less work to do?

The cost of a new drivers badge should not be cheaper than previously, the cost of this should have gone up not down

Why can't vehicle costs be offset against badges?

What is a vehicle change – is this a hackney carriage charge?

New applicants should pay in full up front and not receive a refund if they have to go to Regulatory or Officer Panel

Operator Licences should be on a sliding scale - the larger the fleet the higher the fee?

MUHAMMAAD WASEEM RAZA
DR-4502

7th August 2015

Kirklees Council
Investment and Regeneration Licensing
Flint Street
Huddersfield
HD1 6LG

Dear Catherine Walter

I am in receipt of your letter dated 6th July regarding proposed changes to taxi & private hire fees and licenses. I note there is a proposed increase of more than 70% on annual driver renewals with no DBS. I would like Kirklees Council to justify an increase of this enormity.

I look forward to hearing from you in due course, with a justifiable breakdown of this increase.

Your very concerned private hire driver.

MUHAMMAD WASEEM RAZA, DR-4502

[REDACTED]

[REDACTED]

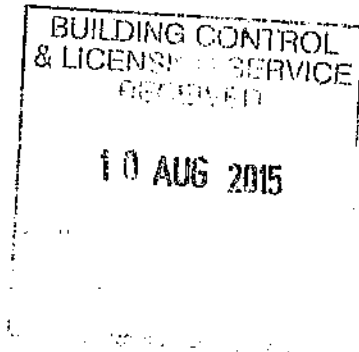


Shahid Ali
~~XXXXXXXXXX~~
~~XXXXXXXXXX~~
~~XXXXXXXXXX~~
~~XXXXXXXXXX~~

6th August 2015

Kirklees Council
Investment and Regeneration Licensing
Flint Street
Huddersfield
HD1 6LG

Badge number:- DR5220



Dear Catherine Walter

I am in receipt of your letter dated 6th July regarding proposed changes to taxi & private hire fees and licenses. I note there is a proposed increase of more than 70% on annual driver renewals with no DBS. I would like Kirklees Council to justify an increase of this enormity.

I look forward to hearing from you in due course, with a justifiable breakdown of this increase.

Your very concerned private hire driver.

A handwritten signature in black ink, appearing to read "S. Ali".

Shahid Ali

Insert your Name address and
badge number

7th August 2015

Kirklees Council
Investment and Regeneration Licensing
Flint Street
Huddersfield
HD1 6LG

MOHAMMAD SHAFIQ

[REDACTED ADDRESS]

BADGENO: 1020

Dear Catherine Walter

I am in receipt of you letter dated 6th July regarding proposed changes to taxi & private hire fees and licenses. I note there is a proposed increase of more than 70% on annual driver renewals with no DBS. I would like Kirklees Council to justify an increase of this enormity.

I look forward to hearing from you in due course, with a justifiable breakdown of this increase.

Your very concerned private hire driver.

Your Name


(M. SHAFIQ)

M Waqas Khalil

~~XXXXXXXXXX~~
~~XXXXXXXXXX~~
~~XXXXXXXXXX~~
Licence no. DR6044

14th August 2015

TEL. 07518407613

Kirklees Council
Investment and Regeneration Licensing
Flint Street
Huddersfield
HD1 6LG

Dear Catherine Walter

I did not receive any letter about the refresher course for taxi drivers as well as the proposed changes in the fees. I received an email by my office to inform about this matter and to raise this matter. I called the licensing department to request this information but have not received anything so far. The time is running out so I decided to write you this letter before the 22nd of August.

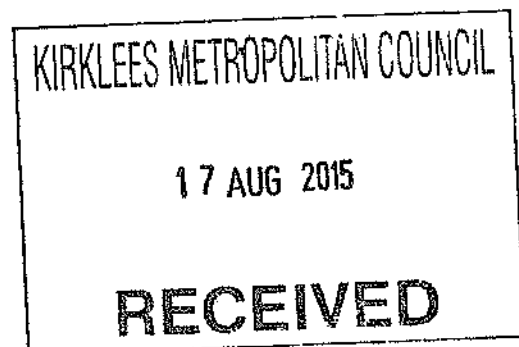
I note there is a proposed increase of more than 70% on annual driver renewals with no DBS. I would like Kirklees Council to justify an increase of this enormity.

I look forward to hearing from you in due course, with justifiable breakdown of this increase.

Please send me the date and time for refresher course as well.

Your very concerned private hire driver.

M Waqas Khalil



13 AUG 2015

Insert your Name address and
badge number

MR. MOHAMMED ASHRAF

[REDACTED ADDRESS]

BADGE N^o DR 4406

7th August 2015

Kirklees Council
Investment and Regeneration Licensing
Flint Street
Huddersfield
HD1 6LG

Dear Catherine Walter

I am in receipt of your letter dated 6th July regarding proposed changes to taxi & private hire fees and licenses. I note there is a proposed increase of more than 70% on annual driver renewals with no DBS. I would like Kirklees Council to justify an increase of this enormity.

I look forward to hearing from you in due course, with a justifiable breakdown of this increase.

Your very concerned private hire driver.

Your Name

KIRKLEES METROPOLITAN COUNCIL
14 AUG 2015
RECEIVED

R.S. Ferrari

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

12/8/15

BADGE No 0140

Kirklees Council
INVESTMENT & REGENERATION LEADERSHIP
FUND ST
HD1 6LG

Dear Catherine Walter,

I am in receipt of your letter dated 6th July regarding proposed changes to taxicab private hire fees & licenses. I note there is a proposed increase of more than 70% on annual driver renewals with no DBS. I would like Kirklees Council to justify an increase of this size.

I look forward to hearing from you.

Yours

[Signature]

Very Concerned

Current fees for Taxi badges

Renewal badge - £52.50

DBS check - £56.00

New fees for 3 year Taxi badges

Renewal badge including DBS - £333

breaking this ~~sum~~^{fee} down

You will be paying £90.00 per year for Renewal badge

DBS check will be £63.00

$$£90 - 52.50 = £37.50$$

Renewal

$$£63 - 56 = £7$$

DBS

$$37.50 \times 3 \text{ years} = £112.5 + £7 \text{ DBS} = £119.5 \text{ extra every 3 years.}$$

extra

Current fees x 3

$$\text{badge } 52.50 \times 3 = £157.50 + 56.00 = £213.50$$

DBS 56.00

Two issues here

• why badge gone up by 37.50 every year

• DBS check gone up by £7

20/8/15 O'Leary Badge 5557

im concerned about the fee of 3yrs badge and
DBS being £333.
currently badge renewal is £52.50 → 3yrs = £157.50
DBS check 221.00
£ 639.00

difference £ 111.60
So how can you justify the 50% increase?
the Assessor

| Appendix 3 | Current Annual Fees | | Proposed Annual Fees 1st October 2015 | | + Increase / - Reduction |
|--|---------------------|--|--|--|-----------------------------|
| New Driver Application (Incl. DBS check £56.00 fee) | £265.40 | | £234.00 | | -£31.40 |
| New Vehicle | £257.60 | | £230.00 | | -£27.60 |
| Existing Driver Renewal (Excl. DBS £56.00 fee only payable when check required) | £52.50 | | £90.00 | | +£37.50 |
| Existing Vehicle Renewal | £212.20 | | £177.00 | | -£35.20 |
| Operator Licence (2 vehicles or less) (Excl. DBS £56.00 fee only payable when check required) | £98.00 | | £93.00 | | -£5.00 |
| Operator Licence (3 vehicles or more) (Excl. DBS £56.00 fee only payable when check required) | £206.55 | | £227.00 | | +£20.45 |
| Vehicle Change | £257.60 | | £230.00 | | -£27.60 |
| Transfer of Vehicle | £38.25 | | £40.00 | | +£1.75 |
| Duplicate Vehicle Licence | £18.50 | | £10.50 | | -£8.00 |

| | Total Cost of Annual Licence over 3 yrs | New 3 Yr Licence proposed fee | Total Cost of Annual Licence over 5 yrs | New 5 Yr Licence proposed fee | Saving |
|--|---|-------------------------------|---|-------------------------------|---------|
| | Assumes inflation @2% in Yrs 2 & 3 | | Assumes inflation @2% in Yrs 2 - 5 | | |
| New Driver Application (Incl. DBS check £56.00 fee in first year only) | £420.00 | £401.00 | | | -£19.00 |
| Existing Driver Renewal (Excl. DBS £56.00 fee only payable when check required) | £276.00 | £258.00 | | | -£18.00 |
| Operator Licence (2 vehicles or less) (Excl. DBS £56.00 fee only payable when check required) | | | £484.00 | £445.00 | -£39.00 |
| Operator Licence (3 vehicles or more) (Excl. DBS £56.00 fee only payable when check required) | | | £1,181.00 | £1,144.00 | -£37.00 |

All licences exceeding one year, assume an annual inflation increase of 2%.

Notes

Licence fee £93.60 to be paid up front,
no refund if application unsuccessful.

| Type of Licence | New HC/PH driver 12 months | New HC/PH driver 3 Yr Licence | Driver Renewal 12 months | Driver Renewal 3 Yr Licence | New Vehicle PH/HC & Vehicle Change 12 months only | Vehicle Renewal PH or HC 12 months only | Operator 2 or less 12months | Operator 2 or less 5 Yr Licence | Operator 3+ 12months | Operator 3+ 5 Yr Licence | Transfer of a Vehicle |
|---|----------------------------|-------------------------------|--------------------------|-----------------------------|---|---|-----------------------------|---------------------------------|----------------------|--------------------------|---------------------------|
| Number of applications per year 5,400 | 300 | | 2323 | | 522 | 1973 | 57 | | 47 | | 178 |
| BSO Av Total minutes/Lic | 60 | 90 | 30 | 60 | 45 | 30 | 16.2 | 16.2 | 16.2 | 16.2 | 30 |
| Licensing staff Av Total minutes/Lic | 6 | 8 | 1 | 3 | 2.3 | 2.3 | 10 | 10 | 10 | 10 | 1 |
| Staff & Overhead Costs | £88.00 | £238.50 | £77.00 | £228.30 | £106.00 | £105.55 | £92.95 | £444.95 | £226.95 | £1,143.95 | £51.06 |
| <i>Committee/Officer Panels, medicals, ongoing administration, complaints, transport, etc</i> | | | | | | | | | | | |
| Equipment, Supplies & Services <i>DVLA, unmet demand, badges, map, etc.</i> | £13.50 | £30.00 | £13.00 | £29.70 | £13.00 | £5.45 | £0.05 | £0.05 | £0.05 | £0.05 | £0.05 |
| Vehicle Equipment & Services <i>Signs, plates, inspection, hpi, etc</i> | | | | | £111.00 | £66.00 | | | | | |
| SUB TOTAL £ | £101.50 | £268.50 | £90.00 | £258.00 | £230.00 | £177.00 | £93.00 | £445.00 | £227.00 | £1,144.00 | £51.11 |
| Extra's | | | | | | | | | | | |
| Driver Training Course no vat | £76.50 | £76.50 | | | | | | | | | |
| DBS (old CRB) £56.00 no vat | £56.00 | £56.00 | When Required | When Required | | | When Required | When Required x 2 | When Required | When Required x 2 | Full Increase not applied |
| Proposed Fees for Oct 2015 | £234.00 | £401.00 | £90.00 | £258.00 | £230.00 | £177.00 | £93.00 | £445.00 | £227.00 | £1,144.00 | £40.00 |



Name of meeting: Licensing & Safety Committee
Date: 4 November 2015

Title of report: Briefing Paper - Rossendale

| | |
|---|---|
| Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards? | Not Applicable |
| Is it in the Council’s Forward Plan? | Yes |
| Is it eligible for “call in” by Scrutiny? | Not Applicable |
| Date signed off by Director & name | Jacqui Gedman - 09/09/15 |
| Is it signed off by the Director of Resources? | David Smith - 10/09/15 <i>Debbie Hogg on behalf of</i> |
| Is it signed off by the Assistant Director – Legal, Governance & Monitoring? | Julie Muscroft - 10/09/15 |
| Cabinet member portfolio | Cllr Steve Hall – Planning, Highways & Open Spaces |

Electoral wards affected and ward councillors consulted: ALL

Public or private: Public

1. Introduction

This briefing paper has been brought to Committee at the request of the Chair of the Licensing & Safety committee, Cllr Smith to inform Members of the current status nationally of issues arising out of Rossendale.

2. The Law

The decision in R (APP NEWCASTLE CITY COUNCIL) –V- BERWICK-UPON-TWEED BOROUGH COUNCIL [2008] EWHC 2369 made it clear that once a vehicle has been licensed as a hackney carriage it is a hackney carriage for the duration of that licence, wherever it is currently located, and can therefore be used for pre-booked purposes in any district in England and Wales. Additionally it is not an offence for a licensed private hire operator to take bookings for, and then dispatch a hackney carriage licensed by a district which is different from that which licenses the operator, a hackney carriage can lawfully be used to pre-booked work outside its district.

3. Drivers licensed outside of Kirklees

Rossendale Borough Council does not limit the number of hackney carriage driver licences that they issue. This had led to a huge increase in applications for hackney carriage and driver applications. It is widely reported that the numbers in Rossendale have increased year on year and as at 24th July 2015 the public register at Rossendale shows that over 2000 hackney carriages are licensed in Rossendale and over 2500 hackney carriage drivers. The public register at the same date shows that there are only 6 private hire drivers licensed in Rossendale and one private hire vehicle. There is clearly a disproportionate amount of hackney carriage drivers and vehicles compared to private hire drivers and vehicles.

An issue of growing concern across Yorkshire and the North West is the amount of drivers choosing to license with Rossendale Council. There is currently no national law that requires drivers to register with the local authority in which their base is situated and the majority of their work takes place, though traditionally this has been the understood way of working.

There will always be an amount of travel occurring 'cross-border' from one local authority to the next as drivers take clients to their destinations. This will increase further in October when as a result of the deregulation Act 2015 a licensed private hire operator in one district can lawfully sub-contract a booking

Recently however, an increasing number of drivers living, based and almost exclusively driving within Kirklees and other areas of the Combined Authority (CA) are applying for their licence at Rossendale. This concern is echoed by each district of the CA and also Authorities such as Manchester, Oldham and other areas.

The main issues with cross border licensing are:

Licensing fees are paid to Rossendale but enforcement is undertaken by CA officers, the costs of which are not being met by fee income. Other authorities are challenging Rossendale on this basis.

Drivers that have had their licence revoked in CA areas can apply to authorities for a Hackney Carriage license that permits the driving of Private Hire cars anywhere. Whilst we do have a good information sharing protocol in place to mitigate this, the principle is a national concern that authorities are lobbying Government to consider.

Kirklees are currently taking steps to ensure our enforcement officers can enforce Rossendale's conditions on drivers operating here, although this still won't address the cost issue.

Legally, there is currently nothing that Kirklees can do to lawfully prevent out of area hackney carriages operating through local firms.

Rossendale have just finished a consultation with their trade whereby they are hoping to introduce a number of new processes, policies and conditions. One of these is "An Intended Use" policy whereby if a hackney driver cannot satisfy them that they will be working in the Rossendale area they may not be granted a licence or have an existing licence renewed. Officers are observing this to see whether or not this Policy is actually introduced.

4. Government Response

The Law Commission did look to improve the enforcement of conditions. A draft Taxi Bill published in 2014 suggested an introduction of national standards for private hire and minimum standards for taxis designed to make enforcement easier, particularly cross-border enforcement and also new powers to licensing officers to deal with a number of other enforcement matters.

When the Bill was published in May 2014 the Government had one year to respond. To date no response has been forthcoming from the newly elected Government either.

5. Conclusion

The report informs the Committee of the current position nationally on the position of Rossendale as it currently stands.

6. Recommendations

Committee is asked to note the contents of the report.

7. Cabinet portfolio holder recommendation**8. Contact officer and relevant papers**

Catherine Walter

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9. Assistant director responsible

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Name of meeting: Licensing & Safety Committee
Date: 4 November 2015

Title of report: Briefing Paper - UBER

| | |
|---|---|
| Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards? | Not Applicable |
| Is it in the Council's Forward Plan? | Yes |
| Is it eligible for "call in" by Scrutiny? | Not Applicable |
| Date signed off by Director & name | Jacqui Gedman – 09/09/15 |
| Is it signed off by the Director of Resources? | David Smith – 09/09/15 <i>Debbie Hogg on behalf of</i> |
| Is it signed off by the Assistant Director – Legal, Governance & Monitoring? | Julie Muscroft – 10/09/15 |
| Cabinet member portfolio | Cllr Steve Hall – Planning, Highways & Open Spaces |

Electoral wards affected and ward councillors consulted: ALL

Public or private: Public

1. Introduction

1.1 This briefing paper has been brought to Committee at the request of the Chair of the Licensing & Safety committee, Cllr Smith to inform Members of the current status nationally of Uber.

2. UBER

Uber is an American company which develops markets and operates the Uber mobile app, which allows consumers to submit a trip request which is then routed to sharing economy drivers. Uber is a technology platform that mediates between supply and demand using smartphones. Primarily, right now, the main service is urban passenger transport, helping people get a ride around towns and cities in the UK.

Uber is a licenced private hire operator in more than 26 UK cities and towns including Birmingham, Bristol, Leeds, London, Manchester, Newcastle and Sheffield. An operator licence was granted to Uber in Kirklees in March 2015. There are currently 39 licensed drivers and 33 licensed vehicles linked to Uber in Kirklees. As of April 2015 Uber was operating in 19 out of 28 EU countries.

Uber own no licensed vehicles or employ any licensed drivers. The vehicles and drivers are classified as self-employed and contract with Uber to deliver services. It is estimated that there are 15000 drivers & vehicles in London alone.

There are ongoing lawsuits in France, Germany, Belgium, and Spain. Arguments in favour of Uber tend to be around consumer choice and driver flexibility. Those opposed to the use of the app in London argue that it is being used illegally so that, in effect, PHVs can act like taxis by plying for hire and using a smartphone as a taximeter to calculate fares. They are also concerned about driver and passenger safety.

In its December 2014 report on the taxi trade in London the London Assembly Transport Committee set out the cabbies' concerns about Uber as follows:

Uber London is a technological platform that allows passengers to hire a private hire vehicle through a smartphone app. Both licensed taxi and existing private hire operators have expressed strong reservations about the legality of its operating model, arguing that the smartphone used by Uber drivers constitutes a 'taximeter', and that the app allows for 'immediate hiring'- both of which are illegal under current private hire legislation.

Uber London was licensed as a private hire operator by TfL in 2012. Since then, TfL have faced strong criticism from the trades for granting the licence and for failing to effectively regulate Uber's operations in London. Similar criticism has been levied at other Local Authorities who have licensed Uber.

The fundamental issue remains unresolved. In London TfL has taken a provisional view that the Uber driver's smartphone is not operating as a taximeter and therefore not contravening the legislation. However, having listened to the concerns raised by the taxi and private hire trades and what they have said about how the legislation should be interpreted, TfL concluded that there is ambiguity about how the statutory prohibition on the use of taximeters should be applied to the use of smartphones.

TfL is therefore of the view that the appropriate way to resolve this is to seek a binding ruling from the High Court in the form of a High Court Declaration. TfL believes that this is the fastest and fairest way to resolve this issue, allowing all parties the opportunity to make representations to the Court. That said, the case has failed to progress. TfL states that this is because in July 2014 the Licensed Taxi Drivers Association (LTDA) filed separate criminal proceedings against six Uber drivers, which took precedence over TfL's referral. The LTDA later agreed to allow the criminal case to adjourn so that the TfL case could progress, but this did not happen. TfL said that they believed that the summonses have to be withdrawn by the LTDA for that to happen.

Reports in March 2015 indicated that LTDA had done this and that TfL's application could proceed. On 27 July TfL tweeted that they had applied to the High Court for a ruling, with the hearing set for 5 and 6 October 2015.

Once the High Court has determined the application, there will hopefully be clarity for other Local Authorities on the use of smart phones being used as a booking platform..

3. Legal Considerations

There are no legal considerations other than those already highlighted within the report

4. Resource implications

Not Applicable

5. Conclusion

The report informs the Committee of the current position nationally on the position of Uber as it currently stands.

6. Recommendations

Committee is asked to note the contents of the report.

7. Cabinet portfolio holder recommendation

8. Contact officer and relevant papers

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