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**Service Director – Legal, Governance and
Commissioning**

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Friday 26 October 2018

Notice of Meeting

Dear Member

Overview and Scrutiny Management Committee

The **Overview and Scrutiny Management Committee** will meet in the **Council Chamber - Town Hall, Huddersfield** at **9.30 am** on **Monday 5 November 2018**.

This meeting will be webcast live and will be available to view via the Council's website.

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

Service Director – Legal, Governance and Commissioning

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 Overview and Scrutiny Management Committee members are:-

Member

Councillor Julie Stewart-Turner (Chair)

Councillor Gulfam Asif

Councillor Cahal Burke

Councillor Elizabeth Smaje

Councillor Rob Walker

Agenda

Reports or Explanatory Notes Attached

	Pages
1: Minutes of Previous Meeting	1 - 6
<p>To approve the Minutes of the meeting of the Committee held on 1 October 2018</p> <p>Contact: Jenny Bryce-Chan – Principal Governance and Democratic Engagement Officer</p> <hr/>	
2: Interests	7 - 8
<p>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.</p> <hr/>	
3: Admission of the Public	
<p>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.</p> <hr/>	
4: Inclusion and Diversity Update	9 - 30
<p>Following an earlier discussion, the Committee will receive an update on the progress of inclusion and diversity work.</p> <p>Contact: Naz Parkar – Service Director for Housing David Bundy – Corporate Policy Officer</p> <hr/>	

5: Domestic Abuse Strategy 31 - 36

The Committee will consider the proposed approach to a revised Domestic Abuse Strategy

Contact: Saf Bhuta – Head of Safeguarding and Quality Alexia Gray – Service Manager, Domestic Abuse and Safeguarding Partnerships

6: Introduction to the revised approach to Corporate Performance Management 37 - 42

To receive a briefing on the revised approach to corporate performance management within the Council.

Contact: Rachel Spencer-Henshall – Strategic Director Corporate Strategy and Public Health,
Mike Henry – Head of Intelligence and Performance.

7: Consultation on Kirklees Hackney Carriage and Private Hire Licensing Policy 43 - 144

The Committee will consider the proposed Licensing Policy for Kirklees hackney carriage and private hire vehicles.

Contact: Russell Williams - Group Leader Licensing and Public Protection, Samantha Lawton- Operations Manager

8: Forward Agenda Plan / Date of next meeting 145 - 148

To note the forward agenda plan for the Scrutiny Committee.

To note that the next meeting of the Committee will be held on Monday 7 January 2019 starting at 9.30am.
It will be followed at 1.00pm by a new year meeting with co-optees.

Contact: Penny Bunker, Governance & Democratic Engagement Manager. Tel: 01484 221000.

Contact Officer: Jenny Bryce-Chan

KIRKLEES COUNCIL

OVERVIEW AND SCRUTINY MANAGEMENT COMMITTEE

Monday 1st October 2018

Present: Councillor Julie Stewart-Turner (Chair)
Councillor Gulfam Asif
Councillor Cahal Burke
Councillor Elizabeth Smaje
Councillor Rob Walker

In attendance: Cllr Shabir Pandor – Leader of Kirklees Council

26 Minutes of Previous Meeting

RESOLVED - That the Minutes of the meeting of the Committee held on 3 September 2018 be approved as a correct record.

27 Interests

No interests were declared.

28 Admission of the Public

It was agreed that all agenda items would be considered in public session.

29 Leader of the Council Priorities

Cllr Shabir Pandor, Leader of Kirklees Council attended the meeting to outline his key priorities. He advised the Committee that he had focused his priorities on issues that can be measured over the next few years.

Cllr Pandor's priorities were;

Achieving a devolution deal for West Yorkshire. Eighteen local authorities have agreed to support a Yorkshire deal. The South Yorkshire deal is currently in progress but there is a local commitment to moving to a deal for the whole of Yorkshire.

A review of the Inclusion and Growth Strategy is being undertaken by a new group called the Inclusive Growth Commission which has its first meeting on the 2 October 2018. The aim is to create quality jobs and try to recirculate the wealth in Kirklees. As a starting point a report has been commissioned by the Centre for Local Economic Strategies, which includes a desk top study. One of the areas looked at is benefits to ensure that people's income are maximised and creating employment locally that pays real wages. The report will be presented at the first meeting of the Inclusive Growth Commission to help agree some key actions.

Inclusion and diversity is a key area for Cllr Pandor. Kirklees Council has become a member of the Intercultural Cities Programme, a programme that spans across

Overview and Scrutiny Management Committee - 1 October 2018

Europe and allows benchmarking against other local authorities and similar countries in respect of social cohesion. It is to ensure that communities are not polarised and pull together, especially with the challenge of far right extremism. There is also a need to understand neighbourhood relationships and there are tools in the Intercultural Cities Programme that will allow Kirklees to benchmark how well it is doing in comparison to its European counterparts. There is work to do with regard to migrants resettlement in Kirklees and how they are integrated and made to feel welcome when they get here.

The Committee noted that Cabinet had recently approved a new £13m leisure centre in Spenn Valley. Cllr Pandor outlined the planned timetable which saw the onsite building works for the new centre starting in April 2021.

In respect of town centre regeneration in Dewsbury and Huddersfield, Acom had been commissioned to work on the master plan. Stakeholder workshops will be organised later on in October. There will be options for consideration in respect of the Piazza and Station Warehouse. In addition a report would be presented to Cabinet early in 2019 regarding Cross Church Street, Queensgate and New Street.

Cllr Pandor advised that Combined Authority matched funding has been secured to support projects and needs to be delivered by 2021, this would include the Station Gateway £10m, A62 smart corridor £8m and Southern Gateway £10m.

In respect of Dewsbury, some master planning work has also taken place. Pioneer House was identified as a priority and following a slight delay, construction work was underway for completion in 2020. On the Springfield Campus a new college building was now open and there had been funding from the Combined Authority. A lot of work was taking place at Dewsbury train station to improve the frontage of the station and ring road. Finally, Heritage Action Zone work was taking place and £2m been allocated to bring some buildings back into use.

Cllr Pandor continued to outline his priority for the delivery of the housing element of the Local Plan for 10,000 homes in the next 5 years. The Local Plan will be coming back to Full Council, at the end of the year or early in 2019. Proposals for specialist housing and extra care housing are being considered as part of the commissioning of housing.

In considering the update, Cllr Stewart-Turner advised that inclusion and diversity and community cohesion are on the OSMC work programme and sought clarification on how the Intercultural Cities Programme was being fed into the two strategies that are being developed. Cllr Pandor explained that Kirklees had only recently joined the programme and he would be happy to bring back further details.

In respect of air quality, Cllr Pandor suggested that committee members may wish to have a further discussion with the Cabinet Member responsible for air quality. It was noted that the issues was on the Economy and Neighbourhoods Scrutiny Panel for future consideration.

Committee members asked if the Leader would be willing to commit to having a revised process in place with regard to the allocation of funds from section 106

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contributions. It was suggested this could involve elected members and schools in a more formal way in the allocation of contributions for educational purposes to benefit the children from new housing developments. Cllr Pandor explained that he would be happy to look at the allocation of 106 monies including working with partners and schools.

Councillor Stewart-Turner referred to a previous committee discussion regarding the preparedness of Kirklees to apply for funding when it becomes available. Whilst recognising that no devolution deal had been agreed, when it has, or additional funding is available through the Combined Authority, what project proposals have been worked up to enable the Council to be proactive in bidding for funding. Councillor Stewart-Turner asked if the committee could be provided with a list of project areas. Cllr Pandor explained that projects had not yet been formulated yet and ask for a further discussion with the Chair of Scrutiny to discuss a way forward.

RESOLVED –

- a) That Cllr Pandor, be thanked for attending the meeting to set out his priorities
- b) That Cllr Pandor be invited back in April 2019, to provide a progress update on his priorities

30 Ad Hoc Scrutiny Panel - Elective Home Education Progress Report

Cllr Cahal Burke, Lead Member for Children's Scrutiny Panel provided an update on the work of the Ad Hoc Scrutiny Panel, looking into Elective Home Education. Cllr Burke informed the Committee that in July 2017, the Director for Children's Services requested that Elective Home Education (EHE) be added to the Scrutiny Panel's work programme. This was based on the increasing numbers of EHE both locally and nationally and was seen as an area where the Panel could add value. The Ad Hoc Panel was established in November 2017.

Cllr Burke informed the Committee that EHE is the term used by the Department for Education to describe parents who choose to educate their children at home rather than sending them to school and it is different to home tuition provided by the local authority.

The decision to home educate a child, can often be based on the parents philosophical, religious, or spiritual outlook while for others it is to meet the specific needs of a child or children. The Panel was informed that for some an issue with the school had led them to consider electively home educating their child. For the academic year 2017/18, approximately 450 children were registered as being home educated for all or part of the school year. At the start of September 2018, approximately 300 children were known to be home educated.

Currently schools are not required to give detailed information regarding why a child has been taken off the school roll and therefore, officers only have limited information as to what may have influenced a parents decision to electively home educate. Contact is always made when a child has been taken off roll, however parents are not obliged to take up the offer of a meeting. Panel members recently

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met with parents in Dewsbury and Huddersfield and some concerns around 'off rolling' were raised and the panel will need to look into this further with schools.

The ad hoc panel has concerns about the practice of taking children off a school roll and have spoken to parents about the issue. In Kirklees the highest number of EHE children is in the Key Stage 4 cohort. The Panel was also concerned about children's progression into further education and employment opportunities.

The Panel learned that whilst there is no requirement for home education children to take exams, there are currently no facilities in Kirklees for EHE children to take GCSE exams, should they wish to do so. The Panel will need to explore this further to ascertain how the offer to electively home educated children can be improved to produce a better outcome.

The Committee was informed that the Home Education (Duty of Local Authorities) Bill completed its House of Lords stages in July 2018, the second reading is at the House of Commons on the 26th October 2018. Should the bill gain royal assent this will increase the duty of the local authority and will have financial implication on services. The Panel will monitor the progress of the bill and the implications for the local authority.

The Panel plans to meet with a number of other witnesses and groups, including leading elective home education experts, other local authorities in the area to consider their offer to EHE and head teacher forums.

In considering the report the Committee discussed whether the council could take a more proactive approach in support to parents who choose to home educate. Cllr Burke advised that the Home Education Bill will have an impact on what the local authority will have to provide. He explained that currently, the authority can offer to meet with parents however parents do not have to take up that offer, or show the work that is being produced or allow access to the young person at home.

RESOLVED –

- a) That Cllr Burke be thanked for providing an update on the work of the Ad Hoc Scrutiny Panel, looking into Elective Home Education, and
- b) That Management Committee note the work of the ad-hoc panel to date.

31 Appointment of Interim Co-optee

Cllr Rob Walker, advised that both he and Cllr Julie Stewart-Turner, had recently met with Mr Andrew Bird to discuss Mr Bird becoming an interim co-optee on the Economy and Neighbourhoods Scrutiny Panel for the remainder of the 2018/19 municipal year.

The Committee was informed that in preparation for becoming a co-optee Andrew had observed the September panel meeting. The Committee noted Mr Bird's background experience, pertinent to the work of the Panel, and agreed that he should be appointed an interim voluntary co-optee.

RESOLVED - That the appointment of an interim co-optee to support the work of the Economy and Neighbourhoods Scrutiny Panel be agreed.

32 Forward Agenda Plan / Date of next meeting Committee meeting dates 2018/19

The Committee considered arrangements for the next meeting and agreed to amend the start times for the November and January Committee meetings to accommodate the agenda issues to be considered.

RESOLVED –

- a) That the forward agenda plan be amended in accordance with changing timescales for particular items.
- b) That the next meeting of the Committee will be held on Monday 5 November 2018 starting at 9.30am.

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KIRKLEES COUNCIL			
COUNCIL/CABINET/COMMITTEE MEETINGS ETC			
DECLARATION OF INTERESTS			
Overview & Scrutiny Management 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: Overview & Scrutiny Management Committee

Date: 05 November 2018

Title of report: Annual Inclusion & Diversity Report & Year 2 Action Plan

Purpose of report:

To update the Committee on progress on Year 1 of the Council’s Inclusion & Diversity (I&D) Strategy and Action Plan 2017-21 and to outline the priorities and activities for 2018/19.

Key Decision - 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
Key Decision - Is it in the Council’s Forward Plan (key decisions and private reports?)	No
The Decision - Is it eligible for call in by Scrutiny?	Yes
Date signed off by <u>Director</u> & name	Rachel Spencer-Henshall, Strategic Director for Corporate Strategy and Public Health
Is it also signed off by the Assistant Director for Financial Management, IT, Risk and Performance?	N/A
Is it also signed off by the Assistant Director (Legal Governance and Monitoring)?	Julie Muscroft, Assistant Director - Legal, Governance and Monitoring
Cabinet member portfolio	Cllr Shabir Pandor

Electoral wards affected: All

Ward councillors consulted: None

Public or private: Public

1. Summary

Our Inclusion and Diversity Strategy 2017-21 enters its second year and as a public authority under the Equality Act 2010 we are required to:

- report on progress against our existing objectives; and
- establish new ones for the coming year

Our Year 1 objectives were deliberately internally focused in order to get our “house in order” regarding some basic processes such as effective data collection. Some of these remain areas for improvement and are still being worked on; however, Year 2 is more outward-facing and ambitious, in-keeping with the organisation’s commitment to make I&D a key priority.

2. **Information required to take a decision**

The attached information:

- I&D annual report and appendix 2017/18
- Year 2 I&D Action Plan

Provides the committee with the necessary information to review progress and comment on outcomes and priorities for the coming year.

3. **Implications for the Council**

The Annual Report highlights progress made in the last 18 months and also highlights areas for improvement which will be either part of the year 2 action plan or will be picked up in complementary programmes of work which support the action plan.

The Year 2 Plan of the I&D strategy has been developed by the council's cross service I&D Hub in a outcome based, intelligence-led manner.

The plan incorporates some high impact work with vulnerable communities, such as new migrants, as well as high profile partnership activities such as a Diversity Awards event. Activities such as these make the plan more outwards facing. Other priority areas include:

- Increase the number of Supported Internships for students with a learning disability; working with Kirklees College and REAL Employment and through the use of a process called "job carving", key tasks can be identified which together can form a substantial and permanent, paid role for the intern to progress into
- Specific effort will go into jobs at Grade 13 and above, where the evidence from our [Workforce Profile Data](#) shows us that the representation of BME, Disability and Younger People is particularly deficient
- Introduce comprehensive Diversity Training for employees and councillors with a particular focus on managing unconscious bias
- Expand the Council commissioned migration welcome mentor programme - a volunteer will help new arrivals and longer-term migrants who are isolated/struggling to access key services

The above and the other activities outlined in the Year 2 plan will continue to raise the profile and importance of I&D across the organisation.

4. **Consultees and their opinions**

The council's cross service I&D Hub which includes representation from all Employee Networks.

5. **Next steps**

The attached year 2 plan will go to Cabinet on 13 November 2018 and the annual report and action plan will be discussed at Full Council on 12 December 2018.

6. **Officer recommendations and reasons**

For the committee to comment on the Annual Report and Year 2 action plan.

7. **Cabinet portfolio holder's recommendations**

N/A

8. **Contact officer**

David Bundy, Corporate Policy Officer, Strategy and Policy Team
Tel: 01484 221000
Email: david.bundy@kirklees.gov.uk

9. **Background Papers and History of Decisions**

[Report to Overview and Scrutiny Management Committee](#), 27 March 2017 - update on Inclusion & Diversity

[Report to Full Council](#), March 2016 - Inclusion and Diversity in Kirklees – Work on a new policy statement for 2016/17

10. **Strategic Director responsible**

Rachel Spencer-Henshall, Strategic Director of Corporate Strategy and Public Health

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Introduction

This is Kirklees Council's second Inclusion and Diversity (I&D) Annual Report. Our [Inclusion and Diversity Strategy and Action Plan 2017 – 2021](#) now moves into its second year and this report highlights the progress made in the first year (which has had a primarily internal focus) against the seven core principles/areas set out in the Action Plan and the associated [I&D Policy Statement](#):

1. A committed and diverse workforce
2. Taking a positive and inclusive approach to everything we do
3. Zero tolerance on abuse, harassment, bullying and violence
4. Demonstrating our commitment through the way we do things in Kirklees
5. Inclusive policies
6. Spreading the word about inclusion and diversity
7. Listening and acting for ongoing improvement

Kirklees as a place has a diverse set of communities, each with different histories, capacities and needs. Some communities may live together within a shared neighbourhood, while other communities may be geographically dispersed but sharing a common interest. A snapshot of the data relating to Diversity and some of the main inequalities facing different groups in Kirklees can be found In the Appendix.

This report highlights areas where improvements have been made and their impact. However equally it is candid and honest about where further development is required. The “**Looking Forwards**” section at the end of this report provides some indication of how we hope to progress in the future. A more detailed Year 2 action plan is also being prepared.

1. A committed and diverse workforce ...

1.1 Achievements

- ✓ We now have in place a process to collate and publish our workforce profile which is helping us to develop more proactive and creative recruitment practices.
- ✓ There has been an emphasis on attracting and retaining high quality employees and “growing our own”.
 - The council has supported over 70 apprentices in the last year.
 - Targeted apprentice adverts to match council’s needs and designed assessment centres that are specifically geared to young people.
 - Promoted apprenticeships in schools, offering support where needed.
 - Developed non-traditional apprenticeships such as marketing and digital.
- ✓ Developing our Workforce, we have:
 - Developed a good quality apprenticeship programme with a broad range of skills and behaviours, support and development.
 - Developed support packages for managers to help them manage their apprentices
 - Been recognised as “highly commended” in the [Apprenticeship Awards 2017](#).
- ✓ The Council’s first Gender pay gap [Report](#) has been published in March 2018 to ensure compliance with the latest requirements of the Public Sector Equality Duty. The figures reflect the fact that:
 - We have retained a number of services in house which employ high proportions of female workers in comparison to other local authorities.
 - The make-up of council staff differs where some organisations use in house services compared to contracting services.
 - A large proportion of our senior staff measured at grade 17 and above are female and this is a change from recent years.

1.2 Impact

- Improved data about our workforce profile means that we can understand where the gaps are and therefore target our recruitment more effectively and undertake it in a way which attracts people from different groups and backgrounds. The impact on our workforce profile will become more apparent over the next 1 – 2 years.
- In terms of the apprentices taken on, the equality profile data that we have is presented below.

Ethnic Grouping	Headcount	%
BME	11	14%
Unknown	20	26%
White	45	60%
Total	76	

Gender	Headcount	%
Female	39	51%
Male	37	49%
Total	76	

Age Range	Headcount	%
16-20	45	60%
21-25	24	32%
26-30	4	5%
31-35	1	1%
36-40	1	1%
41-45	1	1%
Total	76	

Disability	Headcount	%
No	45	59%
Unknown	31	41%
Total	76	

1.3 Areas for improvement

- We still need equality profile information on all nine protected characteristic groups, including improved data collection on gender reassignment, pregnancy and maternity, religion or belief, and sexual orientation.
- More work needs to be done to attract apprentices and improve the profile of the workforce especially at grade 12 and above from BME Communities and we need better data collection on other equality groups.
- We will better prepare care leavers for apprenticeships by piloting paid work experience one day a week (initially for 4-5 individuals) and provide targeted training for managers to help them offer effective support in the workplace
- On our gender pay gap we continue to ensure recruitment for all posts is open and inclusive and pay award proposals for 2018/19 will help to reduce gender pay gaps. We are committed to reducing the gender pay gap and will look into additional initiatives to address this further.

2. Positive and inclusive approach...

2.1 Achievements

- ✓ The Council has become a full member of [Inclusive Employers](#) who are the UK's first and leading membership organisation for employers looking to build inclusive workplaces and practices.
- ✓ Launched the [Diversity Calendar](#) encouraging/giving permission to staff to celebrate events in their teams as appropriate.
- ✓ Better use of Employee Networks, the I&D Hub, and partner organisations to publicise job opportunities to a more diverse audience.
- ✓ Have worked with our partners in particular the Third Sector to shape our approach.
- ✓ We made a commitment in May 2017 as a 'Disability Confident Committed' employer (part of a national scheme). This involved undertaking a self-assessment and identifying/working on additional actions throughout the year to support this commitment
- ✓ We have established a cross-service I&D Hub, chaired by a Service Director, as the primary forum to coordinate and lead the work programme across the organisation



2.2 Impact

- With Inclusive Employers our membership gives us access to a range of tools, training and support, including priority access to [events](#) and [resources](#), that will help us to learn and develop on our way to being a more inclusive organisation; it will also bring external challenge to our working practice and service delivery helping us to embody best practice.
- Becoming a Disability Confident employer means we are committed to doing all we can to encourage applications from disabled people. While we have some very good practice in place we also know we can always do more. We will continue to review our practices to improve things –we will monitor applications for jobs to see how these impacts on recruitment of disabled people.
- Having the I&D Hub has provided enhanced leadership and coordination, resulting in a stronger strategic focus and improved innovation and creativity in terms of ideas which will be outcome based and deliver more tangible impacts impact.

2.3 Areas for improvement

- The council needs to tap into the external support and challenge from organisations such as Inclusive Employers to enhance best practice and address under performance.
- The I&D Hub will continue to provide leadership and extra capacity; however, all services need to incorporate I&D as part of their service priorities and day to day activities.

3. Zero tolerance...

3.1 Achievements

- ✓ Revised guidance for employees and managers has been developed and published about procedures relating to bullying and harassment. Importantly, clarification has been given to how hate crime should be managed when affecting employees.

3.2 Impact

- The total of reported hate crime incidents in 2016/17 was three, in the last two months of 2018 there has been three reported incidents – all of these incidents have been of a racist nature.
- Since the clarification and reissuing of the guidance the trend would seem to be an upwards one.
- This is a positive move as it shows an increased confidence in people's ability to report hate crime.

3.3 Areas for improvement

- Greater awareness among all employees about the process of reporting incidents is required – under reporting is a national issue particularly on hate crimes.
- Consideration is now underway about how awareness is increased and how managers are equipped to support their staff experiencing such incidents.
- Understanding of people's perception of bullying and harassment also needs to be better understood.

4. The way we do things in Kirklees...

4.1 Achievements

- ✓ A Reasonable Adjustment Passport launched in June 2017 as part of a refreshed guidance pack for managers and a Working Carers Passport was launched in June 2018.
- ✓ Ongoing learning and development opportunities for our staff – including the addition of diversity calendar to the Council’s personal online development tool MiPod and new e-learning I&D modules on MiPod Xtra.
- ✓ Our National Inclusion Week (NIW) 2017 activities on the theme “Connect for Inclusion” included an internal intranet communication campaign around the daily challenges, a NIW-themed ‘From Equality to Inclusion’ workshop for staff, our Young Employees Network undertaking intergenerational work with communities.
- ✓ Greater support to the BME Network and organisation of Black History Month and other activities.
- ✓ NIW 2018 was all about “Everyday Inclusion” where the organisation was set daily challenges by the directors (provided by Inclusive Employers). Other activities included:
 - An inclusive volunteering event with the Third Sector
 - A drop in session in the Council for employees to find out more about I&D and related services, including Employee network
 - A Staff workshop on I&D run by Learning and Development
 - Attendance at a regional NIW event in Leeds, hosted by Inclusive Employers and Asda, which focused on sharing good practice on I&D

4.2 Impact

- Both passports will ensure that all adjustments and agreed arrangements are recorded into one document to minimise the need to re-negotiate existing adjustments and arrangements every time the employee changes jobs, is relocated or changes manager.
- The profile of I&D was raised across the council, including a blog post on NIW from Chief Executive and the organisation and promotion of activities such as the Young Employees Network’s visit to a local care home highlighted the positive benefits of connecting with people from different backgrounds and experiences.

4.3 Areas for improvement

- While it is positive the above passports are in place communication about them to managers and employees needs to be improved and their effectiveness needs to be monitored.
- Our involvement in NIW needs to be the basis of a more coordinated approach to celebrating and promoting good practice on I&D throughout the whole year. As stated earlier in this report we are now members of Inclusive Employers which will help in respect of external support and resources, plus in 2018 /19 we will be working alongside and highlighting the work of community groups, local businesses and charities to raise the profile of Diversity across the district.

5. Inclusive policies

5.1 Achievements

- Our Kirklees People Strategy was launched in November 2017 and is about achieving our vision and shared outcomes through a strong focus on great people. The strategy clearly states that inclusion & diversity is integral here, and since the launch we have been specifically looking at how we can support a positive and inclusive approach in Kirklees – for example:
 - Coaching is being promoted as an opportunity that is open to all employees, with work being undertaken with our employee networks to encourage participation.
 - We are making better use of workforce ‘data packs’ to encourage managers to think about and plan for the future to address any issues/gaps (including diversity).
 - Services have considered the ‘inclusivity’ gap in putting forward candidates for our new Level 3 team leader/supervisor apprenticeship (funded by the Apprenticeship Levy) and we are using equality monitoring to look at participation/gaps, provide challenge and agree next steps.
 - A specific workshop on inclusion and diversity is being included part of the Level 3 apprenticeship programme.
- ✓ Our ‘Flexible, mobile and agile ways of working policy statement’ outlines our organisational commitment to encourage and support a culture which is open to working in different ways. It was updated in 2017 to include the ‘mobile and agile’ element, which focuses on the inclusive principle of freedom to work at the right time, anyplace.
- ✓ As highlighted previously under ‘Zero Tolerance’, our guidance for managers on hate crime and bullying and harassment has been updated. We have also updated guidance for managers and employees (including a new Reasonable Adjustment Passport) as part of our Disability Confident commitment.

5.2 Impact

- This is all helping raise the profile of inclusion and diversity again and ensure it is increasingly being seen as part of ‘the way we do things in Kirklees’ rather than a separate area.

5.3 Areas for improvement

- While the People Strategy is explicit about the importance of inclusion and diversity and this being part of our cultural transformation, much more work is still needed to embed this and make it a reality. Our Inclusive Employers membership will help to support this.
- We will need to ensure a stronger I&D focus across a range of work areas – for example through looking at inclusive recruitment, inclusive communication, inclusive leadership and management, induction etc.

6. Spread the word...

6.1 Achievements

- ✓ Internal communications across the Council have regularly included I&D topics and issues including the Chief Executive's Blog.
- ✓ During National Inclusion Week there was a comms campaign around I&D as outlined in the "**The way we do things in Kirklees...**" section above.
- ✓ In March 2018 Team Kirklees Awards focused on the category "Valuing Diversity" across Kirklees and working together to be inclusive.



[Tick Tock...are you ready for the GDPR changes?](#)



[Winners! 'Team Kirklees Award' for valuing diversity](#)



[Jacqui's new blog - Going Large on Diversity](#)

6.2 Impact

- The blog post from our Chief Executive entitled "Going Large on Diversity" has made a significant commitment and statement of intent from senior management about I&D being a key organisation priority, with the expectation that all services and employees should actively contribute.
- The impact of our involvement in NIW is highlighted in the section "**The way we do things in Kirklees...**"

6.3 Areas for improvement

- We need to improve our internal and external communications on I&D to raise awareness of good practice, call people and services to action and engage our communities and partners to collaborate more effectively in the future.

7. Listen and act...

7.1 Achievements

- ✓ Increased support has been given to the Council's employee networks who have been in existence for varying numbers of years. All employee network chairs now sit on the Council's corporate I&D Hub where ideas to improve I&D are discussed contributions are made to Council strategic priorities
- ✓ All networks have been active in the past year in different ways; however, this particularly applies to the Young Employee Network work who in 2017/18:
 - Held a seminar for managers and young employees.
 - During Democracy Week organised a workshop for young people in the community.
 - As part of National Inclusion Week visited Care Home to treat the service users to some fun and pampering activities such as making cakes, hand painting and hair and make-up.
 - Raised money for local charities.
 - Organised out of work placements for network members in All Age Disability and Transformation Services.

And the BME Network who have had:

- a Talent Growth workshop attended by 60 members looking to develop their careers.
- a Pensions awareness workshop outlining options available.
- a Human Resources/review workshop.
- Black History Month event, focusing on a celebratory (open to all) session on 18 October 2018.

7.2 Impact

- As outlined below more work needs to be done with our employee networks, however a positive template has been set by the Young Employees Network on how the council as a whole can benefit from the active contribution of valued and motivated employees.

7.3 Areas for improvement

- Our commitment at the beginning of 2017 was to rejuvenate all employee networks. This commitment has been achieved with the Young Employees Network and the Black and Minority Ethnic Network is gaining momentum as well; however, a good deal of work still needs to take place to support all the other networks to enable them to thrive. All services and managers need to recognise the positive contribution being made by the networks to the council's core business and a particular emphasis needs to be placed on managers enabling staff to be actively involved in networks. There is concrete evidence of employees being prevented from attending and getting involved in networks despite being encouraged to do so by senior managers including a specific Blog on the networks and this issue by the Chief Executive.

Looking Forwards

Work is now underway to have a more externally focused and outward-facing approach to year 2 and beyond in the Strategy and Action Plan.

The council will continue to go beyond minimum legal compliance and actively promote diversity as an asset for the way we work. We will continue to explore new and innovative ways of working based on inclusion which will help improve services, employment practices, productivity and the overall quality of life for all our communities.

The outward-facing nature of our work on I&D in the future will also be far more partnership based to maximise the collective potential of for example: local businesses, community and voluntary organisations, the University and colleges to benefit the citizens of Kirklees.

Meanwhile we will continue to improve our data and monitoring to help inform improved practice on I&D moving forwards.

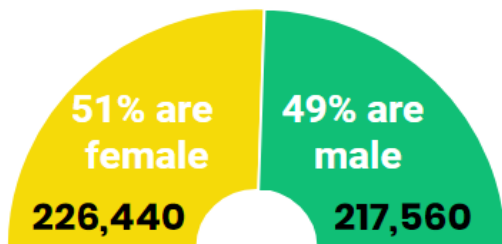
The areas for improvement highlighted in this report will be part of the work programme taken forwards which will be complemented by more outwards facing outcomes in the year 2 action plan.

Diversity and Inequalities in Kirklees

Kirklees has a very **varied and diverse population**. Different demographic and socioeconomic groups in society can experience great **differences and inequalities in outcomes** (such as the positive outcomes for our residents identified in the **7 Kirklees outcomes**). This means that someone's chances of experiencing good outcomes may vary greatly depending on their age, gender, ethnicity, whether they have a disability, etc.

It is important to recognise the **intersectionality** between certain characteristics; many people will fall into more than one of these categories and have particular experiences not just because of each characteristic, but because of the relationship between them.

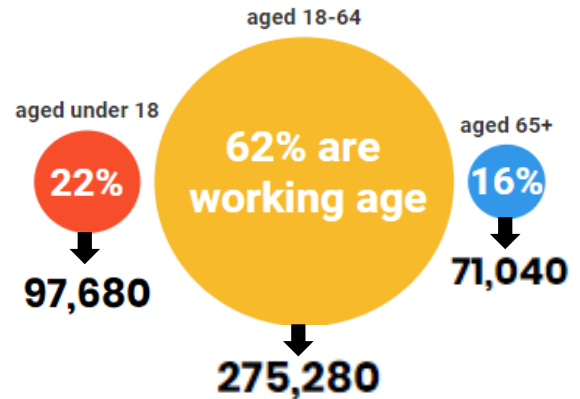
Of the 444,000 people in Kirklees...



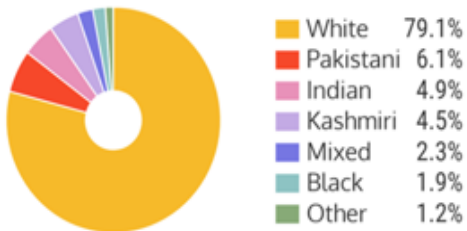
it is estimated that **0.6%** of the population are **transgender**



22,200 - 31,080



Kirklees ethnic groups



53% are **Christian**

24% are **Muslim**

15% have **no religion**

more than **1 in 6** adults are **disabled**

Outcomes & inequalities example: ethnicity

21% from an ethnic minority background → **93,240**

15% from a South Asian background → **66,600**

People from **ethnic minority** backgrounds are **more likely to experience worse outcomes** than the overall population...

significantly lower average household incomes



more likely to experience fuel poverty

worse health outcomes and greater risk of certain diseases



the prevalence of diabetes in South Asian people is twice that of white people

Outcomes & inequalities example: disability

16% of working age adults are disabled → **42,400**

42% of over 65s are disabled → **32,600**

People with a **disability** experience **inequalities** and **poor outcomes** in many aspects of their lives...

more likely to be a victim of crime and discrimination



more likely to report low wellbeing and have lower life expectancy



more likely to have no qualifications and face employment barriers



Deprivation and Inequalities

Poor social and economic circumstances affect people's outcomes throughout life. Life expectancy is shorter and most diseases are more common further down the social ladder.

17% of children in Kirklees are living in **POVERTY**



16% of the Kirklees population are living in **INCOME DEPRIVED HOUSEHOLDS**



Life expectancy

8.8 years less for men living in the most deprived areas than those in the least deprived areas

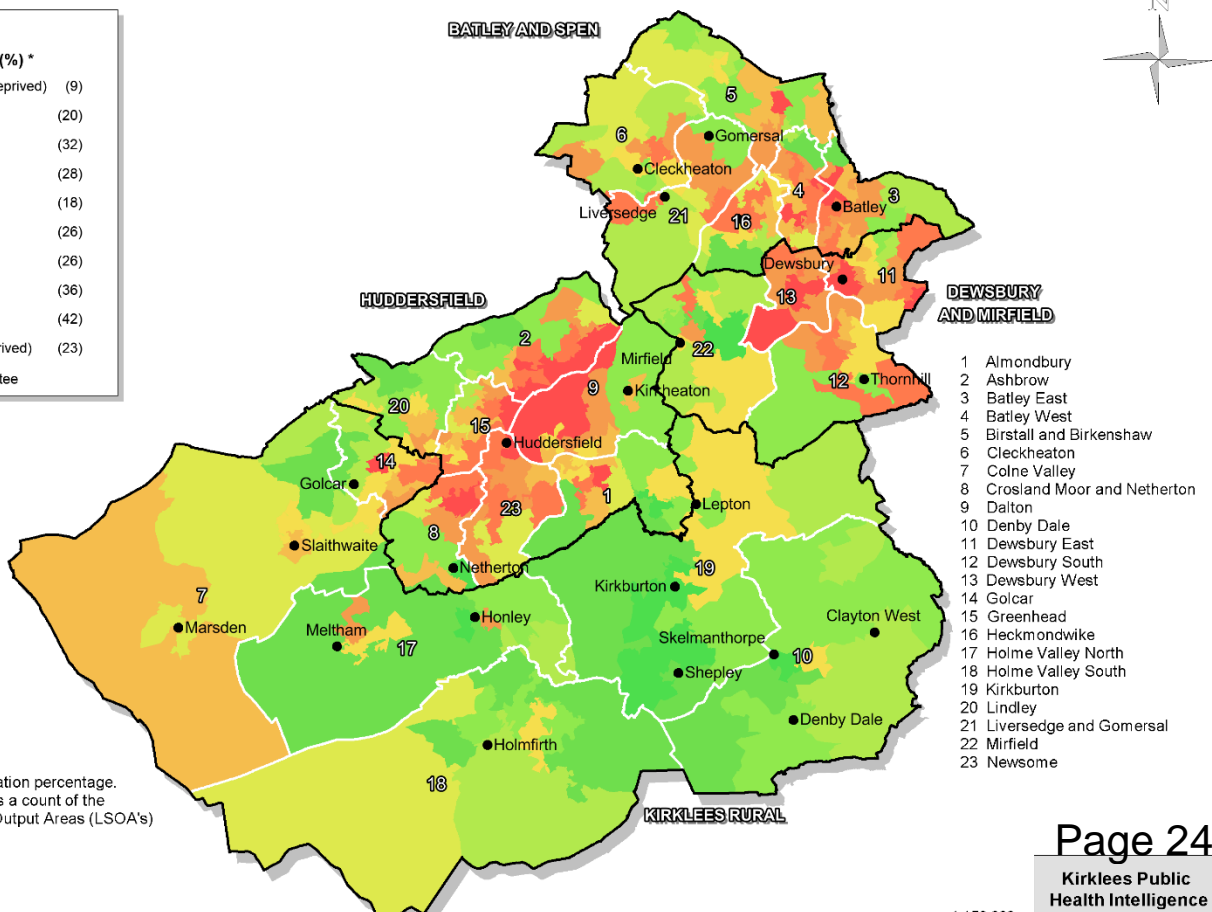
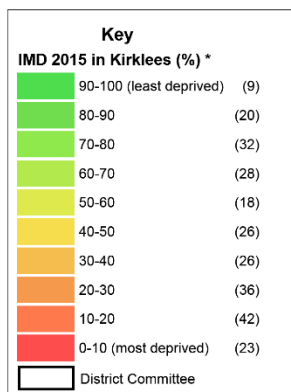
6.4 years less for women living in the most deprived areas than those in the least deprived areas

those in most deprived areas also have **less years spent in good health**

Life expectancy and healthy life expectancy (the number of years lived in good health) have been increasing in Kirklees, but **there are big inequalities in life expectancy and healthy life expectancy across the District depending on whether someone lives in a more deprived or less deprived area** (as measured by the Index of Multiple Deprivation).

Kirklees contains areas of high and low deprivation, with regions of highest deprivation found in some of the more densely populated urban areas to the north and east (including parts of Huddersfield, Dewsbury and Batley), and lower levels of deprivation found in the more sparsely populated rural areas to the south and west (including the Colne and Holme Valleys, Denby Dale and Kirkburton).

Index of Multiple Deprivation 2015 (%) in Kirklees



* Index of multiple deprivation percentage. The number in brackets is a count of the number of Lower Super Output Areas (LSOA's) in each band.

Kirklees Council's Inclusion and Diversity Year 2 Action Plan 2018-19

“From Equality to Inclusion”

Context

This is the second year of the Council's Inclusion and Diversity (I&D) Strategy 2017-21. The progress made in the first year can be seen in the Annual Report 2018 ([insert link when published on website](#)). The renewed focus given to this agenda by the Council's Leadership is evidenced by the commitment to build on last year and make this year's plan more ambitious and more outward-facing, and this Year 2 action plan captures that commitment.

Our approach of moving from Equality to Inclusion remains true to the following:

“The council is modernising its approach to equality, inclusion and diversity. Our requirement and commitment remains to meet our obligations under the [Equality Act 2010](#) and [Public Sector Equality Duty](#); however, our Inclusion and [Diversity Statement](#) is the first step in placing a greater emphasis on moving from equality to inclusion. We will incorporate this positive approach more effectively and routinely in everything we do through respecting diversity, valuing different perspectives and supporting inclusion.”

This second year plan highlights the principal I&D outcomes which have been developed by the cross-service Hub, including Employee Networks. All the areas in the plan will have delivery plans to support their implementation.

Monitoring

The implementation of the activities in this plan will be overseen by the council's I&D cross-service Hub. Progress will be monitored by councillors and an Annual Report will be produced for the end of 2019 and published on the council's website.

KIRKLEES INCLUSION AND DIVERSITY STRATEGY ACTION PLAN 2017 – 2021: YEAR 2

Outcomes <i>(What are we looking to achieve?)</i>	Activity - <i>what are we going to do</i>	Performance Measures - <i>how we are going to assess progress</i>	Timescales
<p>We want a committed and diverse workforce</p>	<ul style="list-style-type: none"> • Introduce targeted and creative recruitment methods including recruitment fairs and outreach to proactively engage with and attract identified under-represented groups – different methods will be required for different types of jobs and communities <ul style="list-style-type: none"> ○ Specific effort will go into jobs at Grade 13 and above, where the evidence from our Workforce Profile Data shows us that the representation of BME, Disability and Younger People is particularly deficient 	<p>Degree to which our workforce represents all communities in Kirklees at all levels</p>	<p>To begin November 2019 and beyond</p>
	<ul style="list-style-type: none"> • Assess job profiles when recruiting 		

	<p>to remove barriers such as unnecessary qualifications and experience and introduce wider criteria for assessing a person's abilities</p>		To begin January 2019
	<ul style="list-style-type: none"> • Increase the number of Supported Internships for students with a learning disability; working with Kirklees College and REAL Employment and through the use of a process called "job carving", key tasks can be identified which together can form a substantial and permanent, paid role for the intern to progress into 		To begin January 2019
	<ul style="list-style-type: none"> • Provide a range of personal and career development support for identified under-represented groups and have active workforce planning programmes across the whole council supported by the People's Strategy 		TBC
Taking a positive and inclusive approach to everything we do	<ul style="list-style-type: none"> • Building on initiatives such as National Inclusion Week (NIW) and sharing good practice, celebrate diversity and promoting inclusion across the district on a partnership basis 	Kirklees staff, citizens and partners feel valued and included	Ongoing – building towards NIW September 2019
	<ul style="list-style-type: none"> • In collaboration with the Voluntary and Community Sector undertake a 		To begin January –

	programme of Inclusive Volunteering to understand the barriers and then create more volunteering opportunities for people from different backgrounds		reassess November 2019
	<ul style="list-style-type: none"> • Introduce Diversity Training and Development for: <ul style="list-style-type: none"> ○ the Executive and Cabinet to provide strategic leadership on I&D (phase 1) ○ employees and managers, including our subsidiaries, focusing on appropriate behaviour and language, and addressing issues of unconscious bias (phase 2) ○ a small team of inclusion and diversity Leaders to cascade good practice on I&D across all departments (phase 3) 		Phase 1 January - March 2019, Phase 2 February – September 2019 Phase 3 February – May 2020
	<ul style="list-style-type: none"> • Hold a partnership-based Diversity Awards Event 		March/ April 2019
	<ul style="list-style-type: none"> • A communications campaign centred on “We’re Kirklees” to raise the profile of I&D (e.g. showcase diversity and talent amongst employees and communities) 		To begin February 2019
	<ul style="list-style-type: none"> • Re-invigorate the Employee Networks, particularly the Disabled Employees Network, LGBT and 		

	<p>Working Carers Network ensuring their priorities and actions are supported by this plan and they are able to contribute to the Council's core business</p> <ul style="list-style-type: none"> Supporting all the networks to become safe spaces to talk more openly about people's experiences 		November 2019
An organisation intolerant of bullying, harassment and discrimination, where poor behaviour is challenged and tackled	<ul style="list-style-type: none"> Introduce two additional questions to the council staff survey to help assess this on an annual basis 	Staff confidence in how the Council addresses bullying harassment and discrimination	February 2019
	<ul style="list-style-type: none"> Carry out a baseline analysis of responses by protected characteristics and by service/grade 		March 2019
	<ul style="list-style-type: none"> Establish and communicate a collective understanding of what constitutes bullying and harassment 		April 2019
	<ul style="list-style-type: none"> Communicate what services and managers will do to support employees who feel they are being bullied and/or harassed Improve people's understanding and perceptions of bullying and harassment and the impact it has on different groups 		June 2019
A partnership approach to support resettlement and integration (complementary to the	<ul style="list-style-type: none"> Staff awareness raising and training online package - migration, how people arrive, experiences, cultural adaptation (understanding 	Increased Council and partners awareness about migration and refugee resettlement	To begin February

Migration and Refugee Resettlement Delivery Plan 2018-19)	<p>differences and similarities in cultures and social norms etc.) to help new arrivals to access the support needed in a timely way (a significant amount of support is provided by the voluntary and faith sector)</p> <ul style="list-style-type: none"> ○ Workshop based sessions for those who are working more intensively with migrants • Work to support the integration of new communities in to existing and settled communities 		2019
	<ul style="list-style-type: none"> • Support services and organisations to be as accessible as possible by those whose first language isn't English 		To begin February 2019 and beyond
	<ul style="list-style-type: none"> • Expand the Council commissioned welcome mentor programme - a volunteer will help new arrivals and longer-term migrants who are isolated/struggling to access key services • Gain a better understanding of all our communities across the generations, including new migrants and other groups 		To begin February 2019 and beyond
	<ul style="list-style-type: none"> • Creating volunteering and work experience opportunities for new migrants 		To begin March 2019

Name of meeting: Overview and Scrutiny Management Committee
Date: 5 November 2018
Title of report: Crime and Disorder - Domestic Abuse Strategy

Purpose of report:

This report is to provide the Overview and Scrutiny Management Committee with an update on the development of the new Kirklees Domestic Abuse Strategy.

Key Decision - 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
Key Decision - Is it in the Council's Forward Plan (key decisions and private reports?)	No
The Decision - Is it eligible for call in by Scrutiny?	Report requested by Scrutiny
Date signed off by Strategic Director & name	Richard Parry, Strategic Director – 24/10/2018 Amanda Evans, Service Director – 23/10/2018
Is it also signed off by the Service Director for Finance IT and Transactional Services?	N/A
Is it also signed off by the Service Director for Legal Governance and Commissioning Support?	N/A
Cabinet member portfolio	Cllr Naheed Mather

Electoral wards affected: All

Ward councillors consulted: N/A

Public or private: Public

1. Summary

Following an agenda item presented to the Overview and Scrutiny Management Committee on 3rd September 2018 about the issue of domestic abuse in Kirklees and the partnership response to this, it was agreed that a further update would be provided with regards to the development of the new strategy.

2. Information required to take a decision

A decision is not required

3. Background Information

The current Domestic Abuse Strategy 2015 – 18 'Taking up the Challenge Towards Freedom' is currently being reviewed by the Domestic Abuse Strategic Partnership using the principles of Outcome Based Accountability to support the development of a refreshed strategy from 2018/19 onwards.

4. Governance

The area of Domestic Abuse is governed by the Kirklees Communities Board and is a priority in the Safer Kirklees Partnership Plan under the strand of 'Protecting People from Harm.' Given the cross cutting nature of Domestic Abuse and the impact this has on all communities and groups of people, it is also linked to the key objectives set out in the Safeguarding Adults Board Strategic Plan; the Children's Safeguarding Board's Business Plan as well as complementing wider Kirklees strategic groups such as the Health & Wellbeing Board and other connected agendas (Child Sexual Exploitation, Prevent, Modern Day Slavery and Female Genital Mutilation).

Reducing the prevalence of Domestic Abuse is a key priority for Kirklees and the main group established to lead on implementing the Kirklees Domestic Abuse Strategy and associated action plans is the Domestic Abuse Strategic Partnership (DASP). The DASP is an effective, multi-agency group of senior representatives from all relevant agencies and is committed to addressing the impact of domestic abuse in Kirklees.

5. Current position

5.1 Length of strategy

At the Domestic Abuse Strategic Partnership held on Monday 22nd October, partners agreed that the new strategy should once again run for a period of three years. Not only this does this guarantee continued alignment with HM Government's 'Ending Violence Against Women and Girls Strategy and the OPCC West Yorkshire Domestic and Sexual Violence Strategy, it was also felt that this was a proportionate length of time to be able to drive and implement improvements, as well as allowing sufficient timescales to consider any future commissioning arrangements.

5.2 Vision

A draft vision was shared at the Domestic Abuse Strategic Partnership which is a more succinct version of what is set out in the current strategy. Whilst this may be subject to slight further changes, it was felt that fundamentally, the vision from 2015 is still relevant today and for the future:

'In Kirklees, no-one has to live in fear of domestic abuse and victims and their families are able to access high quality and timely support delivered by well trained and supportive staff and volunteers. Where there are early indicators of abuse, early

intervention and targeted services will aim to reduce the impact on individuals and families.'

5.3 Outcomes and Priorities

It is intended that the vision will be underpinned by three main strategic outcomes which are likely to be:

- Victims are safer
- Children are safer
- Perpetrators are supported to address their behaviour

For each strategic outcome, there will be an agreed set of measures which will be supported by service specific performance measures.

In order to achieve successful implementation of the strategy, there will be a robust action plan owned by the Domestic Abuse Strategic Partnership which will focus on the following five priorities:

- Partnership working
- Preventing violence and abuse
- Provision of services
- Victim / survivor support
- Pursuing perpetrators to reduce offending

Not only are these the same priorities set out in the national and regional strategies but they will also provide additional structure to drive the work required to achieve the Kirklees strategic outcomes.

5.4 Data and Intelligence

The new strategy will draw on a wide variety of data sets to demonstrate the current picture of domestic abuse in Kirklees. This will enable specific areas of concern, such as potential under reporting; 'hidden victims'; demographic and geographical trends to be identified. This is critical for the Domestic Abuse Strategic Partnership to enable the work set out in the action plan to be truly intelligence led. One of the challenges already identified through the current strategy is that the high volume of data from such a variety of sources can make meaningful, ongoing analysis difficult so a key element of the new strategy will be to establish a consistent data set to allow better performance monitoring.

5.5 Strategy Content

Early indications of what is likely to be prioritised in the new strategy based on work to date and consultation with partners includes:

- Ensuring that the voice of the victim/survivor informs the strategy through consultation and research
- Developing the data and outcomes framework to improve performance measurements and provide better accountability
- Securing ongoing IDVA provision and commitment to MARAC sustainability
- Increasing offer for early intervention and prevention work
- Engaging with the work/development in Community Plus and Schools as Community Hubs

- Working with 'Hidden Victims' i.e. LGBT and male victims
- Increasing opportunities through WY and local bids for accommodation and children affected by domestic abuse
- Improving opportunities to share learning and best practice through Domestic Homicide Reviews, the Crown Prosecution Service's Scrutiny Panel and the OPCC's Police Domestic Abuse Scrutiny Panel

The new Strategy will also contain a foreword from the Chair of the Communities Board, Cllr Naheed Mather as well as sections to fully explain the following:

- Cross Government definition of domestic abuse
- Regional and national context
- Local governance arrangements
- Self-reflection on the work of the current strategy (i.e. key achievements and/or barriers to achieving any aspects of work)
- Continued challenges and opportunities

6. Timescales

It is intended that a draft version of the new strategy will be shared with members of the Domestic Abuse Strategic Partnership in December 2018. Following consultation with this group, the strategy will then be presented at the Communities Board early in the New Year. There will also be dates arranged for communicating to the Adults and Children's Safeguarding Boards and the Health and Wellbeing Board. Through January and March 2019, there will be the opportunity for members to view the draft strategy and provide additional input if required. It is hoped that the strategy will receive final sign off from the Communities Board no later than 31st March 2019.

7. Communications

Whilst the Adults Safeguarding and Quality service are leading on the new strategy, they have linked in with the Council's Policy Team for additional expertise and there will be a full Communications Plan drawn up to support the engagement period. This will include how the strategy will be formally launched following sign off.

8. Implications for the Council

None

8.1 Early Intervention and Prevention (EIP)

8.2 Economic Resilience (ER)

8.3 Improving Outcomes for Children

8.4 Reducing demand of services

8.5 Other (eg Legal/Financial or Human Resources)

9. Consultees and their opinions

Domestic Abuse Strategic Partnership

10. Next steps

For the draft strategy to be shared at the December meeting of the Domestic Abuse Strategic Partnership

11. Officer recommendations and reasons

That the Overview and Scrutiny Management Committee:

- Notes and comments on the progress of work undertaken to develop the new Kirklees Domestic Abuse Strategy

12. Cabinet portfolio holder's recommendations

The Cabinet Portfolio Holder recommends that the Overview and Scrutiny Management Committee:

- Notes and comments on the progress of work undertaken to develop the new Kirklees Domestic Abuse Strategy

13. Contact officers

Saf Bhuta, Head of Service for Safeguarding and Quality

Alexia Gray, Service Manager for Domestic Abuse and Safeguarding Partnerships

14. Background Papers and History of Decisions

Overview and Scrutiny Management Committee Paper: Crime and Disorder - Domestic Abuse (3rd Sept 2018)

15. Service Director responsible

Amanda Evans – Service Director for Adult Social Care Operations

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Name of meeting: Overview and Scrutiny Management Committee

Date: 5th November 2018

Title of report: Introduction to the new Corporate Performance Framework

Purpose of report

To provide members with an overview of the Council's revised corporate performance management framework.

Key Decision - 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
Key Decision - Is it in the Council's Forward Plan (key decisions and private reports?)	Not Applicable
The Decision - Is it eligible for call in by Scrutiny?	No
Date signed off by Strategic Director & name	Rachel Spencer-Henshall Strategic Director – Corporate Strategy and Public Health
Cabinet member portfolio	Cllr Graham Turner

1. Summary

This report provides members of the committee with an outline of the Council's revised corporate performance management framework.

The new framework will be implemented throughout 2018/19 and aims to improve the existing corporate performance arrangements by:

- Introducing an outcome focused approach to performance;
- Placing a greater emphasis on understanding impact;
- Taking an analytical approach to performance;
- Measuring what counts rather than what we have always measured.

2. Information required to take a decision

A light review of the Council's corporate performance arrangements took place earlier this year. The review took account of feedback from elected members and senior managers on the Council's existing corporate performance arrangements alongside a review of the content of corporate performance reports and the impact of corporate performance arrangements on strategic decision making.

The review found that the Council's existing corporate performance arrangements are:

- Driven by the content of Council service plans and, as a result, are action and performance indicator orientated;
- Managed in silos resulting in a less comprehensive understanding about 'system' issues and inter-dependencies across services;
- Largely focused on process, activity and outputs rather than quality and outcomes;
- Less focused on understanding the issues and causes impacting on performance;
- Overly focused on targets and thresholds with limited benchmarking, trend analysis and future projections to evidence what good performance looks like and provide assurance that we are going in the right direction;
- Light on analysis to fully understand what performance looks like within individual places and for specific demographics across Kirklees – e.g. giving that place based picture.

Outcome Focus

The new framework will aim to provide members with a quarterly overview of impact, improvement and risk against each of the seven Kirklees Outcomes, within the context of what is set out in the newly formatted Corporate Plan. There are several key aspects to this revised approach.

For each Outcome we intend to be more forward looking. Rather than retrospectively report what has already happened, we will use both hard and soft intelligence to look forward, becoming more sensitive to changing behaviour and experiences across all seven Outcomes.

Building the capacity and capability to monitor and report performance more holistically is critical. The establishment of Strategic Outcome Leads (Corporate Directors), who will provide ownership and oversight of issues and risks for each Outcome on behalf of the Council, will support this. In addition, an Intelligence and Performance Lead will support the Outcome Lead with the intelligence picture for

each Outcome. Their role will be to carry out strategic analysis and work with the Strategic Outcome Lead to improve both the relevance and the representativeness of corporate performance content.

From target-driven performance monitoring to strategic analysis

A further key intention of the revised corporate performance framework is for report content to be more strategically rounded. It should connect with the available intelligence and, in considerations of the story behind the Outcome, direct the reader to only the elements of performance that are currently critical - rather than present and update against all data and actions every quarter. The corporate performance framework should accommodate two distinct forms of accountability.

With a view to longer term horizons, we have a set of population indicators that will measure in 'big picture' terms changes in behaviours and conditions at a Kirklees level – things like school readiness, life expectancy, household disposable income, air quality, community safety etc. These are shared responsibilities with our local and regional partners. We share accountability across the Partnership.

In relation to Council activity, we aspire to monitor the quantity and quality of everything we do. We are held solely accountable for this and the impact they make.

Previous incarnations of the framework have focussed on targets as the key test of performance. Targets can often be prone to either positive or negative bias. Additionally, there is evidence to suggest that setting targets can constrain high achievement and continuous improvement – that targets are an end point and that once end points are reached, performance focus can diminish.

The new framework will replace targets with a set of analytical tests. These are:

1. What does historical demand, activity and performance look like?
2. How does demand, activity and performance compare to other areas?
3. What is our prediction for future demand, activity and performance?

The Intelligence and Performance Leads will apply these tests in an unbiased, impartial way to provide assurance to the organisation.

The process of reporting corporate performance

The quarterly process for producing and delivering a high quality performance report to members requires revision, as a result of introducing the changes specified above.

We are aiming for higher quality content to provide the Council with more assurance on its performance and to encourage more meaningful performance discussions at a strategic level. To achieve this, there will be wider participation in the process of producing the report. As a result, and until we fully embed the new framework, it will take slightly longer to produce the report.

The new arrangements will be introduced from Q2 2018/19 and whilst the quality of report content will improve incrementally, we anticipate it taking 6-9 months to fully embed the new framework.

Value and Benefits

The new corporate performance arrangements will contribute to the Council's aspiration to become intelligence-led and outcomes focused in the following ways:

- Provide members with intelligence and insight, rather than data.
- Design out the potential for bias in reporting, a 'straight bat' factual delivery of insight and intelligence.
- Strengthen the golden thread between the greatest needs for the District and what the Council does in contribution.
- Provide an evidence base of progress towards the delivery of Corporate Plan aspirations.
- Encourage strategic discussion around the things that matter rather than being pulled into operational detail.

Issues and risks

The Council's Intelligence and Performance Service is still relatively new having only been established at the end of May 2018. Resource and knowledge gaps exist in relation to some services. More broadly, painting an intelligence picture on an outcome basis will be new to a lot of officers. Whilst plans are in place to address these gaps, this is likely to impact on our intelligence base to inform the performance narrative against a number of the Kirklees Outcomes in 2018/19.

The Council cannot improve outcomes in isolation. Strategic Outcome Leads and Intelligence and Performance Leads will need to build up knowledge and understanding of how demand, activity and performance of partners impacts on the Kirklees Outcomes. This approach will take time to embed therefore 2018/19 will be used to test and refine our approach to corporate performance with the ambition to have a fully developed, high quality process in place for 2019/20.

3. **Implications for the Council**

The new corporate performance framework is designed to support the Council's strategic oversight of performance against the 7 Kirklees Outcomes.

4. **Consultees and their opinions**

Feedback from elected members has been used to inform the development of the Council's new corporate performance framework. The main themes from discussions with members were:

- Ensure we have an impartial and independent picture of our performance.
- Focus on measuring what really matters rather than what we have always measured.
- Less data and more insight.
- Enable a more meaningful discussion on Council performance.
- The role of scrutiny as a 'critical friend'.

5. **Next steps**

The new arrangements will be introduced from Q2 2018/19 and will be reported to Overview and Scrutiny Management Committee on 7th January 2019.

6. **Officer recommendations and reasons**

Not applicable.

7. **Cabinet portfolio holder's recommendations**

Not applicable.

8. **Contact officer**

Mike Henry
Head of Intelligence and Performance
Mike.Henry@kirklees.gov.uk

9. **Background Papers and History of Decisions**

Not applicable.

10. **Service Director responsible**

Rachel Spencer-Henshall
Strategic Director – Corporate Strategy and Public Health
Rachel.Spencer-Henshall@kirklees.gov.uk

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Name of meeting: Overview and Scrutiny Management Committee
Date: 5th November 2018

Title of report: Kirklees Hackney Carriage and Private Hire Licensing Policy

Purpose of report

To update and inform the committee of the draft Kirklees Hackney Carriage and Private Hire Policy which includes the following policies developed in partnership with the West Yorkshire Combined Authority which have been approved for consultation:

- the draft policy on the Relevance of Criminal Conduct in Taxi and Private Hire Licensing (Conviction Policy) (Appendix A)
- the draft West Yorkshire Driver Training Policy (Appendix C)

Key Decision - 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
Key Decision - Is it in the Council's Forward Plan (key decisions and private reports)?	No
The Decision - Is it eligible for "call in" by Scrutiny?	No
Date signed off by Director & name Is it also signed off by the Assistant Director for Financial Management, IT, Risk and Performance? Is it also signed off by the Service Director - Legal Governance and Commissioning?	
Cabinet member portfolio	Cllr Naheed Mather

Electoral wards affected: All
Ward councillors consulted: N/A

Public or private: Public

1. Summary

1.1 On 11th October 2018 the Licensing and Safety Committee approved for consultation the draft Kirklees Hackney Carriage and Private Hire Licensing policy which includes the convictions policy (Appendix A), driver training policy (Appendix C) and revised standards for testing hackney carriage and private hire vehicle set out in the draft policy.

2. Information required to take a decision

- 2.1 Over the last two years, officers have been working on a project for approval by the Chairs of the West Yorkshire Licensing Committees (or equivalents), the respective lead member or portfolio holder, and with the support of West Yorkshire Combined Authority. The projects aim was to establish some minimum standards in certain areas of licensing (not necessarily identical policies).
- 2.2 The project has now reached a stage where the fitness and suitability convictions policy and the driver training policy has been agreed with the West Yorkshire authorities in draft as attached. At this time it has not been possible to progress a West Yorkshire common vehicle policy and this will be subject to further discussion between the authorities.
- 2.3 At the same time as the project, Kirklees has developed an overarching policy encompassing all the different aspects of taxi and private hire licensing which is good practice. Authority was sought to consult on the whole of the Kirklees policy which includes the Conviction Policy and Driver Training Policy at Appendix A and C respectively, which have been developed with the WYCA.

Kirklees Policy

- 2.4 The draft policy has been developed and the changes introduced so as to ensure the public can be confident the service is meeting its safeguarding duties, ensuring it is not compromising passenger safety and deliver a much better service for our customers. The policy draws together all current aspects of taxi and private hire licensing setting out required standards, expectations, conditions, processes and relevant policies.
- 2.5 The purpose and vision of the changes is to ensure there is a raising of standards and skills amongst taxi drivers in order to protect the travelling public; and ensure people across West Yorkshire are transported safely and protected from harm; that people in Kirklees experience a high quality, clean, sustainable and green environment, as well as improve the customer experience. This will enhance the workforce and ensure that as a licensing authority the Council is taking its responsibilities against child sexual exploitation and safeguarding extremely seriously and putting appropriate measures in place.
- 2.6 The service recognises that the majority of taxi drivers do not pose a risk to passengers and there are examples of drivers and operators who aim to provide excellent customer service and a professional service. However, in order to support the Kirklees outcome of ensuring that people in Kirklees feel safe and are protected from harm, in particular ensuring people travel safely across the district, the services statement of intent for its taxi policies, for the next 12-months, is simple and clear.
- 2.8 The main changes within the policy relate to the convictions policy, driver training and change revised testing standards for hackney carriages and private hire vehicles. There are two conditions which

have been added to the Driver Conditions in Appendix (B) and which support and follow the Department for Transport recommendations in the recent task and finish working group report. These are numbered at 21 and 22 in Appendix B.

Convictions Policy

- 2.9 The draft Conviction Policy (Appendix A) has been developed by considering the existing policies in place across West Yorkshire and York, the Institute of Licensing's Guidance on Determining the Suitability of Applicants and Licensees in the Hackney and Private Hire Trades. The Local Government Association, Lawyers in Local Government, the Suzy Lamplugh Trust and the National Association of Licensing Enforcement Officers have endorsed the guidance document.
- 2.10 The draft policy gives details of the types of issues including crime and driving convictions that form part of the "fit and proper" test to help councils assess the potential risk to the public. The policy includes a table that indicates the length of time that would normally be required to have elapsed between a conviction and an individual being granted a licence.

Driver Training Policy

- 2.11 The draft Driver Training Policy (Appendix C) has been developed by reviewing current best practice across the individual authorities. As such, the majority of what is proposed is already in place in most authorities, although inevitably there are differences in approach, delivery, resources and costs.
- 2.12 The draft policy details the outline requirements and methods of assessment for each suggested aspect of training, including disability awareness training, which is recommended by the Department of Transport in their Integrated Transport Strategy.

Emissions

- 2.13 The policy includes adopting a revised standard for testing hackney carriage and private hire vehicles. All hackney and private hire vehicles are subject to a compliance test which is additional to the MOT Test and is carried out by the Council to locally developed standards. Tests are conducted upon first licensing of a vehicle and then annually upon renewal.
- 2.14 The proposal to revise the policy has primarily been influenced by the Council's adoption of the West Yorkshire Low Emissions Strategy 2016-2021. Kirklees signed up to the strategy in December 2016 following its development by West Yorkshire local authorities and Public Health England. The strategy sets out key measures to improve air quality across the region that include the introduction of Clean Air Zones and tackling emissions from buses, lorries and taxis.

2.15 In general Air Pollution is improving nationally. However, as with most industrialised towns, cities and urban areas emissions from road transport is increasing as traffic and congestion increases. Hot spots of pollution are created where housing is in close proximity to the heavily used road network. In Kirklees these hot spots or Air Quality Management Areas (the legal definition) have increased from 2 in 2016, to 9 in 2017 and will be 10 in 2018. The pollution in these areas has either increased or not improved in line with the general improvement in Air Quality as the general improvements have been led by reduction in industrial emissions. Kirklees has increased its monitoring networks, which has led to the identification of these hot spots and we keep a watching brief over other areas. The only way to resolve these hot spots of pollution is to reduce emissions from road transport.

2.16 Over the years the vehicle manufacture and the type of vehicles the trade would like to use has altered. It would seem timely, therefore to take this opportunity while introducing a Kirklees policy to take the opportunity to review the vehicle testing policy in relation to emissions to ensure it reflects best practice and encourages vehicles of the best possible standards on to the fleet.

2.17 In summary the main changes proposed in relation to the vehicle testing standards are set out in the draft policy and are set out below:

(i) Introduction of an Emissions Policy linked to Euro Standards

2.18 The Council are looking to encourage the use of low emission vehicles, including electric vehicles. In order to support this the Council are working with West Yorkshire Combined Authority to install a network of electric charging points for electric vehicles to utilise. Kirklees has also signed up to the West Yorkshire Low Emissions Strategy 2016-2021 which has prioritised a reduction in harmful emissions from taxis. The proposed standards will mean that newly licensed vehicles will be compliant with Clean Air Zone (CAZ) Standards and guidance, permitting taxis and private hire vehicles to enter CAZ areas compliant with the guidance. Additionally modern engines are more efficient and can therefore achieve the same output as older vehicles with smaller engine capacities.

2.19 The proposed policy is that from an agreed date all new vehicles will need to meet Euro 5 standards for petrol engines and Euro 6 standards for diesel engines.

(ii) Removal of the lower age limit

2.20 Vehicles must currently be under 6 years old at first licensing. The service currently has an upper age limit of 10 years or 12 years for purpose built hackney carriage vehicles and multi seater/wheelchair accessible vehicles. It is proposed the upper age limit remains and there would be no lower limit. This would mean vehicles older than a 65 plate for diesels and 60 plate for petrol would fail the proposed emissions requirement.

- 2.21 It is proposed the new emissions policy would apply to new applications only and the remaining vehicle specification would remain unchanged for existing vehicles whilst further discussions with the West Yorkshire Authorities are ongoing. However, the proposed emissions policy would apply as vehicles cease to be licensed once they reach the anniversary of their 10 year registration, as such, each year a number of vehicles would have to come onto the licensed fleet that would meet the proposed emissions standards, which would allow constant increase and uptake in the revised standards ensuring a cleaner and greener fleet over the next few years.
- 2.22 The introduction of the revised testing standards would also support the corporate outcome of people in Kirklees experiencing a high quality, clean, sustainable and green environment.

3. Implications for the Council

3.1 Early Intervention and Prevention (EIP) N/A

3.2 Economic Resilience (ER) N/A

3.3 Improving Outcomes for Children The Council wants to ensure children have the best start in life and to ensure that the people of Kirklees feel safe and are protected from harm. The Council has a duty to protect the travelling public and safeguard children travelling in licensed vehicles and in particular for the purposes of school transport.

3.4 Reducing demand of services The changes will also reduce officer time and demands to the service and instead introduce a more streamlined process and improved customer service and efficiency that is more consistent across West Yorkshire

3.5 Other Implications (e.g. legal, financial etc)

Financial

- 3.6 The draft Conviction Policy would replace the existing policy. There would be no additional cost to introduce, other than officer time which will be contained within existing resources.
- 3.7 Driver Training - depending on the results we would approach the training in a different way and use an external provider. However, as this is a ring-fenced budget any additional costs would be passed to the trade as part of the review of fees during 2019/20.

Legal

- 3.8 Taxi and Private hire vehicle licensing in England and Wales is undertaken by licensing authorities, which have the responsibility for ensuring that the public travel in safe, well maintained vehicles driven by competent drivers; as well as providing a fair and reasonable service for the taxi and private hire vehicle trade. Council's following best practice will meet or communicate regularly with licensing committees and officers in neighbouring councils to ensure critical information is shared and that there is a consistent and robust in decision making.
- 3.9 By working together, local government can make sure that this vital service is safe, respected, and delivering for local communities. The West Yorkshire Leaders are clear that they wish the Councils to work together for the benefit of the traveling public. All or any policies adopted will need to comply with all applicable and relevant tax legislation, and of course may be subject to a public law challenge. However, the strands of work identified, and the desire for unanimity across the Combined Authority area are seen as desirable in enhancing the service for the public, and clarifying the standards for taxi and private hire vehicle owners and operators.
- 3.10 The Council already has vehicle testing standards that were introduced under the s47 and s48 of the Local Government (Miscellaneous Provisions) Act 1976 which have been periodically revised. The current proposal is a continuation of the exercise of those powers. The existing trade will have time to comply in accordance with the upper limit vehicle age policy depending on when their vehicles were first registered.

Equality Implications

- 3.11 The Equality Act 2010 creates the Public Sector Equality Duty (PSED) and in order to fulfil the PSED the Council is required to assess the impact of any proposed action on the equality objectives set out above. The way in which the Council approaches this task is to conduct Equality Impact Assessments (EIA).
- 3.12 A stage 1 Equality Impact Assessment has been completed and is available at <http://www.kirklees.gov.uk/you-kmc/deliveringServices/impactAssessments/impactassessments.asp>. In summary the assessment is that the level of impact is low although it is acknowledged from day to day contact and interaction with drivers it will impact mainly upon men of Asian ethnic background. The Council will need to ensure that engagement reflects all relevant stakeholder communities.

4. Consultees and their opinions

The Portfolio Holder and Licensing & Safety Committee Chair is supportive of the draft policy and changes proposed.

5. Next steps

The six participating authorities intend to consult at the same time, however, as governance and consultation arrangements are different in some authorities, consultation is planned to start in November and finish in December/January and will be for a period of eight weeks.

Full consultation is planned and will include the trade, the public and other, relevant stakeholders. Responses received from across the whole of the West Yorkshire and York authorities will be co-ordinated.

The results will return to the Licensing and Safety Committee in or around February 2019.

This will contribute to the harmonisation of taxi and private hire licensing policies across the WY&Y authorities.

6. Officer recommendations and reasons

That the committee note the report and proposed policy and supports the approach of the Licensing service outlined in section 2.

7. Cabinet portfolio holder recommendation

Cllr Naheed Mather supports the policy review and development of a stronger and more robust policy.

8. Contact officer

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9. Background Papers and History of Decisions

Report to Licensing and Safety Committee – 18 January 2016

Background Papers: Institute of Licensing – Guidance on determining the suitability of applications and licensees in the hackney and private hire trades

10. Service Director responsible

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Kirklees Council
Hackney Carriage and Private Hire Policy

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Contents

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Foreword

We are proud of Kirklees and the diverse and vibrant area it is. We are ambitious for the place and our people and as an authority want to celebrate all that makes Kirklees special. We would like Kirklees to be a safe and cohesive place and for people to be protected from harm. This includes the provision of licensed vehicles which are valued by residents, visitors and businesses. It is important that these operate lawfully and sensitively, taking into account the needs of the customers and the wellbeing of nearby residents and people enjoying other activities.

In Kirklees we will use this policy to guide the licensed trade and new applicants when making applications under the relevant legislation and to assist officers in reaching decisions on those applications that they consider.

This is a robust policy that raises standards in Kirklees. Our intention is to both protect the public and to safeguard children and the vulnerable. The policy is designed to promote and improve professional standards and behaviours amongst licensed drivers, to increase an awareness of safeguarding issues and to ensure those that share the Council's vision and commitment to achieve a high standard to thrive.

At the heart of this policy is a commitment to:

- Protect the public
- Safeguard children and the vulnerable
- Prevent crime and disorder
- Prevent public nuisance
- Provide safe and green streets

This document sets out Kirklees Council's general approach to the licensing of private hire and hackney carriage drivers in the district which supports the Council's priorities:

- Children have the best start in life
- Clean and Green
- Safe and Cohesive
- Sustainable economy
- Aspire and Achieve
- Well
- Efficient and effective

We aim to ensure that licensed drivers operating in Kirklees are of the highest quality and can be held to account for their performance.

The Council recognises the important role that the hackney carriage and private hire trade play in enabling people to travel round the area and in doing so they also have a role in portraying the image of the area.

We are committed to building on a partnership approach with the licensed trade and will continue to look to improve standards to ensure that Kirklees remains a safe place to visit and enjoy your leisure time and that everyone has a safe and pleasant journey home in our licensed vehicles.

The policy has been subject to an 8 week consultation period and we are grateful to all those who have submitted comments to help shape the final policy.

The Council will implement the policy from [] and officers will keep it under review. A formal review will take place every three years when the policy will be considered by the Licensing and Safety Committee.

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Section 1

1.1 Introduction

Kirklees Council is responsible for the regulation of hackney carriage and private hire drivers, vehicles and operators within the Kirklees area. The policy builds on the experience and knowledge we have gained by administering and enforcing the legislation for many years, particularly when addressing issues that may impact on the safety and well-being of our residents, visitors to the district and those working in the district.

This policy and any related procedures and processes will guide the work of Kirklees Council and the way in which it carries out its functions. The policy has immediate effect and will be applied to existing licences and new applications received after the date that the policy is adopted by the Council.

The policy has been developed by Kirklees Council and it has done so in partnership with the West Yorkshire Licensing Committee in relation to the fitness and suitability criteria (Appendix A) and the driver training policy (Appendix C). This is to achieve consistency and clarity across the West Yorkshire region. The policy was also developed after consulting with the West Yorkshire Combined Authority, the trade and the public and sets out the requirements and standards that must be met. In exercising its discretion in carrying out its regulatory functions, the Council will have regard to this policy document. However, each application or enforcement action will be considered on its own merits.

1.2 Aims and Objectives

The overriding aim of the Council, when carrying out its functions relating to the licensing of hackney carriage or private hire drivers, vehicles proprietors and operators, is the protection of the public and others who use, or can be affected by, the hackney carriage or private hire services; and the Council will not hesitate to act when it is made aware of issues that have the potential to undermine this aim.

Hackney carriage and private hire vehicles play a vital part in Kirklees' transport network and provide an invaluable service to the borough's residents.

Licensed drivers are entrusted with some of the most vulnerable members of our society, from the very young, to the elderly and infirm and those that may be incapacitated through alcohol or drug use and our communities rely on licensed drivers and their vehicles to provide a safe and reliable service. For some people using licensed drivers is the only way they can access vital services.

Licensed vehicles and their drivers enjoy an anonymity on our roads that is shared only by emergency vehicles. The appearance of a liveried, licensed vehicle, whether

regularly, or otherwise, at any time of the day or night is unlikely to raise any suspicion as to the reason for it being there. As such the Council will, through regulation of the trade, seek to promote the following objectives:-

- the protection of the public;
- prevention of crime and disorder the establishment of professional and respected hackney carriage and private hire trades;
- consideration of accessibility issues across all equality groups in support of the Authority's commitment to the Public Equality Duty and the Equality Act 2010;
- the protection of the environment;
- the council's values and shared outcomes as defined in its corporate plan;

In carrying out its duties in respect of hackney carriage and private hire licensing, the Council will work with a wide range of partners, including but not limited to: -

- Licensed drivers, operators, vehicle proprietors;
- Locally operating hackney carriage and private hire trade associations;
- Local residents;
- West Yorkshire Police;
- Driver and Vehicle Standards Agency (DVSA);
- HM Revenue and Customs;
- UK Border Agency;
- Department for Work and Pensions;
- West Yorkshire Combined Authority;
- The Office of the Police and Crime Commissioner;
- Other Licensing Authorities;
- Local Safe Guarding Children's Board;
- Local Health Protection Board;

In carrying out its duties in respect of hackney carriage and private hire licensing, the Council will have close regard to this policy, its associated appendices and the objectives this policy seeks to promote. Notwithstanding this, each application or enforcement action will be considered on its merits. Should it be deemed appropriate and necessary to depart from this policy the Council will give clear and compelling reasons for doing so.

1.3 Integrated Policies and Strategies

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

Kirklees Corporate Plan 2018 -2020

The corporate plan sets our direction and priorities for the next three years and includes the following priorities:

- **Safe and Cohesive** - People in Kirklees live in cohesive communities, feel safe and are protected from harm;
- **Well** - People in Kirklees are as well as possible for as long as possible;
- **Aspire and Achieve** - People in Kirklees have aspiration and achieve their ambitions through education, training, employment and lifelong learning;
- **Sustainable Economy** - Kirklees has sustainable economic growth and provides good employment for and with communities and businesses;
- **Clean and Green** – People in Kirklees experience a high quality, clean, sustainable and green environment;

How the Licensing Service will contribute:

- Promote good health and assist in preventing and tackling ill health;
- Implement training modules that improve and develop professional standards
- Have a robust, clear and efficient licensing system

How will we do this:

- Work in partnership with Public Health and the NHS to tackle issues around licensing and ill health;
- Provide a taxi licensing system that aims to meet the needs of children and other vulnerable passengers;
- Ensure regular checks are made to ensure drivers are compliant, medically fit and in good health;
- Develop professional and high quality trained licensed drivers;
- Vibrant town – help to provide good public transport for all;
- Deliver an efficient and safe taxi licensing system that provides an efficient mode of transport for all;
- Assist in improving community safety by reducing antisocial behaviour;
- Encourage the uptake of vehicles with cleaner emissions;

Kirklees Safeguarding Children Policy

The licensing authority considers the Kirklees Safeguarding Children Board to be the primary recognised body competent to give advice on the protection of children and some vulnerable passengers. For the purposes of this policy a child is someone under the age of 18 years.

The Kirklees Safeguarding Children Board take a positive and supportive view of this role and where possible, is committed to working in partnership with the licensing authority. The licensing authority will also work in partnership with internal services, Kirklees Safeguarding Children Board, Public Health and Protection Board and other relevant partners to develop good guidance and share information to promote public safety and safeguarding vulnerable passengers.

1.4 Changes to Policies, Procedures and other matters

Significant changes to this Policy, internal procedures or other matters will be reasonably consulted upon and communicated via the Council's website, social media pages and trade meetings.

However, where an issue(s) arises that affects the safety of the public, that is either not covered by this policy, or would be affected by this policy, the Council reserves the right to make immediate temporary changes to this policy and / or its associated appendices without consultation. Subsequently, where temporary change(s) require a permanent alteration the Council will consult on those permanent alterations.

1.5 Licensing Overview

The council recognises the importance of Hackney Carriage and Private Hire vehicles, drivers, proprietors and operators. They play an essential role in the provision of local transport for those who have difficulty getting about on public transport, those enjoying the night time economy, taking children to school etc, and are vital in helping to maintain a healthy local economy. They can often be the first point of contact for a visitor to the local area.

Whilst the general public do not always know the difference between a Hackney Carriage and a Private Hire vehicle, and often refer to both as taxis, there are significant distinctions in law, on how they are allowed to operate. However, both have equal importance.

Within the district in which a Hackney Carriage vehicle (and driver) are licensed, they are available for immediate hiring, they can be hailed (or flagged) in the street, can wait on a rank and be approached directly by a member of the public, and 'ply for hire' in public places. They are not required to be booked via an operator. They must display a fare card within the vehicle which shows the current maximum fares to be charged as set by the local authority. In law, these are allowed to be called 'taxis' or 'cabs' and are sometimes also referred to as Black or London Cabs.

Hackney carriages licensed by another local authority that operate within this district cannot ply for hire or wait on ranks. They may however be used for private hire purposes, i.e. make pre-booked journeys.

A Private Hire vehicle is not allowed to accept direct bookings from the public. They can only accept bookings from a licensed operator; they cannot operate independently, i.e. without a licensed operator. They cannot be hailed in the street or wait on ranks. If a private hire driver accepts a fare which has not been pre-booked through a licensed operator, they are committing an offence and potentially driving without valid insurance.

The fares charged by the private hire trade are not regulated by the authority but must be agreed with the operator at the time of booking. Although, for journeys that start and finish within the district, where a private hire vehicle has a taximeter fitted, the fare charged cannot be more than would be charged by the taximeter. They are not allowed to use the term 'taxi' or 'cab' but may be called 'minicabs'.

1.6 Powers and Duties

There is legislation which the Council must either have regard to and/or places a duty on the Council to carry out its licensing functions in respect of hackney carriage drivers and vehicles and private hire operators, drivers and vehicles.

In carrying out its licensing functions, the Council will comply with legal requirements including requirements of the following statutes:

- Anti-Social Behaviour, Crime and Policing Act 2014;
- Crime and Disorder Act 1998;
- Data Protection Act 2018;
- Equality Act 2010;
- General Data Protection Regulations 2016;
- Health Act 2006;
- Human Rights Act 1998
- Immigration Act 2016;
- Local Government (Miscellaneous Provisions) Act 1976;
- Road Traffic Act 1988;
- Rehabilitation of Offenders Act 1974;
- Town Police Clauses Act 1847 and 1889;
- Transport Act 1985, 1991 and 2000;

Immigration

The council has a statutory duty to ensure that applicants have the legal right to work in the UK prior to issuing a licence. The issuing or refusing of licences will be undertaken in accordance with the requirements of the Immigration Act 2016.

The council takes this responsibility seriously and has checks in place to ensure compliance with the Act and will liaise, where required, with relevant Home Office departments. If a licence has been issued incorrectly for whatever reason, the licence ceases to have effect if the person does not have the right to work in the UK. Any licence which has expired due to the person's immigration status must be returned to the council within 7 days.

A licence may be suspended or revoked or its renewal refused if, since the grant of the licence there has been a conviction of an immigration offence or a requirement to pay an immigration penalty.

Proprietors and operators also have an obligation to ensure that they only use persons who have the right to work in the UK. Failure to observe this obligation, or to provide due diligence checks, will be subject to enforcement action by the Licensing Service or by the appropriate Home Office department, which may result in a civil penalty or imprisonment.

Secretary of State Guidance

The council will give full regard to any guidance issued by the Secretary of State regarding the protection of children, and vulnerable individuals who are 18 or over, from harm. If any changes to any parts of this policy or related appendixes are required when the guidance is released, they will be amended at the earliest opportunity.

1.7 Consultation

{list to be compiled in conjunction with WYCA}

1.8 Information Sharing

The Council will share with other legal bodies, local authorities, regulatory agencies or enforcement bodies, information supplied by applicants, or acquired in the course of exercising licensing functions, where it is lawful to do so. In particular, personal information will only be disclosed in accordance with the General Data Protection Regulations 2016 and the Data Protection Act 2018. This may include requests from other legal bodies, local authorities or regulatory agencies where this is necessary for the detection or prevention of crime or required by law or in connection with legal proceedings. Where applicable, it will be under the relevant Information Sharing Protocol.

Where a document has been translated into English, it must be certified by the translation company. The translation company needs to confirm in writing on the translation:

- that it's a 'true and accurate translation of the original document'
- the date of the translation
- the full name and contact details of the translator or a representative of the translation company

1.9 Delegations

The licensing authority has established a Licensing & Safety Committee that consists of 15 Councillors. The Licensing committee has the authority amongst other licensing matters to discharge non-executive functions in respect of hackney carriage and private hire licensing and to help formulate and review licensing policies in this regard.

The Licensing and Safety Committee has further delegated its functions to a Regulatory Sub-Committee, usually consisting of three members that have been

selected from the Licensing Committee and officers to carry out some of these functions

In addition, the Service Director of Economy and Infrastructure has been delegated to appoint and authorise the Group Leader and licensing officers to investigate and carry out statutory duties under the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976. Some of these authorised powers include but are not limited to:

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

There is a right of appeal against the licensing application and Licensing and Safety Committee decisions. Appeal applications must be made to West Yorkshire Magistrates' Court, sitting at Kirklees, within 21 days of the determination.

Matter to be dealt with	Licensing and Safety Committee	Officers
Full policy /Policy Objectives Review	X	
Fee setting	X	
Application for a hackney carriage and private hire driver's licence		X
Refusal of licence		X
Revocation of licence		X
Suspension of licence		X
Review of licence		X
Formal warnings		X
Investigations of offences and preparation of prosecution files		X
Complaints		X

Section 2 - General provisions for Hackney Carriage and Private Hire Drivers

2.1 Parallel Procedures

The statutory and practical criteria; and qualifications for private hire and hackney carriage driver's licences are similar. Therefore, the sections below, applies equally to hackney carriage and private hire drivers unless indicated.

2.2 Drivers general – Fit and Proper Person Requirement

The council will only licence drivers that it considers 'fit and proper', and where the applicant is not disqualified by reason of their immigration status.

The licensing authority has adopted the 'fit and proper' test as contained in the Local Government (Miscellaneous Provisions) Act 1976. Sections 51 and 59. This states that:

'a district council [the licensing authority] shall not grant a licence unless they are satisfied that the applicant is a fit and proper person to hold a driver's licence'.

When deciding whether a person is 'fit and proper' the licensing authority will use the attached policy on determining the suitability of applicants and licensees in taxi and private hire. Appendix A

The burden of proof lies with the applicant proving they are fit and proper, and not the licensing authority proving they are not.

To help the Council judge whether a person is 'fit and proper' applicants and licence holders are required to undertake several checks and tests to establish their suitability to be considered 'fit and proper' to either be or remain licensed.

Applicants and existing licence holders are required to share information held about them by various bodies, such as DVLA, the police, medical information, right to work, immigration status, etc. The council will request any information it deems relevant to determine their fit and proper status. This may include checking a driver's prior history with this or any other local authority, using intelligence from the police or any other local authority service or regulatory authority as deemed appropriate and necessary.

2.3 Application for New Drivers Licence

[APPLICATION PROCEDURE WORK FLOWCHART at beginning or the end] so it is clearer – TO BE INCLUDED FOR FINAL POLICY

Pre-Application

Before a person can apply for a drivers licence the following pre-application criteria must be met: -

Age

In order to be eligible to apply to be a licensed driver, an applicant must have held a valid full driving licence for a minimum of two years. Therefore the minimum age a person could be eligible to apply is 19 years old. There is no maximum age, so long as the applicant still meets the full criteria.

Driven Assessment

Before any application can be made, new applicants must have successfully completed the approved council driving test. Kirklees Council's approved training provider for the driven test is the Driver Training Unit; however, where the applicant has passed the previous DSA test or the equivalent test with another West Yorkshire Authority (including York), the Council will accept the certificate providing it was completed within the previous 12 months from the date the application is accepted.

Applicants for a Hackney Carriage licence will be required to undertake the disability access section of the driving assessment test.

The tests will be conducted using the applicant's vehicle which must be roadworthy. The assessor will not carry out the test if the vehicle appears un-roadworthy and the fee may be lost.

The fee for this training must be paid direct to the provider.

Applicants can only attempt the driven test on 3 separate occasions, after which a period of 6 months must elapse before a further test can be taken.

Applicants must make a full application within 12 months of passing the test. Those applicants that fail to do so will be required to undertake and pass the test again.

Medical

It is essential that licensed drivers are in good health as they are expected to carry passengers' luggage, will drive on the road for longer periods than most car drivers, and may need to assist disabled passengers. The council must be satisfied that the drivers it licenses are sufficiently fit to undertake the tasks expected of them.

Being a licensed driver is a demanding role, safe driving requires the involvement of vision, hearing, attention, concentration, perception, good reaction time, judgement, coordination, muscle power and control etc.

Due to the length of time an occupational driver (hackney carriage and private hire) spends at the wheel, it is appropriate to have more stringent medical checks and standards than those applicable to non-professional drivers.

As such the Council have adopted the DVLA group 2 medical. This is in line with the DVLA, The Royal Society of Medicine and Department for Transport's recommendations and is considered best practice for licensed drivers. The DVLA

group 2 medical is a recognised national standard developed by DVLA for bus and lorry drivers.

The medical must be completed by the applicant's own family doctor. If it is not possible to obtain a medical from their own doctor the Council may accept a medical completed by another doctor, providing that doctor has had sight of the applicant's full medical record and provides a declaration to say they have examined the applicants full medical record.

Upon reaching the age of 45 a Group 2 Medical report will be required every 5 years until the age of 65. From the age of 65, each renewal must be accompanied by a group 2 medical.

The Council have adopted the DVLA Group 2 Medical Examination Form and will only accept this form as proof of a medical. A link to this form can be found on the licensing webpage.

Knowledge Test

The Council believes that, due to the nature of the role and the high demands and pressures that are brought with it, all applicants should undertake a rigorous training programme.

In addition, the very nature of a private hire and hackney carriage driver is to transport passengers from one place to another, and to this end all applicants must have a sound knowledge of the Kirklees District.

Given the rural nature of the district where satellite signals / mobile data signals might be intermittent, it is imperative applicants do not have to rely on electronic devices and other forms of navigation equipment to be able to travel from place to place; they should have a sound knowledge of all major points of interest within the Kirklees District.

To support this members of the West Yorkshire Combined Authority (including York) have developed a West Yorkshire Combined Authority Driver training programme that all applicants for a licence must undertake before a licence is granted.

In Kirklees, this training programme must be completed by an approved training centre, before an application for a licence can be submitted; details of approved training centres can be found at Appendix C.

The aim of the training is to:-

- help provide a high level of professional service to customers;
- ensure passengers feel safe whilst travelling with a licensed driver;
- assist licence holders in working in a professional way;
- ensure there is an understanding of the basic legislation underpinning taxi and private hire work;
- ensure there is an understanding of the risks associated with working as a driver and help licence holders take reasonable steps to reduce those risks;

- ensure there is a basic knowledge of the geography of Kirklees district and the various town centres;
- ensure that licence holders can use a basic reference tool (GPS, A-Z);
- ensure a licence holder understand the conditions attached to holding a private hire driver's licence and the conditions attached to holding a private hire vehicle licence;

New Driver Application Appointment

Upon completion of the pre-application criteria, an applicant will be entitled to make an appointment for new driver application. At the appointment, applicants must provide the following original documents, failure to do so will result in their application being refused –

- Completed application form;
- Valid driven test certificate;
- Valid medical;
- Valid knowledge test certificate;
- Valid documents to prove immigration / right to work status – Any of the following documents are acceptable:-
 - British Passport;
 - Passport from a European EEC Member;
 - Biometric Residency Permit;
 - Immigration / right to work permit in a foreign **in-date** passport;
- All of the following documents to enable a DBS check to be completed
 - Valid passport;
 - DVLA drivers licence;
 - 1 Utility Bill – electricity, gas, water, landline telephone bill, council tax or bank statement within the last 3-months;
- Statutory driving licence;

At the new driver appointment, a check of the DVLA database will be made for any motoring convictions / penalty points recorded against the applicant. If any motoring convictions / penalty points are recorded the application will be put on hold, and the matter will be considered in line with the Council's fitness and suitability / convictions policy which can be found at Appendix A.

At the new driver appointment, the Council will conduct a criminal record check with the Disclosure and Barring Service. The results of this check will be posted to the applicant; and upon receipt of the completed check an applicant must make an appointment to produce the certificate to the Council. Any information recorded on the certificate will place an application on hold while the matter is considered in line with the Council's fitness and suitability policy a copy of which can be found at Appendix A.

During the course of an application, information may come to light, that is not recorded on an applicant's DBS and / or DVLA record that may affect the suitability of a person to hold a licence. Any such information, will be considered in line with the Council's fitness and suitability policy a copy of which can be found at Appendix A

If information is recorded on an applicant's driving licence and criminal records certificate, both matters will be considered at the same time as whole.

2.4 Renewal of a Drivers Licence

The Council do not issue renewal letters and it is the responsibility of the individual licence holders to ensure they apply for the renewal of their licence before their existing licence expires. If a licensed driver fails to renew before the expiry of their existing licence, they will be required to apply as a new driver and meet all the requirements of such an application.

A licence holder can start the process of renewing their licence up to three-months before the expiry of their existing licence. To start the process an appointment needs to be made and the licence holder must attend the appointment with all relevant supporting original documentation.

At the renewal appointment the following documents must be produced:-

- Completed application form
- Statutory driving licence

If, as part of the renewal, a new DBS certificate is required then the follow documents must be produced:-

- Valid passport
- DVLA drivers licence
- 1 Utility Bill – electricity, gas, water, landline telephone bill, council tax or bank statement within the last 3-months

If, as part of the renewal, a new 'medical' is required this must be produced at the renewal appointment.

If as part of the renewal process, a new DBS certificate and / or medical is required please contact Kirklees Direct who will be able to provide further advice.

If a new DBS is required, the application to renew the licence must be made in sufficient time for the DBS to be returned before the licence expires. A Licence can be renewed up-to three-months in advance, we advise that application is made as close to the beginning of those three-months as possible.

2.5 Convictions, Cautions and Related Matters

In considering if an applicant is fit and proper, the council will take into consideration any prior convictions, cautions and other relevant information as set out in the Fitness and Suitability of applicants and Licensees as set out in the policy at Appendix A.

Therefore, all applicants for new licences and renewals are required to undertake and submit an Enhanced DBS check. This check will detail criminal convictions and cautions including those that are spent, and other relevant matters which may be held by the police about them. It does not prove an applicant's right to work.

It is important the council remains updated about relevant convictions after any licence has been granted. Therefore as per guidelines set out by the Local Government Association, all drivers must register for the DBS Update Service to allow the Council

to receive updates. If not already registered for the service, an applicant will only be able to do so when the DBS certificate has been issued. This will then enable the council to use the DBS Update Service, Multiple Status Check Facility.

Due to the type of work performed by licensed drivers, they do not fall under the Rehabilitation of Offenders Act 1974. This means that what would be considered as spent, under the Rehabilitation of Offenders Act, is still taken into consideration when determining applications for licensed drivers.

Where convictions, cautions, reprimands or warnings appear on a DBS certificate, it is not the place of the council to go behind the existence or reason of that conviction. Whilst mitigating circumstances may have applied at the time of the conviction, the council cannot re-try the conviction. Depending on the offence committed, applicants may be able to demonstrate it was a 'one off'; they acted out of character, so are unlikely to be repeated. Each application will be determined on its own merits.

The existence of a criminal conviction, caution, reprimand or warning does not necessarily preclude an applicant from obtaining or retaining a driver's licence. Conversely, the absence of any convictions or cautions does not mean that an applicant will be licensed. Each application will be determined on its own merits.

Further information is contained in the guidelines relating to the relevance of convictions, cautions, reprimands or warnings in relation to taxi licensing attached at Appendix A.

Licensed drivers must notify the licensing department of any cautions, convictions, immigration offences, or other relevant matters, including road traffic offences such as speeding, or being placed on police bail pending enquiries, which occur during the application or renewal process or after the licence has been issued.

If it comes to the attention of the council that a licensed driver has failed to notify the council of relevant matters which occur during the application or renewal process or after the licence has been issued, it will be taken particularly seriously. It shows a propensity towards dishonesty and questions the fit and proper status of the licence holder.

Common Law Police Disclosure

Under Common Law Police Disclosure (CLPD) the police can share information regarding a licensed driver even before a conviction if there is a "Pressing social need". This ensures that where there is a public protection risk, the police will pass information onto a regulatory body to allow immediate action to mitigate any serious safeguarding risk.

Any information released under the CLPD will be considered in line with the Councils fitness and suitability policy, a copy of which can be found at Appendix A

Residency

Applicants who have not resided continuously in the UK for five years will be required to submit a Statement / Certificate of Good Conduct, authenticated by the relevant embassy of the country of residence, in addition to the Enhanced DBS certificate. This must be translated into English at the applicant's expense. The Statement / Certificate of Good Conduct, must be no more than 3 months old at the time of submission.

DVLA Checks

Given the main function of a licensed driver is driving, the council needs to be satisfied an applicant for a new licence and the renewal of a licence, holds a valid driving licence and whether any relevant penalty points are recorded on their statutory driving licence.

Checking an applicant's driving record is an essential in assessing a person's fitness and propriety and is seen as a vital measure that the council will carry out for all applicants.

All driver licence checks will be carried out with the Driver Vehicle Licence Agency and will reveal information on: -

- The licence validity dates
- The categories of vehicle the driver can drive
- If there are any endorsements on the licence; and
- If the driver is disqualified

Consideration of penalty points and driving offences will be made in accordance with the guidelines relating to the relevance of convictions / cautions in relation to taxi licensing which can be found at Appendix A.

2.6 Carrying of Assistance Dogs

Carrying of Assistance Dogs

Under the Equality Act 2010, licensed drivers of taxis and private hire vehicles are under a duty to carry passengers with guide, hearing and other assistance dogs without additional charge. When carrying such passengers, drivers have a duty to:

Convey the disabled passenger's dog and allow it to remain under the physical control of the owner; and

Not to make any additional charge for doing so. It is best practice to ask the passenger where they want themselves and their dog to sit in the vehicle.

Medical Exemption Certificates

Drivers who have a certifiable medical condition which is aggravated by exposure to dogs may apply to the council for exemption from the duty on medical grounds. If no exemption has been applied for and subsequently granted, then drivers are still required to carry assistance dogs.

The Licencing Authority will:

- a) Make it a condition to the licence that the notice of exemption must be exhibited in the vehicle by fixing it in an easily accessible place, for example on the windscreen or in a prominent position on the dashboard.
- b) Seek to use tactile medical exemption certificates so that guide dog owners are able to identify the certificate, which should be presented to the guide dog owner upon request; with the cost of this certificate being borne by the driver being granted the exemption.
- c) Only issue an exemption certificate when it is authorised by the driver's GP and is accompanied by medical evidence, for example a blood test, a skin prick test or clinical history.

The licensing authority fully supports the legislation as set out in the Equality Act 2010 and has put in robust measures to ensure that all licensees fulfil this requirement. The licensing authority will investigate complaints of drivers refusing to pick up passengers with assistance dogs and if no exemption certificate is held the authority will refer the case to Legal Services for prosecution provided there is enough evidence to provide a realistic prospect of conviction and it is in the public interest to do so.

2.7 Conditions

The Council is permitted to impose such conditions, as it considers reasonably necessary, on private hire drivers. Appendix B sets out the conditions attached to drivers' licences.

The conditions at Appendix B do not form part of the policy document, although they may be referred to within it. These conditions could be subject to change during the duration of this policy, but such amendments may not result in a review of this policy.

The Council, in its absolute discretion, may vary the standard licence conditions for any driver if it is deemed necessary to do so.

2.8 Refresher Training

The Council wants to ensure that all drivers remain up to date with current industry legislation and practice. Currently licensed drivers will be required to attend every three years an awareness session. No test will be required and details can be found in the Driver Training policy attached at Appendix C.

2.9 Significant Changes

All licensed drivers are under a duty to notify the council of any significant changes which may affect their licence; such as:

- a) Change of name, address, email address or telephone number. Email address is strongly encouraged;
- b) Change of immigration status;
- c) Changes in their health which may affect their driving ability;
- d) All convictions, cautions, reprimands, warnings and DVLA penalty points;

- e) Any other matter which may bring in to question their fit and proper status;

2.10 Drivers Badges

All licensed drivers are required to prominently display their driver's badge whilst working as a licensed driver unless an exemption is granted by the Licensing Authority. Failure to comply is an offence under the 1976 Act and local byelaws. Drivers are reminded that the driver's badge remains the property of Kirklees Council; all expired and surrendered badges must be returned to the council.

The Council issues Dual Drivers licences meaning it is possible to drive either a licensed private hire or licensed hackney carriage vehicle; however, those vehicles must be licensed by Kirklees Council.

2.11 Duration of Licences

From October 2015 Driver's licences are to be granted for a period of up-to 3 years. There may be circumstances where a licence cannot be issued for 3 years this may include:

- The applicant is due to retire or cease being a licensed driver;
- The driver is being given a trial following a hearing/assessment of their fitness to hold a licence;
- In the case of a situation where the licence is not in sync with the DBS certificate a licence may be granted until the end of the 3-year term of the current DBS certificate.

Other cases may arise from time to time such that the Group Leader for Licensing deems it appropriate to issue a licence for a period of less than 3 years.

2.12 Applications taking longer than 6 months

Where a 'new' application is submitted for a dual driver's licence and that licence is not granted within 6 months from the date of the DBS certificate, then a new DBS certificate and medical will have to be applied for and returned before a licence can be granted.

2.13 Code of Conduct when working with vulnerable passengers

It is essential that young, elderly and other vulnerable people are safeguarded and protected whilst being transported in a licensed vehicle. Accordingly a specific Code of Conduct must be complied with when working with vulnerable passengers. This is provided at Appendix K. It is a condition of the licence that drivers adhere to this policy.

Section 3 - General provisions for hackney carriages and private hire vehicles

3.1 Application for licence

To obtain a vehicle licence a vehicle proprietor must first source a vehicle that meets the Council current specification and age limit, see Appendix D for further information.

If satisfied the vehicle meets the Councils current criteria then:-

- Call the Councils MOT Stations on 01484 221000 – ask for Transport – when prompted, select the option to book ‘taxi test’.
- If booking an appointment for the renewal of a licence, it will be the vehicle proprietor’s responsibility to ensure that the garage test date is not earlier than 4 weeks of the vehicle licence expiry date.

Please note, the age limits below are based on existing policy. The Council is consulting on removing the minimum age requirement and introducing a policy for new vehicles based on emission standards, as such, this section may be subject to change.

- It will be the vehicle proprietor’s responsibility to ensure that the vehicle is not over 10 years old if it is an already licensed vehicle (not over 12 years old if they are wheelchair accessible), and, not over 6 years old if it is a new vehicle.
- The garage test fee of £48 is directly payable to the garage on the test day. These fees are strictly non-refundable.
- To make the licensing appointment call Kirklees Direct on 01484 456868 – when prompted, select option 1 to make the licensing appointment. This appointment date has to be after the garage test date.
- A HPI check will also be undertaken at this appointment if it is a new vehicle. The following documents will be required at this appointment:
 - Completed application form
 - Appropriate fees (Card payment only)
 - Test pass sheet from the garage
 - Valid insurance
 - Log book / Proof of purchase
 - Letter from the Operator (for new vehicles/vehicle change)

In addition, any new vehicles that are a Category S insurance write off, will require an Autolign certificate before a licence can be issued. Any modified vehicles, for example a goods vehicle converted into a passenger vehicle, will require an IVA certificate or equivalent before a licence can be issued.

3.2 Exemptions from Control

The 1976 Act exempts the following vehicles from control under the Act: -

- a) vehicles while being used in conjunction with a funeral or used wholly or mainly for the purpose of funerals by a funeral director;
- b) vehicles while being used in connection with a wedding;

3.3 Vehicle Criteria

Specification

Local licensing authorities have a wide range of discretion over the types of vehicle that they can licence as hackney carriage or private hire vehicles.

The Council have differing vehicle specifications for hackney carriage vehicles, private hire vehicles, stretched limousines and highly adapted vehicles. Full details of the Council's approved specification can be found at Appendix D.

Applicants for vehicle licences should pay particular attention to the following aspects of the approved vehicle specification.

- Type Approval

Before a vehicle can be licensed it shall have an appropriate "type approval" which is either a European Community Whole Vehicle Type Approval (ECWVTA) or UK Low Volume Type Approval (UKLVTA). Vehicles shall not have been altered since that approval was granted.

Any vehicle that has been type approved as N1, but has been subject to modification, must undergo and pass an IVA before a licence can be granted.

- Vehicle Age Limits

Please note, the age limits below are based on existing policy. The Council is consulting on removing the minimum age requirement and introducing a policy for new vehicles based on emission standards, as such, this section may be subject to change.

The Authority operates an age policy in relation to the age at first licensing and the age at which a vehicle will no longer be licensed.

The current policy for the Council in relation to vehicle age is as follows:

- 1) Applications for Hackney Carriage/Private Hire vehicles to be considered for first licensing up to 6 years of age
- 2) Hackney Carriage/Private Hire vehicles over 10 years of age will be refused further licences.

3) That the only exemption to the maximum age limit of 10 years will be applied to London cab type vehicles, the maximum age for such vehicle will be 15 years. Any other wheelchair accessible vehicles used for Hackney Carriage purposes to be licensed to a maximum of 12 years.

- Emissions

The Council are looking to encourage the use of low emission vehicles, including electric vehicles. In order to support this the Council are working with West Yorkshire Combined Authority to install a network of electric charging points for electric vehicle to utilise

In addition, the Council are consulting on the following proposed Emissions policy for the private hire and hackney carriage trades:-

All new vehicles will need to meet the following emissions criteria:-

- Petro Engines – Must meet Euro 5 Standards
- Diesel Engines – Must meet Euro 6 Standards

- Tinted Windows

All windows fitted to Kirklees Private Hire Vehicles must comply with the minimum legal requirements; to transmit 75% of light to the front windscreen and 21% light to all other vehicle windows. Further, all vehicles must meet required standards at annual testing. No tinted film is accepted on current licensed vehicles or new applications.

3.4 Limitations on Numbers

No powers exist for licensing authorities to limit the number of private hire vehicles they licence.

In relation to hackney carriage vehicles, the current legal provision on quantity restrictions is set out in section 16 of the Transport Act 1985. This provides that the grant of a hackney carriage licence may be refused, for the purpose of limiting the number of licensed hackney carriage 'if, but only if, the local authority is satisfied that there is no significant demand for the services of hackney carriages (within the area to which the licence would apply) which is unmet.'

The Council is satisfied that there is no significant unmet demand for the services of hackney carriages; therefore, the Council shall limit the number of hackney carriages it licences to 250. The Council will determine whether there is any significant unmet demand at regular intervals. An independent survey was last undertaken in 2017.

3.5 Vehicle Testing

All licensed vehicles are tested at the Councils testing station. Tests are conducted at the time of being licensed and upon renewal.

48 hours notification of a cancellation must be given, failure to do so may result in a further payment for a test being charged.

Where the Council is not satisfied with the roadworthiness of a vehicle it may request an HPI check or require the vehicle to undergo an independent inspection and an 'Autolign' report produced at the cost of the applicant. This is to provide information and guidance relating to the proposed licensing of the vehicle.

Where a vehicle fails its test and the vehicle tester is not satisfied as to the roadworthiness of the vehicle, the vehicle may be suspended by an Authorised officer of the Council.

3.6 Insurance Write Offs

On the 1st October 2017 the system insurance companies use to classify vehicle write offs changed. As a result of these changes the following table details how the Council, in its capacity as licensing authority, will deal with vehicles that have been written off by an insurance company.

Categories (from 1.10.2017)	Action
A - Scrap only	the Council will not licence, or re-licence, a vehicle that has been written off as 'Category A'.
B - Break for parts	the Council will not licence, or re-licence, a vehicle that has been written off as 'Category B'.
S - Structurally damaged but repairable	the Council will consider licensing, or re-licensing, a vehicle that has been written off as 'Category S'. However, a vehicle will only be considered for a licence if it has passed an 'Autolign' inspection, and a satisfactory report / certificate produced.
N - Not structurally damaged, repairable	the Council will consider licensing, or re-licensing, a vehicle that has been written off as 'Category N'.

3.7 Accidents

In accordance with section 50 (3) of the 1976 Act, the proprietor of a hackney carriage or a private hire vehicle shall report to the Authority as soon as reasonably practicable and in any case within seventy-two hours any accident causing damage materially affecting the safety, performance or appearance of the vehicle or the comfort or convenience of passengers.

Following the reporting of an accident an Authorised officer will examine the vehicle to ascertain its fitness to be a licensed vehicle.

Where the officer is not satisfied as to the fitness of the vehicle the officer may suspend it from use under s68 of the Local Government (Miscellaneous Provisions) Act 1976. In order to ascertain its fitness, the authorised officer may require the vehicle to be examined, by a vehicle tester, at the Council testing stations.

Where a vehicle is suspended the identification, plates must be removed and returned to the Council within 7 days.

If an officer is not satisfied as to the fitness of the vehicle before the expiration of a period of two months from this suspension, the vehicle licence shall be deemed to have been revoked and a new licence would have to be applied for if wanting to re-licence the vehicle.

3.8 Signage and Advertising

It is important that the public are able to identify and understand the difference between a hackney carriage and private hire vehicle.

Style of Plates and window discs

Vehicle identification plates are a key feature in helping to identify vehicles that are properly licensed, the licence plate shall be permanently fixed and displayed on, or in the near vicinity of the rear bumper of the vehicle, so as to be clearly visible on the rear of the vehicle at all times.

The vehicle licence disc shall be fixed and displayed to the inside of the front windscreen on the kerb side in such a manner as to be clearly visible to any passenger, Constable or duly Authorised Officer, but not so as to obstruct or impair adequate forward vision of the driver of vehicle. The licence disc holder shall be fixed to the front near side windscreen, to be clearly visible to all passengers.

The style of plates may change from time to time. The Authority will keep up to date with new developments and current Health & Safety best practice, image, value for money and recognition will always be a high priority.

Plates and window discs and badges must be displayed at all times.

The Council has specified that the vehicle licence number, make, model and licence expiry date, together with the number of passengers it is licensed to carry shall be placed on the vehicle identification plate. This identification plate must not be tampered with, or amended by, anyone other than an authorised officer.

Door Signs – Private Hire

A Kirklees licensed private hire vehicle must display an adhesive sign on the top panel on each of the two front doors of the vehicle only, and on no other part of the vehicle, glass or panels. Such door signs are to be permanently stuck on to the door panel at all times the vehicle is licensed as a private hire vehicle. Magnetic signs are not permitted. Corporate door signs are now produced by the Council Licensing office.

Corporate door signs are subject to the Council's prior approval of the design, colour and wording of the sign. All new Private Hire Vehicle applications and annual renewals

if not already purchased from Kirklees Council must display the new corporate door signs manufactured by the Council.

Failure to comply with this condition will entail the immediate suspension of the vehicle licence, and seizure of the magnetic or defaced items for destruction.

The door sign will contain only the Company name/logo and telephone number, the top section of the sign must contain the wording “**ADVANCED BOOKINGS ONLY**” with a minimum letter height of 35mm. Any colour of the sign/wording will be considered with the exception of blue. All signs must be approved by the Council before fitting to licensed vehicles. The Council Licensing Service now has facilities to produce corporate door signs on request.

Door Signs – Hackney carriage Vehicles

The Kirklees Council door signs issued by the licensing service must be displayed on the top panel of the licensed vehicle’s two front doors.

The door signs must be permanently fixed to both front doors of the vehicle in the approved manner. The signs must not be fixed magnetically to the vehicle, nor disfigured or reduced from the official size.

Failure to comply with this condition will entail the immediate suspension of the vehicle licence, and seizure of the magnetic or defaced items for destruction.

An advertisement/company logo of a design and size which has the prior approval of the Council may be displayed below the Kirklees official door sign only on the two front doors and not on any other panel of the licensed vehicle.

Roof Signs

The Proprietor/Driver of a hackney carriage vehicle shall cause to be fixed and displayed on the roof of the vehicle a taxi roof sign (minimum size 30 inches long) authorised by the Council at all times the vehicle is being used for hackney carriage purposes, with the exception of the London Cab.

Private hire vehicles shall not be permitted to display roof-mounted signs and any signs that include the words ‘taxi’ or ‘cab’ or ‘for hire’

Advertisements

The Council, by way of conditions, restricts the advertising that that can be placed on any licensed vehicle; and a vehicle proprietor shall not display or suffer or permit to be displayed on or from the vehicle any advertisement, any other sign including religious or nationalists symbols, notice or device or livery except as may be agreed from time to time by the Council or which is prescribed by or under any enactment. The Council’s full policy in relation to advertisements can be found at Appendix E.

3.9 Byelaws

The Council has made Byelaws under the 1847 Act which apply to hackney carriages; a copy of those bylaws can be found at Appendix F.

3.10 Duration of Licences

Vehicles will be licensed for a period of 12 months. Renewal of the licence will be subject to the vehicle undertaking and passing a further test at the appointed test station.

3.11 Ownership of Multiple Vehicles

There is no limit on the number of vehicle licences an individual can hold.

3.12 Security Cameras / Audio Recording Equipment

Security cameras are permissible in vehicles subject to certain safeguards. In addition, there are limited circumstances in which audio recording may be justified, for example, where recording is triggered due to a specific threat, e.g. a 'panic button' in a taxi cab.

No vehicle equipped with a security camera, and / or audio recording facilities, shall be used unless the existence of the camera and / or audio recording is clearly indicated by a notice displayed.

The Council recognises the sensitive nature of security surveillance in general but also recognises the legitimate concerns of licensed drivers. Equipment should be available to be inspected and images downloadable on request of an Authorised Officer of the Council or Constable.

3.13 Smoking

It is an offence to smoke or allow another person to smoke in a licensed vehicle at any time when it is a licensed vehicle. This applies even if not working.

The use of e-cigarettes and / or vaping in a licensed vehicle by the driver and / or passenger(s) is not permitted.

3.14 Transfer of Owner

Should a vehicle be sold to a new owner the existing licence holder must notify the Authority within 14 days. Failure to do so renders the licence holder liable for prosecution.

Both parties to the transfer of a vehicle must be in attendance at the appointment for the transfer to go ahead.

3.15 Cherished Number Plates

The Council currently allow private hire and hackney carriage vehicle to be fitted with cherished number plates (private registration plates). The following documents must be produced before a vehicle can be licensed with a cherished number plate:-

- Written evidence from the Driver and Vehicle licensing Agency (DVLA) that the vehicle has been granted permission to change its original registration to the cherished number plate.
- Relevant vehicle insurance covering the cherished number plate.
- The vehicles V5 (log book) showing the changes to the new cherished number plate.

If you do not attend your appointment with all the above documents your appointment will not proceed, resulting in the application being delayed.

3.16 Temporary Lease Vehicles

The Council's understand that vehicle hire companies may need to licence vehicles on a temporary basis to replace licensed vehicles that have been damaged in an accident. The Council understands that vehicle hire companies have different requirements when it comes to applying to licence such vehicles, and have therefore developed a separate process to assist hire companies. The current process can be found at Appendix I.

Vehicle hire companies, need to be aware that whilst the vehicle is licensed by Kirklees Council, it **must** comply with the Council's vehicle conditions, this include the display of mandatory doors signs and vehicle licence plates.

3.17 Executive Vehicles

The Council appreciates that some business people, and / or high profile members of the public may wish to use a; high specification, 'executive' vehicle for the purposes of travel. Whilst the Council do not currently set the type of vehicle that may be classed as executive, it reasonable to expect the specification of the vehicle wishing to be classed as executive, to be substantially above the specification of an normal vehicle.

There is no automatic right for a vehicle, deemed to be executive, to be exempt from displaying mandatory doors signs and/ or a vehicle identification plate, neither does it automatically exempt a vehicle from the Councils current policy on tinted windows or any other condition / policy requirement. In order for a vehicle to be exempt from specific conditions / policy restrictions the following must be provided:-

- The request for executive status must come from the operator the vehicle will be working from. That request needs to be in writing, stating the reasons why the operator requires a particular vehicle to be granted executive status.
- The request from the operator needs to be accompanied by, written evidence of the contacts that particular vehicle will be used to fulfil, if 'executive status' is granted.
- The request from the operator must detail which specific conditions / area of policy they wish the Council to deviate from and the reasons why.

- The written contracts need to be accompanied by a letter from the companies, with whom the contract(s) are with, stating why the company needs an 'executive' style vehicle. The company will need to specify which specific conditions / areas of policy they wish the Council to deviate from and the reasons why. This letter will need to come on the relevant company letter headed paper, with contact details of a person at the company with whom officers can verify its contents.

Where executive status is granted to a vehicle, that status only applies whilst the vehicle is carrying out work for the private hire company that submitted the request. If the vehicle moves to a different company the executive status lapses and the vehicle will need to comply with all the Council's vehicle conditions / policies.

If executive status is granted to a vehicle, the vehicle licence will have conditions attached that state the vehicle can only be used for the contract(s) under which executive status was granted. This would limit the vehicle to being used only for that contract(s) and not normal private hire / hackney carriage work.

3.18 Conditions

The Council is permitted to impose such conditions, as it considers reasonably necessary, on hackney carriage and private hire vehicle licences. Appendix G sets out the conditions attached to private hire vehicle licences and Appendix F sets out the conditions attached to hackney carriage vehicle licences.

The conditions at Appendix F and Appendix G do not form part of the policy document, although they may be referred to within it. These conditions could be subject to change during the duration of this policy, but such amendments may not result in a review of this policy.

3.19 LPG and Electric Vehicles

The Council welcomes the use of environmentally friendly vehicles. The testing arrangements for both LPG and Electric vehicles are the same as for a normal petrol / diesel vehicle.

Section 4 – General Provisions Relating to Private Hire Operators

4.1 General

Operators of private hire vehicles are required to be licensed under the 1976 Act. No person may operate a vehicle as a private hire vehicle if the vehicle or the driver is unlicensed. “Operate” means, in the course of business, to make provision for the invitation or acceptance of bookings for a private hire vehicle.

4.2 Application Process

Every applicant for an Operator licence shall be required to: -

- Complete the appropriate application form;
- Complete a DBS Disclosure form (unless already a Kirklees licensed driver);
- Attend a Private Hire Operator training and appropriate assessment;

The Council will only issue licences to applicants that are deemed to be fit and proper. In assessing this, the Council will have regard to the following:

- Criminal record (including convictions, cautions, warnings, fixed penalties and reprimands);
- Issue of any Magistrate’s Court summons against them;
- Any harassment or other form of warning or court order within the civil or criminal law including Anti-Social Behaviour Orders or similar;
- Factors such as demeanour, general character, non-criminal behaviour, honesty and integrity;
- Previous conduct or complaints (particularly in cases where the applicant holds or has previously held a licence issued by Kirklees Council);
- Business practices demonstrated by the applicant (for example standard of record keeping, compliance with other regulatory requirements, financial practices etc.);
- Their arrest for any offence (whether or not charged);

The assessment of a person’s ability to hold a private hire operator’s licence will be made in accordance with the Council’s statement of fitness and suitability at Appendix A.

Business Partnerships

Where the applicant is made by a business partnership, the applicant shall provide, in addition to the information specified above, the name, date of birth and address of any person who proposes to operate the business in partnership with any other person(s) and undertake the same ‘fit and proper person’ assessment and training and testing requirements as detailed above. The assessment of any person involved

in the business partnership will be made in accordance with the Council's statement of fitness and suitability at Appendix A.

Each Operator licence issued by the Licensing Authority shall be issued only in the name of the applicant, and that person shall be deemed solely responsible as the Operator upon the licence being granted and the licence is not transferable from the first mentioned person to another person.

4.3 Convictions

An Operator, and / or any business partner shall, within seven days, disclose to the Council in writing details of any convictions imposed on him (or any business partners, directors or company secretary) during the period of the Licence or if he is arrested, cautioned or being investigated for any offence whether charged or not.

4.4 Change of details

An Operator shall, within seven days, notify the Council of any change in his or his business partner's address taking place during the period of the Licence.

4.5 Conditions

The Council is permitted to impose such conditions, as it considers reasonably necessary, on private hire operator's Appendix H sets out the conditions attached to private hire operator licences.

The conditions at Appendix H do not form part of the policy document, although they may be referred to within it. These conditions could be subject to change during the duration of this policy, but such amendments may not result in a review of this policy.

4.6 Duration of Licence

Operator licences are granted for 5 years, unless circumstances dictate it should be granted for a lesser period.

4.7 Insurance

A private hire operator may be required to obtain 'public liability' insurance and / or 'employee' liability insurance. Operators should seek advice from the Authority as to whether such insurance is required.

4.8 Criminal Records Check

Where an applicant for a private hire operator's licence is not a licensed driver with Kirklees Council then a basic disclosure check will be required before a licence can be issued.

4.9 CSE and Licensing Training

Private hire Operators and the base staff they employ play a vital role in the prevention of Child Sexual Exploitation. Operators, via their booking system can, for example, easily spot repeat journeys from a children's home to a repeat destination.

In addition, operators and base staff need to know the law relating to the private hire / hackney carriage trades. As such, where the operator is not an existing licensed driver, they will need to undertake the following modules of the driver training course, all base staff will also need to complete the same modules:-

- Regulatory Framework;
- Adult safeguarding;
- Children safeguarding;
- Vulnerable passengers;
- Inclusion and Diversity / Disabilities Training;

4.10 Advertising

No Operator may use the word TAXI or CAB or HACKNEY CARRIAGE or any combination or derivation thereof in any advertising manner on the vehicles they operate, and any such advertising shall include the words Licensed Private Hire.

Any other type of advertising on vehicles must be in accordance with the Councils "Advertising on Vehicles" Policy. Appendix E, sets out the Council's current policy in relation to advertising on licensed vehicles.

4.11 Record of Bookings

An Operator shall keep records in the form prescribed by the Council containing particulars of booking and of private hire vehicles operated by them. Separate records must be kept at each premise from which the Operator carries on business. The records shall be produced immediately by the Operator or their employee on request to any Authorised officer of the council or to any constable for inspection. The records shall be kept for at least three years on the premises. The council prescribe the following:-

- An Operator shall keep a true and accurate record of every booking of a Private Hire vehicle invited or accepted by him. The record shall be kept on computer or in a suitable book with consecutively numbered pages. Before each journey commences the Operator shall enter therein:-
 - i. The place at which the booking was received and the date and time thereof
 - ii. The name of the hirer

- iii. Whether the booking was made by telephone, personal call or other means (to be stated)
- iv. The address or other place from which it is to commence, the address or place of destination and the requested time, if any, for the journey to commence
- v. The plate number of the vehicle to be used for the journey
- vi. The name of the driver undertaking the hiring

If a computer is used it must be connected to a printer at all times in order that records can be printed on demand of an authorised officer of the Council, a police constable, or a police community support officer. The records must not be able to be retrospectively altered in any way.

4.12 Vehicle and Driver Records

An Operator shall keep a record of each private hire vehicle operated by him, such records must contain details of: -

- The name and address of the proprietor to whom the vehicle licence has been issued
- The licence number of such vehicle licence
- The date of expiry of such vehicle licence
- The number of persons for whom the vehicle is licensed

The Operator must have in place a system of ensuring no driver works when their driving licence, insurance or vehicle licence have expired or been suspended or revoked or their vehicle has no valid compliance test in place. That system must be available for inspection at all times by an authorised officer of the Council, a police officer and / or a police community support officer

4.13 Complaints System

Private Hire Operators must maintain a register of complaints by the public in a format approved by the Council (computerised or hard copy). The format of the complaints register must be maintained in the manner prescribed by the Council.

Upon receiving any 'specified complaint' or allegation regarding any person licensed by the Authority Operators must report it immediately when the licensing office is open, and in any other event within 72 hours.

The specified complaints or allegations are:

- of sexual misconduct, sexual harassment or inappropriate sexual attention
- racist behaviour
- violence
- dishonesty
- breaches of equality

- drink driving (including drivers smelling of alcohol)
- drug driving

In straight forward terms, allegations of criminal behaviour whilst acting as a Private Hire driver. 'Low level' complaints can build up a business profile that can be indicative of a professional development need, or in the worst case the concealing of some potential significant offending or allegations of unsafe behaviour.

These concerns are to be dealt with by a requirement to maintain a 'register of complaints' and outcomes, for inspection by the Authority for a set period, of 12 months.

4.14 Use of Operator Name Following Expiry or Revocation of Licence

Where an Operator licence expires or is revoked, the name (or a similar name) of the Private Hire company associated with that licence cannot be used by another Operator or person until such time as six months has elapsed since the date of expiry or revocation or in the case of revocation the date on which all appeal processes have been concluded (whichever is the longer).

4.15 Out of Town Hackney Carriages Acting as Private Hire Vehicles in the Kirklees District

Schedule of Drivers

The Private Hire Operator, shall in writing, notify the Licensing Authority forthwith, and in any event within 72 hours of each and every Hackney Carriage driver employed or used for Private Hire bookings this will include Hackney Carriage drivers licensed by this or other Authorities.

Where a Private Hire Operator ceases to employ or use any such licensed Hackney Carriage driver, the Operator shall forthwith, and in any event within 72 hours, notify the Licensing Authority in writing.

The Private Hire Operator shall retain a copy of the Hackney Carriage driver licence granted by this or any other authority along with a copy of the driver's DVLA licence, and any other driver of that vehicle, and forward a copy of those documents to the Licensing Office forthwith, and in any event within 72 hours of registering that driver.

Schedule of Vehicles

The Private Hire Operator shall, in writing, notify the Licensing Authority forthwith, and in any event within 72 hours of each and every Hackney Carriage vehicle employed or used by the operator. This includes those Hackney Carriage vehicles licensed by this or other Authorities.

Where a Private Hire Operator ceases to employ or use any such licensed Hackney Carriage vehicle, the Operator shall forthwith, and in any event within 72 hours, notify the Licensing Authority in writing.

The Private Hire operator shall retain a copy of the Hackney Carriage vehicle licence granted by another Authority along with a copy of the MOT or Compliance Certificate and policy of insurance and vehicle registration document and forward a copy of those documents to the Licensing Office within 72 hours.

Advertising on Vehicles

Where a Hackney Carriage vehicle is licensed by another Authority, such a Hackney Carriage driver or Hackney Carriage vehicle is expressly prohibited from using any literature, any documentation, any advertising or displaying any signage associated to the Private Hire Operator or Kirklees Council which suggests or might lead to a misunderstanding that the vehicle is licensed by this Authority.

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Section 5 - Enforcement and Complaints Procedure

5.1 Authorised Officers

'Authorised Officers' are officers appointed by the Council to fulfil duties and carry out licensing functions on its behalf.

The 1976 Act defines an "authorised officer" as "an officer of a district council authorised in writing by the Council for the purposes of this Part of the Act".

Authorised Officers have the right to do the following: -

- require drivers to produce licences and insurance certificates;
- require operators to produce records;
- to remove plates and discs from vehicles;
- to inspect and test vehicles;
- suspend Vehicles from use;

Obstruction of authorised officers is a criminal offence.

The Council employs Licensing Officers who have the authority to exercise the powers set out in the 1847 and 1976 Acts.

Licence holders should be aware that licensing officers Bradford, Calderdale, Wakefield, Leeds, and York are also authorised, by Kirklees Council, to carry out the checks and actions detailed above. Equally licensing officers from Kirklees Council are authorised to carry out the checks and actions above on vehicles and drivers licensed by another member of the West Yorkshire Combined Authority.

5.2 Complaints

The Council will investigate all complaints made. Whilst investigating the complaint officers may invite the licence holder for a formal recorded interview. This is to ensure a full account of the interview is made and is there to protect the licence holder as well as officers.

Licence holders should be aware that where complaints of a serious nature are made i.e. complaints of a sexual nature, a licence maybe suspended and / or revoked while the complaint is investigated further.

Where appropriate a substantiated complaint, or a pattern of un-substantiated complaints, may result in the licence holder being referred to the Council's approved training provider for formal training. This will be at licence holders own expense, and the licence may be suspended in the meantime.

The Council also wants to ensure that remedial training or advice is provided to licence holders whose standard of driving or behaviour falls below the standards required and

pose a risk to their passengers. Licence holders may be required as part of their licensing conditions, to attend and pass any module of the initial driver training, or the awareness session, or any other type of training.

It is important that, when submitting a complaint, as much information as possible is included along with any supporting documentation that can be used in order to substantiate such a complaint. It is expected that licensees, will at all times act with integrity and professionalism. Complaints in regard to conduct and professionalism will be dealt with on a case by case basis and appropriate action taken where necessary.

5.3 Enforcement

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

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

Therefore, the undertaking of compliance and enforcement checks on licensed drivers is essential in order to achieve this. Ultimately these checks are undertaken in order to ensure licensees continue to be fit and proper (as referred to in Appendix A and Section 2.2), are complying with the law and the conditions of their licence and to ensure the safety of passengers, pedestrians and other road users.

In order to achieve this objective the licensing authority ensures that licensed drivers are complying with statutory requirements, licensing conditions and byelaws; undertaking regular enforcement and compliance checks, whether it would be independently or with partners such as West Yorkshire police and the Driver and Vehicle and Standards Agency (DVSA).

A broad range of tools and powers are available to the licensing authority should breaches of compliance be found. The following options include but are not limited to:

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

Where appropriate and where there are causes for concern the licensing authority will pass on information to partner organisations such as the police or the Kirklees Safeguarding Children Board.

Equally, the licensing authority will act on information received from those and other partner organisations and deal with complaints in line with the Council's complaints procedure.

In line with the Regulators Code and the Council's enforcement policy the licensing authority will choose the most appropriate form of enforcement under the circumstance. The licensing authority has at its disposal a range of enforcement and non-compliance options.

Illegal Plying for Hire

Illegal plying for hire (when a person driving a vehicle other than a licensed hackney carriage takes a fare that is not pre-booked) is a serious offence. Not only is it illegal but it puts the general public at great risk and has wider implications for those drivers and services that are operating legitimately, specifically in terms of lost revenue.

The licensing authority will, where it sees fit and where there are known hotspots and/or areas of concern (as identified by information gathering by enforcement officers, the police, complaints received by the general public and other licensed drivers), use licensing officers as covert passengers, therefore enabling the gathering of evidence and a greater prospect of taking legal action.

In taking such action, the licensing authority will;

- Endeavour to recover the costs of prosecutions from those convicted in order to reduce the financial burden on licensed drivers who work within the law;
- Officers will refer any current licensed drivers at the point where there is sufficient evidence for the licensing authority to submit a file for legal proceedings to be brought against that driver;
- Unless there are exceptional circumstance offenders should expect to have any licences they hold immediately revoked and/or any application for a licence refused in line with the fitness and suitability criteria attached at Appendix A

Driving Whilst Unlicensed

It is very important to note that offences can be committed by the driving of a Hackney Carriage or Private Hire Vehicle by un-licensed drivers.

Hackney Carriage and Private Hire Vehicles remain licensed at all times a licence is in force, and cannot be driven otherwise than by an appropriately licensed driver. This extends to any unlicensed driver, including members of the family of the licensed driver.

Contravention of this rule may also result in the offence of driving whilst un-insured (and/or) permitting another to drive while uninsured.

5.4 Offences

There are several specific offences that apply to the hackney carriage and private hire trades. The 1847 Act and Bye-laws made under it together with the 1976 Act all have offences contained in them and are the ones to be aware of. Copies of the offences can be viewed at Appendix J.

In addition, all those concerned with the private hire and hackney carriage trades should make themselves aware of the relevant provisions of the Road Traffic Act 1988 e.g. speeding, traffic signs, insurance and defective vehicles.

5.5 Rights of Appeal

Any person aggrieved by a requirement, refusal, or other decision of a decision of the Council, including authorised officers, may appeal to Kirklees Magistrates' Court.

The 1976 Act makes special provisions relation to rights of appeal. Certain decisions in relation to applications being refused etc. are suspended until the 21-day appeal period has expired and if an appeal is lodged until such appeal is disposed of. On public safety grounds certain decisions may take immediate effect. There are also further rights of appeal to the Crown Court under the Public Health Act 1936.

Section 6 – Miscellaneous

6.1 Fares

The Council is not able to set the fares for private hire vehicles; this is a matter for the operator of the firm the vehicle works from.

In relation to hackney carriage vehicles, the 'Hackney Carriage Table of Fares' is set by the Council and are a maximum fare that can be charged by hackney carriage drivers, which can be negotiated downwards, by the hirer, for journeys within the Borough.

6.2 Fees

The Council is entitled to charge fees in respect of the various licences it administers and legislation provides that the fees charged to applicants should cover the cost of application and administration; and in relation to vehicles this extends to inspection, creation / maintenance of hackney stands, administration and enforcement and training.

Licences surrendered prior to their expiry shall not be eligible for a refund of the unexpired portion of the licence.

Fees are normally reviewed annually in accordance with Council policy.

6.3 Hackney Carriage Stands

The purpose of hackney carriage stands (taxi ranks) is to provide the public with a set location at which they can hire a licensed hackney carriage. Only Hackney Carriages licensed by Kirklees Council can stand on a taxi rank or stand as they are sometimes referred to. A list of ranks is available on the licensing web pages. [TOTO BE INCLUDED FOR FINAL POLICY]

There is an obligation on drivers when plying for hire in any street and not actually hired to proceed to one of the ranks designated under the 1976 Act. The 1847 Act defines a street as extending to any "road, square, court, alley and thoroughfare, or public passage". Land will only be a street if the public have a right to be there.

6.4 Public Registers

The Council is required by the 1847 Act to maintain a register of licences it issues. These and other information can be viewed on our web page -

<https://licensing.kirklees.gov.uk/paforlpaactive>

A POLICY ON DETERMINING THE SUITABILITY OF APPLICANTS AND LICENSEES AS DRIVERS IN TAXI & PRIVATE HIRE LICENSING.

Introduction.

1. The West Yorkshire Combined Authority, which consists of Bradford, Calderdale, Leeds, Kirklees, Wakefield and York, recognises that the role of Hackney Carriage and Private Hire Drivers is a professional one. Hackney Carriage and Private Hire Drivers transport our most vulnerable persons and are often the first point of contact for visitors to each authority.
2. The reason for this policy is to ensure that the travelling public within West Yorkshire and York can be confident that the drivers licensed by each authority are suitable for this role, that the standards applied are consistent across the Combined Authority Area and that the requirements will be the same for whichever authority they choose to apply to.
3. It is a function of the Council to issue Hackney Carriage and Private Hire licences under the Local Government Miscellaneous Provisions Act 1976.
4. The overriding requirement of the Council when carrying out this function is the protection of the public and others who use (or can be affected by) Hackney Carriage and Private Hire services. The aim of this policy is to ensure that public safety is not compromised.
5. The Council must ensure that applicants/licence holders are and remain fit and proper to hold a licence. This policy will apply to all new applicant and to existing licensees on renewal. This requirement is contained within Sections 51 & 59 of the Local Government Miscellaneous Provisions Act 1976.
6. This policy categorises the types of issues including, crime and driving convictions, that form part of the “fit & proper” test to facilitate the assessment of the potential risk to the public. As part of this assessment the Council is concerned to ensure that
 - An individual does not pose a threat to the public.
 - The Council’s obligations to safeguard children and vulnerable adults are met.
 - The public are protected from dishonest persons.
7. The standards of safety and suitability are not set as a base minimum. They are set high to give the public the assurance it requires when using taxi services. The Council does **not** have to strike a balance between the driver’s right to work and the public’s right to protection. The public are entitled to be protected. This means that the Council is entitled and bound to treat the safety of the public as the paramount consideration.

8. Taxis are used by almost everyone but they are used regularly by particularly vulnerable groups: children; the elderly; disabled people; and the intoxicated. A taxi driver has significant power over a passenger who places themselves, and their personal safety, in the driver's hands.
9. As part of the assessment referred to in paragraph 4 above the Council can consider convictions and cautions but also other outcomes of actions taken by the Police, other agencies and the Civil Courts.
10. Reference to convictions in this policy also includes cautions, warnings, reprimands, all forms of fixed penalty notices, restrictive type orders and any other relevant information. In addition, any circumstances relating to the licensee is potentially relevant if it is relevant to their safety and suitability to hold a licence.
11. Matters which have not resulted in a criminal conviction (whether as a result of an acquittal, a conviction being quashed, a decision not to prosecute or an investigation which is continuing where the individual has been bailed) will be taken into account by the Council. In addition, complaints where there was no police involvement will also be considered.
12. In the case of a new applicant who has been charged with any offences and is awaiting trial, the determination will be deferred until the trial has been completed or the charges withdrawn.
13. In all cases, the Council will consider a conviction or behaviour and what weight should be attached to it, and each case will be decided on its own merits and in line with this policy.
14. The licensing process places a duty on the Council to protect the public. Therefore, it is essential that those seeking a living as a driver meet the required standards. As previous offending and other behaviour can be considered as a predictor in determining future behaviour, it is important that the Council considers all relevant factors including previous convictions, cautions, complaints, failures to comply with licence conditions and the time elapsed since these were committed.

Applying the Guidance.

15. One of the purposes of this policy is to provide guidance to an applicant or existing licence holder on the criteria to be taken into account by the Council when determining whether or not an applicant, or an existing licensee on renewal, is fit & proper to hold a hackney carriage or private hire driver's licence.
16. When determining whether or not a person is "fit & proper" to become or remain a licensed driver each case will be decided on its own merits and the Council shall only depart from this Policy in exceptional circumstances.

17. There must be clear and compelling reasons for the Council to depart from this policy. The otherwise good character and driving record of the applicant or licence holder will not ordinarily be considered exceptional circumstances nor will the impact of losing (or not being granted) a licence on the applicant and/or their family.
18. The granting of a licence places an individual in a unique position of trust and they are expected to act with integrity and demonstrate conduct befitting of the trust placed in them. For this reason, whilst it is possible for an applicant or existing licence holder to have convictions that individually comply with the policy, the overall offending history and conduct of the applicant/licence holder will be considered. Appropriate weight will be applied where a series of convictions/incidents have been incurred over a period of time.
19. The Policy will also be applied if any additional issue arises that would call into question a person's suitability to continue to hold a licence. If an existing licence holder's conduct falls short of the "fit and proper" standard of behaviour at any time their licence will be revoked.
20. Where a licence would normally be granted after an elapsed period there may be circumstances where the elapsed period will be extended.
21. Any foreign offence disclosed by the applicant/licence holder or revealed on an enhanced Disclosure & Barring Service Disclosure will be dealt with in line with this Policy.
22. Any concerns, issues, incidents or convictions/offences not covered by this Policy will not prevent the Council from taking them into account.

Disclosure and Barring Service

23. Applicants need to be aware that as a consequence of the Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) Order 2002, they are excluded from the provisions of the Rehabilitation of Offenders Act 1974 in relation to spent convictions and that **ALL** convictions (including minor motoring convictions and fixed penalty notices) must be declared. The Secretary of State made this exemption because it is necessary to put public safety as the first consideration and to enable the Councils to take a wider view of the applicant over a longer timescale.
24. The Council conducts enhanced disclosures from the Disclosure and Barring Service ("DBS") of any applicant for a driver's licence. Applicants will be required to obtain an enhanced disclosure at their expense and to subscribe to the Disclosure and Barring Update Service.
25. Any information contained in the Enhanced DBS Certificate that identifies an individual as not suitable to work with children or vulnerable adults will normally be refused.

26. The Council 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 Council or other Councils and information disclosed by the police in accordance with the provisions of Common Law Police Disclosure.
27. In determining safety and suitability the Council is entitled to take into account all matters concerning that applicant or licensee. This includes not only their behaviour whilst working in the hackney carriage or private hire trade but also their entire character including, but not limited to, their attitude and temperament.
28. 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 convictions or cautions recorded against the individual. It is the applicant's responsibility to obtain this evidence at his cost. This will be in addition to the Enhanced DBS.
29. It is the responsibility of the applicant/licence holder to satisfy the Council that they are a "fit and proper person" to hold a licence. Therefore, the applicant/licence holder must ensure that all convictions, cautions, warnings, reprimands, fixed penalties, arrests and summonses are disclosed to the Council including any incurred outside the UK.
30. Once a licence has been granted there is a continuing requirement on the part of a licensee to maintain their safety and suitability to meet the "fit and proper" test. The Council has the powers to take action against licence holders and any behaviour, incidents, convictions or other actions on the part of the licensee which would have prevented them from being granted a licence will lead to the licence being revoked.
31. Any dishonesty by any applicant or other person acting on the applicant's behalf which occurs in any part of the application process will result in a licence being refused, or if already granted, revoked and may result in prosecution.
32. An applicant must hold a full DVLA or equivalent driver's licence, have the right to remain and work in the UK and be a "fit and proper" person.
33. Under the Local Government (Miscellaneous Provisions) Act 1976 section 57 the Council has the power to require an applicant to provide:

"such information as they may reasonably consider necessary to enable them to determine whether the licence should be granted and whether conditions should be attached to such licence."

The provision of this information can help to satisfy the Council that a person has the skills and competencies to be a professional driver to hold a licence. However, the concepts of “fit and proper” and “safety and suitability” go beyond this. There is the character of the person to be considered as well.

34. The character of the applicant in its entirety is the paramount consideration when considering whether they should be licensed. The Council is not imposing an additional punishment in relation to previous convictions or behaviours. The information available to them is used to make an informed decision as to whether or not the applicant is a safe and suitable person.
35. The fact that an offence was not committed when the applicant was driving a taxi or when passengers were aboard is irrelevant. Speeding, drink driving and bald tyres are all dangerous, irrespective of the situation. Violence is always serious. A person who has a propensity to violence has that potential in any situation. Sexual offences are always serious. A person who has in the past abused their position (whatever that may have been) to assault another sexually has demonstrated completely unacceptable standards of behaviour.
36. Licensees are expected to demonstrate appropriate professional conduct at all times, whether in the context of their work or otherwise. Licensees should be courteous, avoid confrontation, not be abusive or exhibit prejudice in any way. Licensees are expected to act with integrity and demonstrate conduct befitting the trust that is placed in them.
37. There are those who seek to take advantage of vulnerable people by providing services they are not entitled to provide; for example, by plying for hire in an area where they are not entitled to do so. The Council expects licensees to be vigilant of such behaviour and to report any concerns to the Police and the relevant licensing authority. Passengers must feel able to check that the person offering a service is entitled to do so. Licensees must be willing to demonstrate that they are entitled to provide the service offered by, for example, showing their badge. Any applicant or licensee who does not comply with the requirements set out in this paragraph will not meet the “fit and proper” test.

Criminal and Driving Convictions.

38. The Council considers that a period of time must elapse after a crime before a person can no longer be considered to be at risk of re-offending. The timescales set out in Table A are to reduce the risk to the public to an acceptable level.

39. In relation to single convictions Table A sets out the time periods that should elapse following completion of the sentence (or the date of conviction if a fine was imposed) before a licence will be granted.
40. The Council will look at the entirety of the individual and in some cases the suitability will not be determined simply by a specified period of time having elapsed following a conviction or the completion of a sentence. The time periods are a relevant and weighty consideration but they are not the only determining factor.
41. In addition to the nature of the offence or other behaviour, the Council will also consider the quantity of matters and the period of time over which they were committed. Patterns of repeated unacceptable or criminal behaviour are likely to cause greater concern than isolated occurrences as such patterns can demonstrate a propensity for such behaviour or offending.
42. This policy does not replace the Council's duty to refuse to grant a licence where they are not satisfied that the applicant or licensee is a fit and proper person. Where a situation is not covered by this policy the Council must consider the matter from first principles and determine the fitness of the individual.
43. Once a licence has been granted there is a continuing requirement on the part of the licensee to maintain their safety and suitability to meet the "fit and proper" test.
44. Some offences on their own are serious enough for a licence not to be granted and these identified Table A. In the case of an existing licence "refused" in the Table means "revoked".
45. Applicants & licensees should be aware that where they have been convicted of a crime which has resulted in the death of another person or was intended to cause the death or serious injury of another person they will not be licensed.
46. Where an applicant or licensee has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment of another individual irrespective of whether the victim or victims were adults or children, they will not be licensed. This includes slavery, child sexual exploitation, grooming, psychological or financial abuse.
47. The Council will not grant a licence to any applicant who is currently on the Sex Offenders Register or on any "barred" list. Existing licensees who are placed on the Sex Offenders Register or on any "barred" list will have their licence revoked.
48. Convictions for attempt or conspiracy will be regarded as convictions for the substantive crime. A caution is regarded in exactly the same way as a

conviction. Fixed penalties and community resolutions will also be considered in the same way as convictions.

49. Road Safety is a major priority to the Council. A taxi driver has direct responsibility for the safety of their passengers, direct responsibility for the safety of other road users and significant control over passengers who are in their vehicle. As those passengers may be alone, and may also be vulnerable, any driving convictions or unacceptable behaviour whilst driving will weigh heavily against a licence being granted or retained.
50. Taxi drivers are professional drivers charged with the responsibility of carrying the public. Any motoring convictions demonstrate a lack of professionalism and will be considered seriously. Whilst it is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the grant of a licence or may not result in action taken against an existing licence, subsequent convictions would indicate that the licensee does not take their professional responsibilities seriously and is therefore not a safe and suitable person to be granted or retain a licence.

Decision and Right of Appeal

51. Where the Council is minded to refuse an application or suspend or revoke an existing licence in line with this policy the applicant or existing licence holder will be informed and be given an opportunity to provide any additional written evidence in support of their application or retention of their licence.
52. The Council, at its absolute discretion, may determine to meet with the applicant or existing licence holder for the purpose of clarifying information provided or received. The applicant can be accompanied by one individual at the meeting who is not permitted to make comment or enter into any part of the discussion.
53. The Applicant or existing licence holder will be notified in writing of the Council's final decision within 14 days of completion of the procedures set out in paragraphs 43 and/or 44 above.
54. Any person whose application is refused or licence suspended or revoked by the Council has a right of appeal to the Magistrates' Court. An Appeal must be lodged within 21 days of the decision at the appropriate Magistrates' Court. Appeal rights are contained in Section 77 of the Local Government (Miscellaneous Provisions) Act 1976 (Part II) and Section 300 of the Public Health Act 1936.

TABLE A

Offence	Period Elapsed
Crimes resulting in death of another person or was intended to cause the death or serious injury to another person,	No period is thought sufficient to have elapsed and the application will be refused.
Exploitation – any crimes involving, related to, or has any connection with abuse, exploitation, use or treatment of another individual irrespective of whether the victims were adults or children including, for example: slavery, child sexual exploitation, grooming, psychological, emotional, or financial abuse.	No period is thought sufficient to have elapsed and the application will be refused.
Offences involving violence (including arson, riot, terrorism offences, harassment, common assault & criminal damage) or connected with any offence of violence.	10 years
Possession of a weapon or any other weapon related offence.	7 years
Sex and indecency offences – any offence involving or connected with illegal sexual activity or any form of indecency.	No period is thought sufficient to have elapsed and the application will be refused.
Dishonesty – any offence of dishonesty, or any offence where dishonesty is an element of the offence.	7 years

Drugs supply – any conviction for, or related to, the supply of drugs, or possession with intent to supply or connected with possession with intent to supply.	10 years
Drugs use – any conviction for possession of drugs, or related to possession of drugs.	5 years
Discrimination – any conviction involving or connected with discrimination in any form.	7 years
Drink driving/driving under the influence of drugs.	7 years
Driving whilst using a hand-held telephone or other device.	5 years
Minor traffic or vehicle related offences – offences which do not involve loss of life, driving under the influence of drink or drugs, driving whilst using a handheld telephone or other device and has not resulted in injury to any person or damage to any property (including vehicles) resulting in 7 or more points on a DVLA licence.	5 years
Major traffic or vehicle related offences – offences not covered under minor traffic or vehicle related offences and also any offence which resulted in injury to a person or damage to any property (including vehicles), driving without insurance or any offence relating to motor insurance.	7 years

Hackney carriage and private hire offences.	7 years
Vehicle use offences, for example being carried in vehicle without the owner's consent.	7 years.

KIRKLEES 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 (unless there are exception circumstances supported by documentary evidence for the delay) result in the

Drivers badge lapsing and a driver having to make a fresh application for a new Drivers badge.

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.
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.
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.
10. 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.
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.
12. The Driver shall not without the consent of the Hirer convey or permit to be conveyed any other person in that vehicle.
13. The driver shall take all reasonable steps to ensure the safety of passengers entering or leaving the vehicle.
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.
15. 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.

16. The driver shall if required provide a written receipt for the fare paid.
17. The driver shall declare to the Council any penalty points endorsed on his licence or any courses attended in relation to driving offences.
18. 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.
19. 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.
20. 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.
21. Drivers must cooperate with any authorised officer and / or police constable from any other licensing authority
22. Drivers must comply with the Councils Code of Conduct on Working with Vulnerable People

Revised ~~November 2015~~2018/2019

WEST YORKSHIRE COMBINED AUTHORITY HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER TRAINING POLICY

INTRODUCTION

The West Yorkshire Combined Authority, which consists of Bradford, Calderdale, Leeds, Kirklees Wakefield and York, recognises that the role of Hackney Carriage and Private Hire Drivers is a professional one. Hackney Carriage and Private Hire Drivers transport our most vulnerable persons and are often the first point of contact for visitors to each of the authorities.

The reason for this policy is to ensure that the travelling public within West Yorkshire and York can be confident that the drivers licensed by each authority have been trained to the highest standard and to a standard which is consistent across the West Yorkshire and York region.

We will ensure that all applicants wishing to train as Hackney Carriage or Private Hire Drivers will know that the requirements will be the same for whichever authority they choose to apply to.

1 REQUIREMENTS

The requirements that all new applicants will have to undertake are:

- An Advanced Taxi driving test
- An English test
- Local knowledge test
- Regulatory framework of the private hire industry and test
- Professional standards training and test:
 - Health and safety
 - Professional customer service
 - Fares
 - How to drive safely and efficiently
 - Providing a safe and legal vehicle
 - Transport parcels, luggage and other items
- Safeguarding training and test:
 - Adults safeguarding
 - Children safeguarding
 - Vulnerable passengers
- Equalities/disability training and test
 - Wheelchair users

- Users with assistant dogs
- Elderly passengers
- Recognising non visible disability
- Practical wheelchair course (for all drivers of wheelchair accessible vehicles)

2 TESTING

Advanced Taxi Driving Test	Practical Assessment (any providers recognised by each authority will be acceptable)
An English Test	Practical Assessment, which may also include a test
Local Knowledge Test	Requirement to achieve a 90% pass rate (will have questions specific to each area and cannot be transferred)
Regulatory Framework of the Hackney Carriage and Private Hire Industry and Test	Requirement to achieve a 90% pass rate (these questions will cover the same topics for all authorities)
Professional Standards Training and Test	Requirement to achieve a 90% pass rate (these questions will cover the same topics for all authorities)
Safeguarding Training and Test	Requirement to achieve a 90% pass rate (these questions will cover the same topics for all authorities)
Equalities/Disability Training and Test	Requirement to achieve a 90% pass rate (these questions will cover the same topics for all authorities)
Practical Wheelchair Course (for all Drivers of Wheelchair Accessible Vehicles)	Practical Assessment

Each authority will have different providers and/or methods for delivering the training and testing procedure. However, it will cover the above requirements to the same standard. Costs at each authority may vary for each aspect of the training.

Where a module has a test associated with it, there will be, within that test, certain questions that an applicant / existing driver must answer correctly. If an applicant / existing driver fails to answer these questions correctly, then the test will be classed as a fail, irrespective of whether the pass mark has been achieved or not.

From the date the policy is adopted, all new applicants will be required to complete and pass the training programme. The aspects of the training shown in 3. below will have to be carried out by all existing drivers prior to the renewal of their application.

If the module requires the training material to be given in advance; this will be provided either by the local authority or the training provider when you confirm your booking onto the course.

The applicant will be given three attempts to complete and pass the training programme. If the applicant fails three times they will not be allowed to be given the opportunity to book onto the training programme for a period of twelve months.

3 REFRESHER TRAINING

Once completed (by new applicants or at renewal), there will be a number of the modules which will require refresher training every three years, to ensure that all current drivers remain up to date with current industry legislation and practice, these will be:-

- Regulatory Framework of the Private Hire Industry and Test
- Professional Standards Training and Test
- Safeguarding Training and Test
- Equalities/Disability Training and Test
- Practical Wheelchair Course (for all Drivers of Wheelchair Accessible Vehicles)

4 OTHER REASONS FOR HAVING TO COMPLETE MODULES

There may be occasion for the licensing authority to require an existing licensed driver to complete and pass one or more of the training modules. This may be the result of a substantiated complaint, for example, about the standard of English, the standard of driving, the standard of customer care, attitude of the driver (this list is not exhaustive) or if the licensing authority believes that a driver's standard of driving or behaviour falls below the standards required.

The West Yorkshire Combined Authority firmly believes that safe, suitable and professional trained Hackney carriage and Private Hire drivers are an asset to the West Yorkshire and York region as a whole. We wish to set standards on a par or

above that of our neighbouring regions to ensure the safety of the travelling public within our region.

DRAFT

Kirklees Council

Vehicle Specification

Part A – Hackney Carriage Vehicles

Part B – Private Hire Vehicles

Part C – Vehicle Dimensions

Vehicle Specification
Hackney Carriage Vehicles

Amended July 2008

Above the normal requirements for a MOT test, the Authority's Hackney Carriage test examines the following items

HACKNEY CARRIAGES

- 1.0 Local Authority conditions for licensing.
- 1.1 The whole of the vehicles paint work must be coloured white (two tone paint work coloured mouldings or insignia will not be permitted).
- 1.2 The vehicle must have Kirklees Metropolitan Council's official door sign displayed on top panel of the two front doors. The door signs to be of the adhesive type and securely attached to doors. Any sign not securely fitted i.e. placed on magnetic backing or any other temporary measure will be rejected.
 - Any tampering or cutting up of the signs will be rejected and new ones required.
 - Any signs that become damaged or defaced will require new ones.
- 1.3 The vehicle must have a roof mounted illuminated taxi sign (minimum width 1 metre) with the exception of London type cabs.
- 1.4 The vehicle must be fitted with a tariff meter approved by the Authority. The meter must be fitted securely, horizontal, clearly visible to all passengers, in working condition, professionally installed and set to the Authority's current tariff. The tariff card to be clearly displayed on near side window.
- 1.5 The vehicle must have a fire extinguisher (minimum weight of 0.95 kg and of a dry powder type. The fire extinguisher to be replaced after three years or carry a twelve monthly service label to indicate extinguisher is still serviceable. The fire extinguisher may be securely fixed within the driver's compartment or rear boot area; it may also be stowed in the glove box but must be clearly marked.
- 1.6 All Hackney carriage vehicles must have a seat belt that meets British safety standards fitted to each seat.

INTERIOR

- 2.1 All controls must be in a serviceable and working order (drivers pedals, all switches and controls etc).
- 2.2 No left-hand drive vehicles to be authorised.
- 2.3 The vehicles interior condition must be clean and free from damage.
- 2.4 All seat belts must be secure and operational, of a lap and diagonal type fitted to all Hackney carriage vehicles. With the exception of a lap belt only fitted to middle rear seat of a saloon type vehicle.
- 2.5 All windows, sun-roofs, locks and handles must be secure and operational.
- 2.6 Interior lights and instrument lights must be operational.
- 2.7 Where automatic boot and fuel locks are fitted they must be operational.
- 2.8 The vehicles heating and ventilation systems must be operational (including heated windows.
- 2.9 Where electric mirrors are fitted they must be operational.
- 2.10 The vehicle must carry a legal spare wheel and tyre and a means for changing a wheel.
- 2.11 MPV's must be fitted with a limpet " FOR HIRE" sign to the bottom front near side windscreen, clearly visible from the outside of the vehicle when applying for hire.
- 2.12 Seating capacity to be no more than six passengers (max).
- 2.13 Where short wave radios are fitted they must be securely attached to the vehicle in a position which does not interfere with all driving controls (all foot controls, steering, etc)of that vehicle. The wiring must also be installed to a professional standard and should not interfere with the same driving controls

EXTERIOR

- 3.1 All fitted lights must be clean and in working order.
- 3.2 All windows must have full visibility and free of stickers etc (other than the legal requirements of a tax disc and licence disc). With the exception of a company name/logo to the front screen visor.
- 3.3 Tinted or smoked glass will be assessed on an individual basis as the level of tint may vary from vehicle to vehicle the limits are front and rear windscreen 75% visible light transmission(VLT) and all side windows 70% VLT. These limits only apply to new applications after 01 January

2007, any existing taxi is exempt these limits. Testers should write on the pass certificate the relevant levels of tint for future reference. No adhesive films allowed. No adhesive films allowed, only tints built into the glass are acceptable. And no mirrored tints of any description.

- 3.4 When fitted rear wash wipe and headlight wash wiper systems must be operational.
- 3.5 All body fitments must be in place, secure and free from damage.
- 3.6 Vehicles must have a matching set of wheel trims fitted (with the exception of alloy or chrome wheels).
- 3.7 All road tyres must be of the same size and speed rating
- 3.8 Tyre side wall repairs will not be acceptable.
- 3.9 Wiring of meter equipment/radios must be of a professional standard (correct cable, fastenings and inline fuses to be fitted).
- 3.10 Engine and gearbox mountings must be secure and of a serviceable condition, gearbox and gear change mechanism must be in good working order.
- 3.11 Paint work must be to manufactures standards (no blemishes, blistering, discolouration, runs, no visible rust spots and have a polished finish).
- 3.12 The legal VIN (Vehicle Identification Number) plate and chassis plate must be fitted in a legible state.
- 3.13 Vehicle must display the Authorities licence plate which when viewed from the rear is clearly visible. The plate to be permanently attached to the vehicle.
- 3.14 The suspension must not be modified or lowered in any way that could adversely affect the handling, ride comfort or safety of the vehicle.
- 3.15 The fitting of bull bar type attachments is strictly prohibited
- 3.16 No jeep type vehicles to be allowed.
- 3.17 With the introduction of multi- purpose vehicles are capable of carrying more than four passengers, the acceptance criteria may vary from vehicle to vehicle depending on luggage space, seating layout and measurements. Each vehicle will be assessed individually for acceptance to carry adult passengers.

MPV

- 4.1 With the introduction of multi- purpose vehicles are capable of carrying more than four passengers, the acceptance criteria may vary from vehicle to vehicle depending on luggage

space, seating layout and measurements. Each vehicle will be assessed individually for acceptance to carry adult passengers

- 4.2 With the introduction of multi- purpose vehicles are capable of carrying more than four passengers, the acceptance criteria may vary from vehicle to vehicle depending on luggage space, seating layout and measurements. Each vehicle will be assessed individually for acceptance to carry adult passengers.
- 4.3 Above the annual test vehicles can be subject to 3 checks per year for safety and condition when required.
- 4.4 The London Cab on some models is equipped with a vinyl roof which will be accepted.
- 4.5 All accident damage must be repaired before test/checks can be carried out.

ADDITIONAL

- 5.1 Above the annual test vehicles can be subject to 3 checks per year for safety and condition when required.
- 5.2 The London Cab on some models is equipped with a vinyl roof which will be accepted.
- 5.3 All accident damage must be repaired before test/checks can be carried out.
- 5.4 Where a vehicle is presented for a test for the first time, i.e. new application or a change of vehicle class, the test may be carried out without side door signs, roof lights, meter, a limpet for hire sign and fire extinguisher although a pass certificate will not be issued until all the appropriate items above have been fitted and check.

Amended July 2008

TRANSPORT SERVICES
GUIDELINES FOR PRIVATE HIRE OPERATORS/ PROPRIETORS
Amended July 2008

Above the normal requirements for an MOT test the Authority's Private Hire Test examines the following items.

PRIVATE HIRE

- 1.1. The vehicle must not resemble a Hackney Carriage.
- 1.2. The vehicle must have Kirklees Metropolitan Council's official door sign displayed on the top panel of the two front doors. The door signs to be of the adhesive type and securely attached to the doors. Any sign not securely fitted i.e. placed on magnetic backing or any other temporary measure will be rejected.
- 1.3. Space is provided on the door sign to display information which the user may require i.e. company name and telephone number. Any tampering or cutting up of the signs will be rejected and new ones required.
 - Any tampering or cutting up of the signs will be rejected and new ones required.
 - Any signs that become damaged or defaced will require new ones
- 1.4. The vehicle may be fitted with a meter (the meter must be fitted securely and will be checked to the owner's tariff, which will be displayed). The meter will be tested at annual test.
- 1.5. The vehicle must have a fire extinguisher (minimum weight of 0.95 kg and of a dry powder type. The fire extinguisher to be replaced after three years or carry a twelve monthly service label to indicate extinguisher is still serviceable. The fire extinguisher may be securely fixed within the driver's compartment or rear boot area; it may also be stowed in the glove box but must be clearly marked.
- 1.6. All private hire vehicles must have a seat belt that meets British safety standards fitted to each seat.

INTERIOR

- 2.1 All controls must be in a serviceable and working order (drivers pedals, all switches and controls etc).
- 2.2 No left-hand drive vehicles to be authorised.

- 2.3 The vehicles interior condition must be clean and free from damage.
- 2.4 All seat belts must be secure and operational, of a lap and diagonal type fitted to all Private Hire vehicles. With the exception of a lap belt only fitted to middle front compartment seat and middle rear seat of a saloon type vehicle.
- 2.5 All windows, sun-roofs, locks and handles must be secure and operational.
- 2.6 Interior lights and instrument lights must be operational
- 2.7 Where automatic boot and fuel locks are fitted they must be operational
- 2.8 The vehicles heating and ventilation systems must be operational (including heated windows.
- 2.9 Where electric mirrors are fitted they must be operational.
- 2.10 The vehicle must carry a legal spare wheel and tyre and a means for changing a wheel.
- 2.11 Seating capacity to be no more than eight passengers (max).
- 2.12 Where short wave radios are fitted they must be securely attached to the vehicle in a position which does not interfere with all driving controls (all foot controls, steering, etc)of that vehicle. The wiring must also be installed to a professional standard and should not interfere with the same driving controls

EXTERIOR

- 3.1 All fitted lights must be clean and in working order.
- 3.2 All windows must have full visibility and free of stickers etc (other than the legal requirements of a tax disc and licence disc).
- 3.3 Tinted or smoked glass will be assessed on an individual basis as the level of tint may vary from vehicle to vehicle the limits are front and rear windscreen 75% visible light transmission(VLT) and all side windows 70% VLT. These limits only apply to new applications after 01 January 2007, any existing taxi is exempt these limits. Testers should write on the pass certificate the relevant levels of tint for future reference. No adhesive films allowed. No adhesive films allowed, only tints built into the glass are acceptable. And no mirrored tints of any description.
- 3.4 When fitted rear wash wipe and headlight wash wiper systems must be operational.
- 3.5 All body fitments must be in place, secure and free from damage.

- 3.6 Vehicles must have a matching set of wheel trims fitted (with the exception of alloy or chrome wheels).
- 3.7 All road tyres must be of the same size and speed rating
- 3.8 Tyre side wall repairs will not be acceptable.
- 3.9 Wiring of meter equipment/radios must be of a professional standard (correct cable, fastenings and inline fuses to be fitted).
- 3.10 Engine and gearbox mountings must be secure and of a serviceable condition, gearbox and gear change mechanism must be in good working order.
- 3.11 Paint work must be to manufactures standards (no blemishes, blistering, discolouration, runs, no visible rust spots and have a polished finish).
- 3.12 The legal VIN (Vehicle Identification Number) plate and chassis plate must be fitted in a legible state.
- 3.13 Vehicle must display the Authorities licence plate which when viewed from the rear is clearly visible. The plate to be permanently attached to the vehicle.
- 3.14 The suspension must not be modified or lowered in any way that could adversely affect the handling, ride comfort or safety of the vehicle.
- 3.15 The fitting of bull bar type attachments is strictly prohibited
- 3.16 No jeep type vehicles allowed

TRAILERS

- 4.2 Trailers must be of an all metal construction with a secure lockable hardtop cover.
- 4.3 Trailer weight not to exceed 750kg gross vehicle weight.
- 4.4 Must have all relevant lights fitted and working.
- 4.5 Trailer must be licensed to one specific vehicle only (no multi vehicle use allowed).
- 4.6 Trailer to be tested annually with relevant vehicle.
- 4.7 Towing vehicle must have two side entry doors for ease of escape in the event of an emergency.

4.8 National speed limits apply when towing trailer.

4.9 Trailers to be used by MPV type vehicles only.

MPV

5.1 Trailers to be used by MPV type vehicles only.

5.2 With the introduction of multi- purpose vehicles are capable of carrying more than four passengers, the acceptance criteria may vary from vehicle to vehicle depending on luggage space, seating layout and measurements. Each vehicle will be assessed individually for acceptance to carry adult passengers.

ADDITIONAL

6.1 Trailers to be used by MPV type vehicles only.

6.2 Above the annual test vehicles can be subject to 3 checks per year for safety and condition when required.

6.3 All accident damage must be repaired before test/checks can be carried out.

6.4 Where a vehicle is presented for a test for the first time, i.e. new application or a change of vehicle class, the test may be carried out without side door signs, roof lights, meter, a limpet for hire sign and fire extinguisher although a pass certificate will not be issued until all the appropriate items above have been fitted and check.

Amended July 2008

Hackney Carriage and Private Hire Vehicle Dimensions

Saloon Type Cars

- A. The width of the rear part of the body, measured six inches below the top and six inches in front of the rear back seat shall not be less than 52 inches. The measurement made with the doors closed.
- B. The rear seat shall not be less in width than the full interior width of the vehicle, provided that wheel covers forming permanent arm rests may reduce the seat length to 48 inches.
- C. The front seat shall not be less than 18 inches in width.
- D. The front and rear door entry width measured from the inside of the door seal aperture shall not be less than 24 inches.
- E. Rear seat head room shall not be less than 33 inches.
- F. The depth of any fixed seat shall not be less than 18 inches
- G. The distance between the front and rear seats shall be a minimum distance of 6 inches with the front seat fully retracted with the seat back in a normal driving position.
- H. Minimum height from ground 5.75 inches to main structure of vehicle, i.e height ground to undersill (structural member) or sub frame/front box section.
Sufficient clear and clean internal luggage capacity for maximum number of passengers.

Vans, Minibuses and MPV's

- A. Internal floor to roof height 52 inches
- B. Seat bases 16.5 x 16.5 inches
- C. Wheelchair access door height 46 inches
- D. Wheelchair access door width 27 inches
- E. Wheelchair floor space and method of securing to comply with all relevant legislation
- F. Luggage space compatible with seating capacity
- G. Taxi hire sign to be mounted at the centre of the roof in the front position (as with a London cab)
- H. A fire extinguisher to be a minimum 1kg accessible from driver's seat
- I. Seat base to roof height 33 inches

The above are the current dimensions which we use but due to changing vehicle types may be reviewed and change periodically.

POLICY & CONDITIONS FOR ADVERTISEMENTS ON LICENSED VEHICLES

For the purposes of these Conditions, the words sign and advertisement shall apply to any sign, advertisement, notice or mark, illumination or similar feature.

1. Before any advertisement is displayed on a licensed vehicle consent must be sought from the Council.
2. Applications for consent must be made in writing and accompanied with the following:
 - a. Initial fee, full vehicle, four or more panel's £100 Initial fee, one or more panels £75 subsequent advertising amendments £25.
 - b. A detailed graphical representation including dimensions of the proposed advertisement and a representation of where the proposed advertisement is to be placed.
 - c. A contact name and telephone number of the organisation to be represented in any sign or advertisement.
3. All advertisements must comply with the British Code of Advertising Practice.
4. The Licensing Department will consider each application on its own merits and determine accordingly.
5. No advertisements may be placed on any glass including the dividing partition, other than notices approved by the Council.
6. The licence holder of a vehicle carrying any advertisement, shall ensure that the letter of approval from the Council to display the advertisement on the vehicle, shall be kept at all times within the particular vehicle and shall be available for inspection by an Authorised Officer or Police Officer on request.
7. No vehicle shall be permitted to bear any sign or advertisement in any form that might cause offence to members of the public.
8. No vehicle is permitted to bear any sign or advertisement in any form that may cause any degree of confusion as to the standing of the vehicle.

9. A Private Hire vehicle shall not be permitted to bear any sign or advertisement that may innocently or otherwise lead any person to believe or assume that it is a Hackney Carriage.
10. A vehicle shall not be permitted to bear any sign or advertisement of any business to such an extent that the vehicle might reasonably be mistaken for a courtesy vehicle provided by that business.
11. No sign or advertisement shall be located on, or next to any sign or advertisement required by law or local condition or in such close proximity that the sign is obscured for example, the rear Council licence plate or door-signs.
12. All signs and advertisement, if written in any foreign language, must be exactly reproduced in all aspects with the exception of the language, which must be English. The English version must be displayed in an area with equal prominence and visibility as the foreign version.
13. Materials used for advertisements must be of a quality not easily defaced or damaged. Advertisements must be affixed directly to the body of the vehicle or initially attached to an approved magnetic panel which is then attached to the vehicle.
14. The holder of a vehicle licence shall not remove or obscure any warning signs, safety messages or any other information or signage displayed on a licensed vehicle that is present when it is supplied by the manufacturer and that is aimed at assisting passengers to identify the type or features of the vehicle.
15. The Council shall have no responsibility to either the organisation represented or the vehicle owner, operator, proprietor, driver or any other person should any situation occur whereby the display of the advertisement has a detrimental effect on that person, or on that person's good name or reputation.
16. It is a stipulation of the Advertising Policy that vehicle interior and exterior signs or decals, mandatory or otherwise are compliant with the Councils current Hackney Carriage and Private Hire Conditions and Procedures.
17. The Council may order the removal of an advertisement or sign for any of the following reasons:-
 - a. It would not be proper for the Council to be associated with the advertisement or advertised organisation.
 - b. If the association with the advertisement or advertised organisation would bring the Council into disrepute.
 - c. Consent for the advertisement has not been granted or no consent has been sought for the advertisement from the Council

d. Any of the advertising conditions have not been complied with.

18. Failure to comply with any of these conditions or an order made under condition 17 may lead to the vehicle's licence being suspended. In line with the Council's current Hackney Carriage and Private Hire Licensing Conditions, such a decision will be made on a case by case basis.

Kirklees Council Licensing Department

Hackney Carriage Byelaws

Made under section 68 of the Town Police Clauses Act 1847, and section 171 of the Public Health Act 1875, by the Council of the Borough of Kirklees with respect to hackney carriages in the administrative area of Kirklees.

Interpretation

1. Throughout these byelaws "the council" means the Council of the Borough of Kirklees and "the district" means the administrative area of Kirklees.
- 2.

Provisions were regulating the manner in which the number of each hackney carriage corresponding with the number of its license shall be displayed.

3. (a) The proprietor of a hackney carriage shall cause the number of the license granted to him in respect of the carriage to be legibly displayed on the outside and inside of the carriage or on plates affixed there to.

(b) A proprietors or drivers of a hackney carriage shall: -

(i) ensure any exterior plate shall be fixed at the rear of the vehicle in such a manner that its clearly visible;

(ii) ensure any interior plate shall be fixed to the dashboard in such a position as to be clearly visible to all passengers;

(iii) not willfully or negligently cause or suffer any such number to be concealed from public view while the carriage is standing or plying for hire; and

(iv) not cause or permit the carriage to stand or ply for hire with any such display or plate so defaced that any figure or material particular is illegible.

Provision regulating how hackney carriages are to be burnished or provided

4. The proprietor of a hackney carriage shall:
 - (a) provide sufficient means by which any persons in the carriage may communicate with the driver;
 - (b) provide any necessary windows and means of opening and closing not less than one each side;
 - (c) cause the seats to be properly cushioned or covered and free from stains tears or holes;
 - (d) cause the floor to be provided with a proper carpet, mat, or other suitable covering;

- (e) cause the interior of the carriage to be kept in a clean condition, well maintained and in every way fit for public services;
- (f) provide means for securing luggage if the carriage is so constructed as to carry luggage; (g) provide an efficient fire extinguisher which is clearly and indelibly marked with the vehicle license and registration number and which shall be securely fixed on the driver's side of the vehicle in such a position so as not to impede the driver's vision or use of controls and so as to be readily available for use; and
- (h) provide at least two doors for the use of persons conveyed in such carriage and a separate means of ingress and egress for the driver.
5. The proprietor of a hackney carriage shall cause any taximeter with which the carriage is provided to be so constructed, attached and maintained as to comply with the following requirements, that is to say.
- (a) The taximeter shall be securely affixed and shall not be mounted in either the footwells, or on top of the dashboard.
- (b) The taximeter shall be fitted with a device the operation of which will bring the taximeter into action.
- (c) The device shall be capable of being locked in such position the machinery of the taximeter is not in action and that no fare is recorded on the face of the taximeter.
- (d) When the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in clearly legible figure a fare not exceeding the rate or fare which the proprietor or driver is entitled to demand and take for the hire of the carriage by distance and time in pursuance of the tariff fixed by the council.
- (e) The word "fare" shall be printed on the face of the taximeter in plain letters so as clearly to apply to the fare recorded there on.
- (f) The taximeter shall be so placed that all letters and figures on the face thereof are at all times plainly visible to any person being covered shall be suitably illuminated during any period of hiring.
- (g) The taximeter and all the fitting thereof shall be securely fixed to the carriage with seals or other appliances so that it shall not be practicable for any person to remove or tamper with them except by breaking, damaging or permanently displacing the seals or other appliances

Provision regulating the conduct of the proprietors and drivers of hackney carriage plying within the district in their several employments, and determining whether such drivers shall wear any and what badges.

6. The driver of a hackney carriage provided with a taximeter shall:

- (a) When standing or plying for hire, keep the taximeter switched off so no fare is recorded.
- (b) Before beginning a journey for which a fare is charged for distance and time, bring the machinery of the taximeter in action and keep it in action until the termination of the hiring.
- (c) Cause the taximeter to be kept properly illuminated throughout any of the hiring.
6. A proprietor or driver of a hackney carriage shall not tamper with or permit any person to tamper with any taximeter with which the carriage is provided, with the fittings or with the seal affixed there to.
7. The driver of a hackney carriage shall, when plying for hire in any street and not actually hired:
- (a) Proceed to one of the stands fixed by the council.
- (b) If the full number of carriages authorized to occupy occupies a stand, at the time of his arrival, proceed to another stand.
- (c) On arriving at a stand not already occupied by the full number of carriages authorized to occupy it, station the carriage immediately behind the carriage or carriages on the stand and so as to face in the same direction.
- (d) From time to time when any other carriage immediately in front is driven off or moved forward cause his carriage to be moved forward so as to fill the place previously occupied by the carriage driven off or moved forward.
8. The driver of a hackney carriage shall behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.
9. The proprietor or driver of a hackney carriage who has agreed or has been hired to be in attendance with the carriage at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such carriage at such appointed time place.
10. A proprietor or driver of a hackney carriage shall not convey or permit to be conveyed in such carriage any greater number of person than the number of persons specified on the plate affixed to the outside of the carriage.
11. If a badge has been provided by the council and delivered to the driver of a hackney carriage he shall when standing or plying for hire, and when hired wear that badge in such a position and manner as to be plainly visible.
12. The driver of a hackney carriage shall, when requested by any person hiring or seeking to hire the carriage.
- (a) Convey a reasonable quantity of luggage.

- (b) Afford reasonable assistance in loading and unloading. (c) Afford reasonable assistance in removing it to or from the entrance of any building, station or place at which he may take up or set down such person.
13. The driver of a hackney carriage shall when requested by any person on hiring or seeking to hire the carriage, carry a guide dog accompanying a visually handicapped person.
 14. The proprietor and the driver of a hackney carriage adapted to carry disabled persons shall ensure that any necessary ramps are carried at all times or that any electric hoist fitted to the vehicle is kept maintained and in working order at all times.
 15. Provision fixing the rates or fares to be paid for hackney carriages within the district and securing the due publication of such fares.
 16. The proprietor or driver of a hackney carriage shall be entitled to demand and take for the hire or the carriage the rate or fare prescribed by the council, the rates or fare being calculated by distance and time unless the hirer expresses at the commencement his desire to engage by time, when the rate or fare shall be calculated by time on a basis to be agreed between the hirer and the proprietor or driver at the commencement of the hiring. Provided always that were a hackney carriage furnished with taxi meter shall be hired by distance and time the proprietor or driver there for shall not be entitled to demand and take a fare greater than the recorded on the face of the taxi meter save for an extra changes authorized by the council which it may not be possible to recorded of the face of the taxi meter.
 17. (a) The proprietor of a hackney carriage shall cause the fare card provided by the council to be exhibited inside the carriage.

(b) The proprietor or driver of a hackney carriage shall not willfully or negligently cause the fare card to be concealed or rendered illegible at any time while the carriage is plying or is being used for hire.
 18. The proprietor or drive of a hackney carriage shall immediately after the termination of any hiring or as soon as practicable thereafter carefully search the carriage for any property which may have been accidentally left there in.
 19. The proprietor or driver of a hackney carriage shall, if any property accidentally left there in by any person who may have been conveyed in the carriage be found by or handed to him:

(a) Carry it as soon as possible and in any event within 48 hour if not sooner claimed by or on behalf of its owner to the council hackney carriage licensing office on his giving a receipt for it.

(b) Be entitled to receive from any person to whom the property shall be redelivered an amount equal to five pence in the pound of its estimated value (or the fare for the distance from the place of finding to the office of the council whichever be the greater) but not more than five pounds.

Penalties

20. Every person who shall offend against any of these byelaws shall be liable on summary conviction to a fine not exceeding level two and in the case of a continuing offence to a further fine not exceeding two pounds for each day during which the offence continues after conviction there for.

Repeal of Byelaws (2)

21. The byelaws relating to hackney carriages, which were made by the undermentioned authorities on the dates, referred to are here by repealed:

Name of the byelaw Dates

Date

Byelaws made by the Urban District of Spenborough

Byelaws made by the County Borough of Huddersfield

Byelaws made by the County Borough of Dewsbury

Byelaws made by the Urban District of Heckmondwike

Byelaws made by the Borough Of Spenborough

Bylaws made by the Borough of Battle

17th February 1948

25th January 1951

29th November 1951

28th July 1969

24th December 1956

26th March 1971

KIRKLEES COUNCIL LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 PART II - LICENSING OF HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES STANDARD CONDITIONS ATTACHED TO THE ISSUE OF A PRIVATE HIRE VEHICLE LICENCE WITH EFFECT FROM 28th March 2008

1. The licence will remain in force for a period of one year unless the Council specify a lesser period or revoke or suspend the licence at any time.
2. No person shall use or permit the use of the vehicle as a private hire vehicle unless the disc and plate are exhibited on the vehicle in the following manner prescribed by the Council:
 - a. The Proprietor shall cause the number of this licence to be fixed and displayed on the vehicle at all times during which the vehicle is licensed as a private hire vehicle, such number to be displayed by means of the licence disc and the licence plate issued by the Council to the Proprietor.
 - b. The licence disc shall be fixed and displayed to the inside of the front windscreen on the kerb side in such a manner as to be clearly visible to any passenger, Constable or duly Authorised Officer, but not so as to obstruct or impair adequate forward vision of the driver of vehicle. The licence disc holder shall be fixed to the front near side windscreen, to be clearly visible to all passengers.
 - c. The licence plate shall be permanently fixed and displayed on, or in the near vicinity of the rear bumper of the vehicle, so as to be clearly visible on the rear of the vehicle at all times.
 - d. When a vehicle is licensed for private hire purposes it can only be used as a private hire vehicle and must be driven only by the holder of a current Kirklees Council Hackney Carriage/Private Hire driver's licence, clearly displayed on his/her person when driving such vehicle. No other person is permitted to drive the licensed vehicle at any time.

3. Vehicle Used for Executive Purposes Only

- a. Proprietors using vehicles for executive purposes only are exempted from conditions relating to signage and will be issued a licensed disc showing exemption. (Subject to approval)
4. The licence plate and licence disc remains the property of the Council at all times. If for any reason the licence is no longer required or is expired, the plate and disc must be returned to Licensing, Flint Street Depot, Flint Street, Fartown, Huddersfield, HD1 6LG within seven days.

5. Any Authorised Officer of the Council or any Constable shall have power at all reasonable times to inspect and test, for the purpose of ascertaining its fitness, any private hire vehicle licensed by the Council, or any taximeter affixed to such vehicle and if he is not satisfied as to the fitness of the vehicle or as to the accuracy of its taximeter he may by notice in writing require the Proprietor of the private hire vehicle to make it or its taximeter available for further inspection and testing at such reasonable time and place as may be specified in the notice and suspend the vehicle licence until such time as such Authorised Officer or Constable is so satisfied.
6. (a) Without prejudice to the provisions of the foregoing Condition the Proprietor of a private hire vehicle licensed by the Council shall present the vehicle for inspection and testing by or on behalf of the Council within such period and at such place within the area of the Council as they by notice reasonably require. Provided that the council shall not under the provisions of this Condition require the Proprietor to present the same vehicle for inspection and testing on more than three separate occasions during any one period of twelve months.

(b) No person shall use or permit the use of the vehicle as a private hire vehicle unless the vehicle is in a clean condition inside and out at all times.

(c) When a vehicle is over six years of age the licence will not be renewed unless in the opinion of the Council the vehicle is in an exceptionally well maintained condition. The licence will not be extended when the vehicle reaches ten years of age.
7. The Proprietor of any private hire vehicle licensed by the Council or in respect of which an application for a licence has been made to the Council shall, within such period as the Council may by notice reasonably require, state in writing the address of every place where such vehicle is kept when not in use and shall, if the Council so require afford to them such facilities as may be reasonably necessary to enable them to cause such vehicle to be inspected and tested there.
8. If the Authorised Officer or any Constable is not satisfied as to the condition or cleanliness of the vehicle for use as a private hire vehicle upon completion of the inspection and testing required by any of the foregoing Conditions, the Proprietor shall forthwith upon being required so to do by the Authorised Officer or Constable cause the licence plate and the licence disc to be removed from the vehicle and handed to the Authorised Officer or Constable who shall keep them in his custody until such time as he is satisfied as to the condition of the vehicle whereupon the licence plate and the licence disc will be returned to the Proprietor.
9. (1) If a private hire vehicle is equipped with any form of taximeter it shall not be used for hire unless such taximeter has been tested and approved by or on behalf of the Council or any other District Council by which a vehicle licence in force for the vehicle was issued.

(2) Any person who:-

(a) tampers with any seal on any taximeter without lawful excuse; or (b) alters any taximeter with intent to mislead; or (c) knowingly causes or permits a vehicle of which he is the Proprietor to be used in contravention of subsection (1) of Section 71 of the Local Government (Miscellaneous Provisions) Act 1976 (relating to taximeters) shall be guilty of an offence.

10. (1) At all times the Proprietor shall during the currency of this licence keep in force in relation to the use of the vehicle as a private hire vehicle a policy of insurance or such security as complies with the requirements of Part VI of the Road Traffic Act 1972.

(2) The Proprietor of any private hire vehicle licensed by the Council shall at the request of any Authorised Officer produce for inspection the vehicle licence and the certificate of the policy of insurance or security required by Part VI of the Road Traffic Act in respect of such private hire vehicle.

11. Without prejudice to the provisions of Section 25 of the Road Traffic Act 1972, the Proprietor of a private hire vehicle licensed by the Council shall report to the Licensing department as soon as reasonably practicable, and in any case within seventy two hours of the occurrence thereof, any accident to such private hire vehicle causing damage materially affecting the safety, performance or appearance of the private hire vehicle or the comfort or convenience of persons carried therein.

12. The Proprietor shall not display or suffer or permit to be displayed on or from the vehicle:

(a) any roof sign;

(b) any sign or notice which consists of or includes the word "taxi" or "cab", whether in the singularly or plural, or any word of similar meaning or appearance to any of those words, whether alone or as part of another word; or

(c) any advertisement, any other sign including religious or nationalists symbols, notice or device or livery except as may be agreed from time to time by the Council or which is prescribed by or under any enactment;

(i) A Kirklees licensed private hire vehicle must display an adhesive sign on the top panel on each of the two front doors of the vehicle ONLY, and on no other part of the vehicle, glass or panels. Such door signs to be permanently stuck on to the door panel at all times the vehicle is licensed as a private hire vehicle. Magnetic signs are not permitted. Corporate door signs are now produced by the Council Licensing office. (ii) the Corporate door signs are subject to the Council's prior approval of the design, colour and wording of the sign. All new Private Hire Vehicle applications and annual renewals if not already purchased from Kirklees Council must display the new corporate door signs manufactured by the Council.

(iii) Failure to comply with this condition will entail the immediate suspension of the vehicle licence, and seizure of the magnetic or defaced items for destruction.

(d) The door sign will contain only the Company name/logo and telephone number, the top section of the sign must contain the wording "ADVANCED BOOKINGS ONLY" with a minimum letter height of 35mm. Any colour of the sign/wording will be considered with the exception of blue. All signs must be approved by the Council before fitting to licensed vehicles. The Council Licensing Service now has facilities to produce Corporate door signs on request. These Corporate signs to be purchased with all new and renewal applications if not already purchased from Kirklees Council.

Exemptions from d above: Section 48(2) of the Local Government (Miscellaneous Provisions) Act 1976 states "a district council may attach.

13. If the Proprietor transfers their interest in any private hire vehicle licensed by the Council to a person other than the Proprietor whose name is specified in the licence they shall immediately attend the licensing office with the new proprietor to officially sign the transfer of the private hire vehicle.
14. Sub-sections (2) to (5) of Section 233 of the Local Government Act 1972 shall have effect and are incorporated by these Conditions to be given or served on the Proprietor by or on behalf of the Council by an authorised Officer.
15. Proprietor shall not cause or suffer or permit to be conveyed in the vehicle a greater number of persons exclusive of the driver than the number of persons specified in this licence and displayed on the licence plate.
16. The Proprietor shall cause to be carried on the vehicle an efficient fire extinguisher which shall be securely fixed on the driver's side of the vehicle or secured in the boot in such a position so as to be readily available for use and maintained in good working order at all times.
17. The Proprietor shall, within seven days, disclose to the Council in writing details of any conviction imposed on him (or if the Proprietor is a Company on any of its Directors or its Secretary) during the period of the licence.
18. The Proprietor shall, within seven days, notify the Council in writing of any change in his address taking place during the period of the Licence.

19. Guide Dogs

Guide dogs, all assistant dogs and all domestic pets, adequately restrained and controlled, other than dangerous wild animals as defined in the Dangerous Wild Animals Act 1976, must be carried in the vehicle unless there is a reasonable excuse for not carrying the animal(s). Each animal to be accompanied by a keeper.

20. The driver of the vehicle shall not refuse or neglect, without any reasonable excuse, to drive the vehicle to the destination he is so directed by the person hiring the vehicle.

21. The Proprietor shall produce an official letter of confirmation from the Private Hire Company he/she intends to work for. The Proprietor shall operate the vehicle only from the premises set out in the licence. If the Proprietor ceases to work from those premises, the Council must be notified immediately of the new address the vehicle will work from and the name of the person holding the Operator's Licence for those premises. The Proprietor shall also forthwith return the licence to the Council, so it can be amended appropriately.

22. Tinted Glass

All windows fitted to Kirklees Private Hire Vehicles MUST comply with the minimum legal requirements; to transmit 75% of light to the front windscreen and 21% light to all other vehicle windows. Further, all vehicles must meet required standards at annual testing. No tinted film is accepted on current licensed vehicles or new applications (with effect from January 2007).

Local Government (Miscellaneous Provisions) Act 1972 Pre-Application Criteria & Standard Conditions Private Hire Operators Licence

1. OPERATOR LICENCE – THE APPLICATION PROCESS

Any person wishing to acquire a licence to operate a Private Hire vehicle shall be a 'fit and proper person' and produce such information as reasonably required by the Authority or undertake such appropriate training and testing as required to assist in establishing that assessment. The application to the Council shall be solely in their name on the prescribed form, and they must pay such fee as prescribed by the Council. Such fee is not returnable and may be set to enable the Council to tier fees appropriately relative to the number of vehicles operated.

2. POINT OF ENTRY TRAINING AND ASSESSMENT

Every applicant for an Operator licence shall be required to: -

- Complete the appropriate application form
- Complete a DBS Disclosure form •
- Attend a Private Hire Operator training and appropriate assessment

The Council will only issue licences to applicants that are deemed to be fit and proper. In assessing this, the Council will have regard to the following:

- Criminal record (including convictions, cautions, warnings, fixed penalties and reprimands), • Issue of any Magistrate's Court summons against them;
- Any harassment or other form of warning or order within the criminal law including AntiSocial Behaviour Orders or similar;
- Factors such as demeanour, general character, non-criminal behaviour, honesty and integrity,
- Previous conduct or complaints (particularly in cases where the applicant holds or has previously held a licence issued by Kirklees Council),
- Business practices demonstrated by the applicant (for example standard of record keeping, compliance with other regulatory requirements, financial practices etc.)
- Their arrest for any offence (whether or not charged)

3. BUSINESS PARTNERSHIPS

Every applicant shall in addition to the information specified in the above two paragraphs, provide the name, date of birth and address of any person if the applicant proposes to operate the business in partnership with any other person(s) and undertake the same 'fit and proper person' assessment and training and testing requirements. Each Operator licence issued by the Licensing Authority shall be issued only in the name

of the applicant and that person shall be deemed solely responsible as the Operator upon the licence being granted and the licence is not transferable from the first mentioned person to another person. An Operator shall, within seven days, disclose to the Council in writing details of any convictions imposed on him (or any business partners, directors or company secretary) during the period of the Licence or if he is arrested, cautioned or being investigated for any offence whether charged or not.

An Operator shall, within seven days, notify the Council of any change in his or his business partner's address taking place during the period of the Licence.

4. ADVERTISING

No Operator may use the word TAXI or CAB or HACKNEY CARRIAGE or any combination or derivation thereof in any advertising manner on the vehicles they operate, and any such advertising shall include the words Licensed Private Hire. Any other type of advertising on vehicles must be in accordance with the Councils "Advertising on Vehicles" Policy. A copy is available on the Councils website or on request.

5. RECORD OF BOOKINGS

An Operator shall keep records in the form prescribed by the Council containing particulars of booking and of private hire vehicle operated by him. Separate records must be kept at each premise from which the Operator carries on business. The records shall be produced immediately by the Operator or his employee on request to any Authorised officer of the council or to any constable for inspection. The records shall be kept for at least three years on the premises. The council prescribe the following:- An Operator shall keep a true and proper record of every booking of a Private Hire vehicle invited or accepted by him. The record shall be kept on computer or in a suitable book with consecutively numbered pages. Before each journey commences the Operator shall enter therein:-

- I. The place at which the booking was received and the date and time thereof
- II. The name of the hirer
- III. Whether the booking was made by telephone, personal call or other means (to be stated)
- IV. The address or other place from which it is to commence, the address or place of destination and the requested time, if any, for the journey to commence
- V. The plate number of the vehicle to be used for the journey
- VI. The name of the driver undertaking the hiring

If a computer is used it must be connected to a printer at all times in order that records can be printed on demand and the records must not be able to be retrospectively altered in any way. An Operator, having accepted a booking for a Private Hire vehicle shall ensure the vehicle, unless delayed or prevented by some reasonable cause, attends at the address from which the journey is to commence, at the required time. Drivers working for the Operators business will at all times be clean and respectable in their hair, dress and person and behave in a civil and orderly manner.

6. VEHICLE & DRIVER RECORDS

An Operator shall keep a record of each private hire vehicle operated by him, such record to contain details of:-

- The name and address of the proprietor to whom the vehicle licence has been issued
- The number of such vehicle licence
- The date of expiry of such vehicle licence
- The number of persons for whom the vehicle is licensed

The Operator must have in place a system of ensuring no driver works when his driving licence, insurance or vehicle licence have expired or been suspended or revoked or his vehicle has no valid compliance test in place. That system will be available for inspection at all times by an authorised officer of the Council.

7. VEHICLE LIVERY

An Operator shall cause permanent stuck on company signs (available from the council) to be displayed at all times on Private Hire vehicles when operating from their premises.

8. COMPLAINTS SYSTEM

Private Hire Operators must maintain a register of complaints by the public in a format approved by the Council (computerised or hard copy). The format of the complaints register must be maintained in the manner prescribed by the Council. Upon receiving any 'specified complaint' or allegation regarding any person licensed by the Authority Operators must report it immediately when the licensing office is open, and in any other event within 72 hours. The specified complaints or allegations are:

- of sexual misconduct, sexual harassment or inappropriate sexual attention
- racist behaviour
- Violence
- Dishonesty
- breaches of equality In straight forward terms, allegations of criminal behaviour whilst acting as a Private Hire Driver.

Low level' complaints can build up a business profile that can be indicative of a professional development need, or in the worst case the concealing of some potential significant offending or allegations of unsafe behaviour.

These concerns are to be dealt with by a requirement to maintain a 'register of complaints' and outcomes, for inspection by the Authority for a set period, of 12 months.

9. LICENCE DURATION

Each Operator licence issued by the Licensing Authority shall be valid for a period up to 5 years or as the Licensing Authority may decide, subject to any changes to primary legislation.

10. USE OF OPERATOR NAME FOLLOWING REVOCATION OF LICENCE.

Where an Operator licence is revoked by the Council, the name (or a similar name) of the Private Hire company associated with that licence cannot be used by another Operator until such time as six months has elapsed since the date of revocation or the date on which all appeal processes have been concluded (whichever is the longer).

11. Applicants or existing licence holders that are found to have intentionally misled the council, or lied as part of the application process, will not be issued with a licence and any existing licence may be revoked.

11. An Operator found guilty of aiding and abetting the driving of passengers for hire and reward whilst without insurance or when unlawfully booked may have his Operator's Licence revoked immediately and will not be permitted to hold a licence for a period of at least three years.

12. ABSENCE FROM BUSINESS AND COMMUNICATION WITH PRIVATE HIRE OPERATORS

Private Hire Operators must notify the Council and nominate a responsible person to take responsibility on an interim basis if they are absent for 15 days or more and supply contact detail of the manager to the Local Authority. At all times the Private Hire Operator will ensure that the Local Authority has his/her most up to date contact detail including a mobile telephone number and email address. There should be a generic email address for the company and a confidential email address for the Operator so that sensitive information can be properly handled and held confidentially by the Operator.

Subsection (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 Operator by or on behalf of the Council or by an Authorised Officer.

13. TRAINING TO EXPECTED STANDARDS OF SERVICE AND SAFETY DURING THE LIFETIME OF A LICENCE

During the lifetime of a Private Hire Operator licence, an Authorised Officer of the Council may require a licence holder to undertake reasonable and appropriate training to meet these expectations and requirements. Such a requirement would be in writing. A reasonable time scale of up to 3 months will be set for the training to be successfully undertaken at a place designated by the Council. If there is a refusal or failure to attend, or the licensed Operator does not meaningfully participate in the training or attain the training accreditation the licence may be suspended and consideration given to its revocation. The cost of such training will be borne by the licence holder. Similarly, the same considerations set out in the preceding paragraph will apply to those who manage distinct areas of the operating business or business partner(s).

14. ASSISTANCE DOGS

Every Proprietor, Driver and Operator of a licensed Private Hire vehicle shall ensure that assistance dogs are carried within the passenger compartment of the vehicle on request. Operators are reminded of their responsibilities under the Equality Act, 2010, and are advised

15. 'OUT OF TOWN' HACKNEY CARRIAGES ACTING AS PRIVATE HIRE VEHICLES IN THE KIRKLEES LICENSING DISTRICT

SCHEDULE OF DRIVERS

The Private Hire Operator, shall in writing, notify the Licensing Authority forthwith, and in any event within 72 hours of each and every Hackney Carriage driver employed or used for Private Hire bookings this will include Hackney Carriage drivers licensed by this or other Authorities. Where a Private Hire Operator ceases to employ or use any such licensed Hackney Carriage driver, the Operator shall forthwith, and in any event within 72 hours, notify the Licensing Authority in writing. The Private Hire Operator shall retain a copy of the Hackney Carriage driver licence granted by this or any other authority along with a copy of the driver's DVLA licence, and any other driver of that vehicle, and forward a copy of those documents to the Licensing Office forthwith, and in any event within 72 hours of registering that driver.

SCHEDULE OF VEHICLES

The Private Hire Operator shall, in writing, notify the Licensing Authority forthwith, and in any event within 72 hours of each and every Hackney Carriage vehicle employed or used by the operator. This includes those Hackney Carriage vehicles licensed by this or other Authorities. Where a Private Hire Operator ceases to employ or use any such licensed Hackney Carriage vehicle, the Operator shall forthwith, and in any event within 72 hours, notify the Licensing Authority in writing. The Private Hire operator shall retain a copy of the Hackney Carriage vehicle licence granted by another Authority along with a copy of the MOT or Compliance Certificate and policy of insurance and vehicle registration document and forward a copy of those documents to the Licensing Office within 72 hours.

ADVERTISING ON VEHICLES

Where a Hackney Carriage vehicle is licensed by another Authority, such a Hackney Carriage driver or Hackney Carriage vehicle is expressly prohibited from using any literature, any documentation, any advertising or displaying any signage associated to the Private Hire Operator or Kirklees Council which suggests or might lead to a misunderstanding that the vehicle is licensed by this Authority.

16. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976, PART 2

All licences in connection with the driving and operation of Private Hire vehicles and all conditions attached to the grant of such licences are issued by the Licensing Authority in accordance with the provisions of the 1976 Act. Each Private Hire Operator shall make themselves aware of the provisions of the 1976 Act and any other relevant legislation

including the Licensing Authority conditions attached to the grant of a Private Hire Operator, driver or vehicle licence.

Kirklees Licensing

Temporary Lease Information

Kirklees Licensing have made some changes to the temporary lease process to make it as efficient as possible. Due to the amount of changes that have been made this “help sheet” has been created so that you can understand the information we require in order to licence vehicles as quickly as possible.

The steps you need to take to licence a vehicle with Kirklees;

1. Send us an email to licensing@kirklees.gov.uk attaching the correct application form, V5 and insurance.
(Please note that if the vehicle is licenced as a private hire already and the vehicle is required as a hackney the vehicle will not require a compliance test, however a meter test must be provided at this stage).
2. You will receive an email reply from Kirklees Licensing acknowledging your request. Please answer all the questions on the email and reply back.
3. You will receive a phone call from one of the Licensing team to take a payment and to confirm the dates and times of your appointments.
4. You will then receive an email confirming the location, dates and times of your appointments.
5. You and/or your driver will then attend the confirmed appointment(s).
6. Kirklees Council only accept card payments.

Please note that drivers can attend appointments without a representative present, however the responsibility of the licence remains with you as the licence holder.

Private Hire Vehicles

- All new private hire vehicles will be issued a 12 month licence providing the vehicle is less than 6 years old.
- If the vehicle is no longer required the plate, disc and door signs must be handed in at the Customer Service Centre. This will require a 10 minute appointment. You can book this appointment by calling 01484 456868, press option 1 for Taxi Licensing.

Hackney Carriage Vehicles

- Kirklees Council have created 10 temporary hackney plates also known as THV (temporary hackney vehicles) these are orange in colour.
- All temporary hackney carriages will be issued with a 2 month licence.
- The benefit of the new THV plate is that you can now licence your vehicle as a temporary hackney, without having to licence the vehicle as private hire first.
- All hackney vehicles must be white.

Extending the licence

- If you know the damage will take longer to repair than the 2 months licence issued you will need to email licensing@kirklees.gov.uk .
- The email must explain the reasons why the extension is required – this must be in the form of an official letter headed document from you or your client’s insurance company. We will not consider an extension until satisfactory evidence is provided.
- Once we have received the evidence, a member of the Licensing team will contact you for payment and confirm with you an appointment to collect the licence.

Once your client’s vehicle is fixed

- When the driver’s vehicle is fixed he/she will need to drop in to the Customer Service Centre to see a Licensing Officer. If the officer is satisfied with the repairs the THV licence will be cancelled and surrendered and the suspension to their vehicle lifted.
- Please be aware that Kirklees Licensing **MUST** be handed back the orange THV door signs, plate and disc. Failure to do so will result in future THV plates not being issued to your company – therefore you will need to inform the driver of this.

If you have a Kirklees private hire vehicle that you want to licence as a hackney

- In this situation you will be charged for a transfer, plate, disc, x4 door signs.
- At point of application you must provide a meter test.
- The vehicle will already have a valid compliance test so the vehicle will not need to go to the garage.
- At the start of the process you will have been charged for 2 sets of door signs. 1 set for THV and 1 set for when the vehicle goes back to private hire. Please be aware that re-using door signs is not acceptable.
- If you have a private hire vehicle that is going to be used as a hackney carriage it must have a minimum of 12 weeks left of its compliance test.

If you licence a new vehicle straight to a THV (temporary hackney vehicle)

- If you licence a new vehicle straight to a hackney carriage you must contact Kirklees Licensing before the hackney plate expires if you wish to use the vehicle again.
- This is due to the fact that the vehicle will have a valid compliance test.
- So long as there is no lapse in the licence the vehicle can go straight to a private hire (please note there is a fee to do this). This vehicle will be licenced until the compliance test expires.
- Any lapse in the licence will require a new application.

All lease companies who licence vehicles with Kirklees Council must sign a copy of the vehicle conditions. These signed conditions will apply to all vehicles that you licence with Kirklees. We must receive a signed copy of the conditions before we can licence any future vehicles.

List of Offences

1. Hackney Carriages (HC)

Hackney Carriage Offences – Town Police Clauses Act 1847

Offence
Giving False information on application for HC proprietors Licence
Failure to notify change of address of HC proprietor
Plying for hire without HC proprietors Licence
Driving a HC without HC drivers licence
Lending or parting with HC drivers licence
HC proprietor employing unlicensed driver
Failure by HC proprietor to hold HC drivers licence
Failure by HC proprietor to produce HC drivers licence
Failure to display HC plate
Refusal to take a fare
Charging more than the agreed fare
Obtaining more than the legal fare
Travelling less than the lawful distance for an agreed fare
Failing to wait after a deposit to wait has been paid
Charging more than the legal fare
Carrying other person than the hirer without consent
Driving HC without proprietors consent
Person allowing another to drive HC without proprietors consent
Drunken driving of HC
Wanton or furious driving or wilful misconduct leading to injury or danger
Driver leaving HC unattended
HC driver obstructing other HC's

Hackney Carriage Offences – Local Government (Miscellaneous Provisions) Act 1976

Offence
Failure to notify transfer of HC proprietors licence
Failure to present HC for inspection as required
Failure to inform local authority where HC is stored if requested
Failure to report an accident to local authority
Failure to produce HC proprietors licence and insurance certificate
Failure to produce HC drivers licence
Making false statement or withholding information to obtain HC drivers licence
Failure to return plate after notice given after expiry, revocation or suspension of HC proprietors licence
Failure to surrender drivers licence after suspension, revocation or refusal to renew
Permitting any vehicle other than HC to wait on a HC stand
Charging more than the meter fare for a journey ending outside the district, without prior agreement
Charging more than the meter fare when HC used as private hire vehicle
Unnecessarily prolonging a journey
Interfering with a taximeter
Obstruction of authorised officer or constable
Failure to comply with requirement of authorised officer or constable
Failure to give information or assistance to authorised officer or constable

2. Private Hire (PH)

Private Hire Offences – Local Government Miscellaneous Provisions) Act 1976

Offence
Using an unlicensed PH vehicle
Driving a PH vehicle without a PH drivers licence
Proprietor of a PH vehicle using an unlicensed driver
Operating a PH vehicle without a PH operator's licence
Operating a vehicle as a PH vehicle when the vehicle is not licensed as a PH vehicle
Operating a PH vehicle when the driver is not licensed as a PH driver
Failure to display PH vehicle plate
Failure to notify transfer of PH vehicle licence
Failure to present PH vehicle for inspection as required
Failure to inform local authority where PH vehicle is stored if requested
Failure to report an accident to local authority
Failure to produce PH vehicle licence and insurance certificate
Failure to produce PH drivers licence
Failure to wear PH drivers badge
Failure by PH operator to keep records of bookings
Failure by PH operator to keep records of PH vehicles operated by him
Failure to produce PH operator's licence on request
Making false statement or withholding information to obtain PH drivers or operators licence
Failure to return plate after notice given after expiry, revocation or suspension of PH vehicle licence
Failure to surrender drivers licence after suspension, revocation or refusal to renew
Charging more than the meter fare when HC used as PH vehicle
Unnecessarily prolonging a journey
Interfering with a taximeter
Obstruction of authorised officer or constable
Failure to comply with requirement of authorised officer or constable
Failure to give information or assistance to authorised officer or constable

Working with Vulnerable People – Code of Conduct

A vulnerable passenger is a passenger whose age or disability means that they are more susceptible to harm than a typical passenger. This may be a child, an elderly person or somebody with learning difficulties for example. In addition, an individual should be considered vulnerable if they do fall within the description above, but their condition is such as to render them more susceptible to harm than may otherwise be the case (for example as a result of being under the influence of alcohol).

This code of conduct aims to promote good safeguarding practice for drivers and staff working with vulnerable passengers in the taxi or private hire trade. The following safeguarding principles should be embedded into driver working practice:

- Drivers must carry photo ID at all times, and wear it in accordance with the conditions of licence.
- A vulnerable passenger must not be transported in the front passenger seat of the vehicle.
- The driver / operator must confirm that appropriate provision has been made for the vulnerable person prior to accepting the booking or commencing the journey. This does not necessarily mean that the driver / operator is responsible for the provision of appropriate measures, however if appropriate measures are not in place then the driver / operator must not undertake the journey.
- When making a journey with vulnerable passengers, photo-identification should be produced to the carer responsible for the vulnerable person. If necessary, the driver should obtain a record of the carer's contact details if there is no chaperone.
- If a vulnerable passenger is refused service a responsible person should be informed so that alternative arrangements can be made. For example, this situation may arise if the customer has an assistance dog and the driver has a medical exemption granted by the council.
- Drivers should always ask if a vulnerable passenger needs help, and should not make assumptions.
- Drivers must remain professional at all times and should not:
 - Touch a person inappropriately
 - Make offensive or inappropriate comments (such as the use of swearing or sexualised or discriminatory language)
 - Behave in a way that may make a passenger feel intimidated or threatened
 - Attempt to misuse personal details obtained via the business about a person

These standards are equally applicable when working with vulnerable and non-vulnerable passengers.

- A log should be maintained by drivers when a service has been provided to a vulnerable passenger including the details of any incidents occurring / actions taken or refusals of service.
- Drivers and operators must remain alert to issues around the safeguarding of children and vulnerable adults. If a driver/operator is concerned about the safety, welfare or behaviour of a vulnerable person, they should report this to the police by telephoning 101 (or in appropriate cases by calling 999).
- If a driver/operator is concerned about someone else's conduct, they should report your concerns to the council's licensing department (01484 456868), police (101) or Crimestoppers (0800 555111).

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OVERVIEW AND SCRUTINY MANAGEMENT COMMITTEE – AGENDA PLAN – 2018/19

Date of Meeting	Item / Lead Officer	Comments
15 June 2018	Way of working 2018/19 - Penny Bunker Appointment / Allocation of Co-optees – Penny Bunker Re-establishment of Ad Hoc Scrutiny Panel - Penny Bunker Draft Scrutiny Work Programme – Penny Bunker Scrutiny Communications - Penny Bunker	
16 July 2018 11.00 Informal meeting Meeting Room 4	Overview of Transformation Programme (David Hamilton) 10 .00 Scrutiny Panel Work programmes (Panel Lead Members) Informal: Action Log Scrutiny communication Inclusion and Diversity - Year 2 David Bundy	
3 September 2018 <u>9.30 start</u> <u>Council Chamber</u>	Informal meeting: Play Strategy – An update on progress (Rob Dalby) 9.30 a.m. Pre Scrutiny workshop - Cohesion and Integration Strategy 10.00 – 11.00 Action Log Scrutiny Comms / Plans for Council Public meeting: 11.00 a.m. Crime and Disorder – Domestic Abuse – to consider the issue of domestic abuse in Kirklees and the partnership approach to tackling the issue. Panel Lead Member Reports Appointment of interim Co-optee Approval of Economy and Neighbourhoods Work programme	
1 October 2018	10.45 – Leader of the Council Priorities	Cllr Pandor

<p>10.00 a.m.</p> <p>Council Chamber</p>	<p>Ad Hoc Panel progress report</p> <p>Appointment of Interim Co-optee – Economy and Neighbourhoods Panel</p> <p>Informal:</p> <p>11.15 Draft 5 year Flood Risk Management Plan - Including Update on community and member engagement Action Log Scrutiny Comms</p>	<p>Yolande Myers / Cllr Burke</p> <p>Carol Tague</p> <p>Tom Ghee (Cllr McBride)</p>
<p>5 November 2018</p> <p><u>9.30 START</u></p> <p>Council Chamber</p>	<p>9.30 Inclusion and Diversity Update</p> <p>10.00 a.m. Refresh of Domestic Abuse Strategy (Pre- Scrutiny)</p> <p>10.45 a.m. Introduction to new approach to Corporate Performance</p> <p>11.30 a.m. Consultation on Kirklees Hackney Carriage and Private Hire Licensing Policy</p> <p>12.00 Informal: Action Log Scrutiny Comms</p>	<p>David Bundy / Naz Parkar</p> <p>Saf Bhuta / Alexia Gray</p> <p>Mike Henry / Rachel Spencer Henshall</p> <p>Russell Williams / Samantha Lawton</p>
<p>7 January 2018</p> <p>9.30 – 12.30</p>	<p>9.30 start -Transformation Programme Update</p> <p>10.00 Crime and Disorder (meeting 2) - Annual Crime and Disorder Partnership Plan - Update on CCTV operation in Kirklees</p> <p>11.00 Q2 Corporate Performance – to determine scrutiny approach moving forward</p>	<p>David Hamilton</p> <p>Carol Gilchrist</p> <p>Mike Henry</p>

	<p>11.45 Lead Member Reports</p> <p>Informal:</p> <p>KAL Commission (pre scrutiny) Action Log Scrutiny Communications</p>	Adele Poppleton
4 March 2019	<p>10.00 Regional Update</p> <p>11.00 Flood Risk Management Update</p> <p>Informal:</p> <p>Draft Cohesion Strategy (Pre-Scrutiny) (11.30) Action Log Scrutiny Communications</p>	<p>Kate McNicholas / Nick Howe Cllr Light and Cllr Pandor</p> <p>Tom Ghee</p> <p>Carol Gilchrist / Ali Amla</p>
15 April 2019	<p>Lead Member Reports (incl end of year highlights)</p> <p>Leader of Council – Update on Priorities 2018/19</p> <p>Informal:</p> <p>Annual Report / Communications</p>	Cllr Shabir Pandor

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