

# Public Document Pack



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

**Julie Muscroft**

The Democracy Service  
Civic Centre 3  
High Street  
Huddersfield  
HD1 2TG

**Tel:** 01484 221000

Please ask for: Jenny Bryce-Chan

Email: [jenny.bryce-chan@kirklees.gov.uk](mailto:jenny.bryce-chan@kirklees.gov.uk)

Wednesday 3 October 2018

## Notice of Meeting

Dear Member

### Licensing and Safety Committee

The **Licensing and Safety Committee** will meet in the **Council Chamber - Town Hall, Huddersfield** at **2.00 pm** on **Thursday 11 October 2018**.

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".

**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 Licensing and Safety Committee members are:-**

### **Member**

Councillor Carole Pattison (Chair)  
Councillor Mahmood Akhtar  
Councillor Karen Allison  
Councillor James Homewood  
Councillor Christine Iredale  
Councillor Michelle Grainger-Mead  
Councillor Mumtaz Hussain  
Councillor Manisha Roma Kaushik  
Councillor Robert Light  
Councillor Terry Lyons  
Councillor Amanda Pinnock  
Councillor Cathy Scott  
Councillor Mohan Sokhal  
Councillor Kath Taylor  
Councillor Michael Watson

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

### **Substitutes Panel**

#### **Conservative**

B Armer  
D Bellamy  
V Lees-Hamilton  
N Patrick  
M Thompson

#### **Green**

A Cooper

#### **Independent**

C Greaves

#### **Labour**

E Firth  
S Hall  
N Mather  
H Richards  
R Walker

#### **Liberal Democrat**

R Eastwood  
A Munro  
A Pinnock

# Agenda

## Reports or Explanatory Notes Attached

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**Pages**

**1: Membership of the Committee**

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

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**2: Minutes of Previous Meeting**

1 - 4

To approve the minutes of the meeting of the Committee held on 10 September 2018.

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**3: Interests**

5 - 6

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

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**4: Admission of the Public**

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

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**5: Deputations/Petitions**

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

In accordance with Council Procedure Rule 10 (2), Members of the Public should provide at least 24 hours' notice of presenting a deputation.

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**6: Public Question Time**

The Committee will hear any questions from the general public.

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**7: Kirklees Hackney Carriage and Private Hire Licensing Policy**

7 - 112

To seek approval to consult on:

A new Kirklees Hackney Carriage and Private Hire Policy which includes the following policies developed in partnership with the West Yorkshire Combined Authority.

- 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)
-

Contact Officer: Yolande Myers

## KIRKLEES COUNCIL

### LICENSING AND SAFETY COMMITTEE

**Monday 10th September 2018**

Present: Councillor Carole Pattison (Chair)  
Councillor Mahmood Akhtar  
Councillor Karen Allison  
Councillor James Homewood  
Councillor Michelle Grainger-Mead  
Councillor Robert Light  
Councillor Terry Lyons  
Councillor Amanda Pinnock  
Councillor Mohan Sokhal  
Councillor Kath Taylor

In attendance: Wendy Blakely, Head of Public Protection  
Russell Williams, Group Leader, Licensing Public Protection  
David Stickley, Senior Legal Officer

Apologies: Councillor Christine Iredale  
Councillor Manisha Roma Kaushik  
Councillor Cathy Scott  
Councillor Michael Watson

#### **1 Membership of the Committee**

Wendy Blakely, Head of Public Protection  
Russell Williams, Group Leader, Licensing Public Protection  
David Stickley, Senior Legal Officer

Apologies for absence were received on behalf of Councillor Michael Watson, Councillor Manisha Kaushik and Councillor Cathy Scott.

#### **2 Minutes of Previous Meeting**

That the Minutes of the meeting of the committee held on 18 July 2017 be approved as a correct record.

#### **3 Interests**

No interests were declared.

#### **4 Admission of the Public**

The committee considered the question of the admission of the public and determined that all items that would be held in public session.

**5 Deputations/Petitions**

No deputations or petitions were received.

**6 Public Question Time**

No questions were received.

**7 Review of Gambling Licensing Policy**

The Committee considered a report which sought approval for a revised draft of the Council's Statement of Licensing Policy (Gambling) in order that it can be released for consultation. The report set out the process and timescale for the consultation and formal approval for the policy by Council.

The report noted that for the first time the Council had included reference to a Local Area Profile (LAP) of the Kirklees area and would include information held by the Council. This could include deprivation statistics, population and household data or it could be the ward data reports. The LAP would include a wide range of factors, data and information as well as information held by the Council's partners, such as information about local crime hot spots.

Although the LAP was not mandatory, the report advised that it had significant benefits for both the Council and businesses in that the applicants would have better awareness of the local area and risks – both potential and actual. Applicants would also need to complete their own local risk assessments.

Members of the Committee asked a number of questions relating to the LAP, particularly around the local perspective of ward members and how that could add to, or support issues identified. Russell Williams, Group Leader, Licensing agreed that separating the LAP into wards was something that could be considered. Mr Williams also confirmed that the LAP would provide consistency across Kirklees, and would be updated on a regular basis.

Following further questions, the Committee heard that should an applicant not comply with the requirement to complete their own risk assessment, they could risk the application being brought before a licensing panel in which members could add conditions or refuse the application. The expense to the applicant could be extensive, especially if legal representation was needed and it could have a reputational impact for the establishment, all of which acted as an incentive for operators to consider the impact of their operation on the local area.

It was noted by the Committee that Newsome ward had a concentrated number of gambling establishments, but these were all located in the town centre, rather than in Newsome. Mr Williams explained that the number of premises was not something that could be taken into account, but where they were located could be, for example if it was near to a drug and alcohol recovery centre. If that was the case, the licensing department would work with the premises to put additional steps in place, for example, Leeds City Council recently saw a gambling establishment part fund a nearby drug and alcohol recovery centre. However, Mr Williams agreed that the town centre having its own LAP was something that the licensing department would consider.

## Licensing and Safety Committee - 10 September 2018

### **RESOLVED –**

- (1) The Committee approve the Gambling Policy appended to the report as a consultation policy
- (2) The Committee instruct officers to consult for a period of 6 weeks on the draft policy commencing on 17th September 2018.
- (3) Subject to there being no relevant representations that the Group Leader for Licensing recommends to the Council adoption of the Draft Gambling Policy.
- (4) Should relevant representations be received, instruct officers to bring a further report to the meeting of the Licensing Committee with the outcomes of the consultation.

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<b>KIRKLEES COUNCIL</b>					
<b>COUNCIL/CABINET/COMMITTEE MEETINGS ETC</b>					
<b>DECLARATION OF INTERESTS</b>					
Licensing and Safety Committee					
<b>Name of Councillor</b>					
<b>Item in which you have an interest</b>	<b>Type of interest (eg a disclosable pecuniary interest or an "Other Interest")</b>	<b>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]</b>	<b>Brief description of your interest</b>		

Signed: ..... Dated: .....

## NOTES

### Disclosable Pecuniary Interests

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

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

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

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

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

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

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

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

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

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

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

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

**Name of meeting: Licensing and Safety Committee**

**Date: 11<sup>th</sup> October 2018**

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

**Purpose of report**

To seek approval to consult on:

A new Kirklees Hackney Carriage and Private Hire Policy which includes the following policies developed in partnership with the West Yorkshire Combined Authority:

- 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 <a href="#">Council's Forward Plan (key decisions and private reports)?</a>	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?	Yes/ No financial implications If yes give date
Is it also signed off by the Service Director - Legal Governance and Commissioning?	Yes/ No legal implications If yes give date
Cabinet member portfolio	Give name of Portfolio Holder

**Electoral wards affected: All**

**Ward councillors consulted: N/A**

**Public or private: Public**

**1. Summary**

1.1 Authority is sought for permission to consult on the draft Kirklees 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 At the meeting of this committee on 18 January 2016, it was reported that policies were being developed by the West Yorkshire authorities and York relating to convictions, driver training and vehicle specification, and that there would be a report to this Committee giving more details and seeking authority to consult.
- 2.2 Over the last two years, officers have been working on a project for approval with 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 project's aim was to establish some minimum standards in certain areas of licensing (not necessarily identical policies).
- 2.3 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.
- 2.4 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 and in which it is proposed that we include the Conviction Policy and Driver Training Policy which are part of the West Yorkshire wide project . Authority is 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**

- 2.5 The draft Kirklees 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 delivers 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.
- 2.6 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 we are taking our responsibilities against child sexual exploitation and safeguarding extremely seriously and putting appropriate measures in place.

- 2.7 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 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, permitting taxis and private hire vehicles to enter CAZ areas such as the one proposed for Leeds in 2019 without charge. 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 our 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 taxi 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 <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.



It has been agreed with the West Yorkshire and York Council's that there is a common law duty to consult on the draft policies that have been developed across the region due to the changes proposed. The position is the same in relation to the Kirklees policy.

The taxi trade are aware of the harmonisation project and have been updated at previous trade meetings. Further updates will be provided at future meetings and they will be invited to respond to the consultation as well as other stakeholders.

#### **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 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 and shared to inform decision making about the West Yorkshire and York related policies. Responses to the Kirklees specific policy changes will also be reported back

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

#### **6. Officer recommendations and reasons**

- 6.1 That the policies referred to at paragraph 2 be the subject of an eight week consultation as set out above, and responses received by West Yorkshire & York authorities to be considered by Licensing Committee in February 2019.

That the Head of Public Protection is authorised to agree the final approach to consultation alongside the other West Yorkshire and York authorities.

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

#### **7. Cabinet portfolio holder recommendation**

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

#### **8. Contact officer**

Russell Williams  
Group Leader - Licensing  
01484 221000  
[russell.williams@kirklees.gov.uk](mailto:russell.williams@kirklees.gov.uk)

Samantha Lawton  
Operations Manager – Public Protection (Licensing)  
01484 221000  
[samantha.lawton@kirklees.gov.uk](mailto:samantha.lawton@kirklees.gov.uk)

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

Report to Licensing and Safety Committee – 18 January 2016  
<https://democracy.kirklees.gov.uk/documents/s9165/Licensing%20and%20Safety%20002%2018%20Jan%202016%20-%20Constitution%20Taxi%20and%20Private%20Hire%20Vehicles%20-%20Report%20delegat.pdf>

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**

Joanne Bartholomew  
Service Director - Commercial, Regulatory and Operational Services  
[joanne.bartholomew@kirklees.gov.uk](mailto:joanne.bartholomew@kirklees.gov.uk)  
01484 221 000

Kirklees Council  
Hackney Carriage and Private Hire Policy

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## Contents

*{to be inserted}*

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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.

## **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.

<b>Matter to be dealt with</b>	<b>Licensing and Safety Committee</b>	<b>Officers</b>
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 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 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 that 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/paforlpaclive>

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

### Introduction

1. It is a function of the Council to issue Hackney Carriage and Private Hire licences under the Local Government Miscellaneous Provisions Act 1976.
2. 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.
3. 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.
4. 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.
5. 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.
6. 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.
7. 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.
8. 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.

9. 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.
10. 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.
11. 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.
12. The licensing process places a duty on the Council to protect the public. Therefore it is essential that those seeking a licence 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**

13. 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.
14. 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.
15. 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 his family.
16. 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.

17. 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.
18. Where a licence would normally be granted after an elapsed period there may be circumstances where the elapsed period will be extended.
19. 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.
20. 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**

21. 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.
22. The Council conducts enhanced disclosures from the Disclosure and Barring Service ("DBS") of any applicant for a drivers licence. Applicants will be required to obtain an enhanced disclosure at their expense and to subscribe to the Disclosure and Barring Update Service.
23. 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.
24. 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 under the Home Office scheme for reporting offences committed by notifiable occupations.
25. 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.

26. 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.
27. 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.
28. 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.
29. 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.
30. 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.
31. 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.

32. 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.

33. 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.
34. 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.
35. 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**

36. 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.
37. 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.
38. 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.
39. 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.

40. 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.
41. 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.
42. 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".
- 43 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.
44. 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.
45. 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.
46. 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.
47. 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.
48. 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**

49. 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.
50. 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.
51. 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.
52. 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 hand held 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 with the owners 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

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Revised ~~November 2015~~2018/2019

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## **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.

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# **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.

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## **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.

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## 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

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**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).

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## **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](mailto: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](mailto: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

<b>Offence</b>
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).