

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: Carol Tague

Email: carol.tague@kirklees.gov.uk

Monday 3 June 2019

Notice of Meeting

Dear Member

Licensing and Safety Committee

The **Licensing and Safety Committee** will meet in the **Council Chamber - Town Hall, Huddersfield** at **10.00 am** on **Tuesday 11 June 2019**.

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 Amanda Pinnock (Chair)
Councillor Carole Pattison
Councillor Mahmood Akhtar
Councillor Karen Allison
Councillor Paola Antonia Davies
Councillor David Hall
Councillor James Homewood
Councillor Christine Iredale
Councillor Michelle Grainger-Mead
Councillor Mumtaz Hussain
Councillor Manisha Roma Kaushik
Councillor Terry Lyons
Councillor Mohan Sokhal
Councillor Kath Taylor
Councillor Harpreet Uppal
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
V Lees-Hamilton
N Patrick
M Thompson
Smith
J Taylor

Green

S Lee-Richards

Independent

C Greaves

Labour

S Hall
A Butt
E Hill
Simpson

Liberal Democrat

A Munro
A Pinnock
J Lawson
A Marchington

Agenda

Reports or Explanatory Notes Attached

Pages

1: Membership of the Committee

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

2: Minutes of Previous Meeting

1 - 6

To approve the minutes of the meeting of the Committee held on 13 March 2019 and 22 May 2019.

3: Interests

7 - 8

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

4: Admission of the Public

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

5: Deputations/Petitions

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

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

6: Public Question Time

The Committee will hear any questions from the general public.

7: West Yorkshire Policy on determining the suitability of applicants and licensees as drivers in taxi and private hire licensing 9 - 48

A report seeking approval, following consultation, for Members to adopt the West Yorkshire policy on determining the suitability of applicants and licensees as drivers in taxi and private hire licensing.

Officers: Russell Williams, Group Leader – Licensing, 01484 221000, russell.williams@kirklees.gov.uk and Samantha Lawton, Operations Manager – Public Protection (Licensing), 01484 221000, samantha.lawton@kirklees.gov.uk

8: West Yorkshire Driver Training Policy 49 - 78

A report seeking approval, following consultation, for Members to adopt the West Yorkshire (and York) driver training policy.

Officers: Russell Williams, Group Leader – Licensing, 01484 221000, russell.williams@kirklees.gov.uk and Samantha Lawton, Operations Manager – Public Protection (Licensing), 01484 221000, samantha.lawton@kirklees.gov.uk

9: Vehicle Age Policy - Upper Age Limit 79 - 90

A report to inform Members of the result of the review of the Council's private hire and hackney carriage upper age limit policy, and seek approval for one of the recommendations.

Officers: Russell Williams, Group Leader – Licensing, 01484 221000, russell.williams@kirklees.gov.uk and Samantha Lawton, Operations Manager – Public Protection (Licensing), 01484 221000, samantha.lawton@kirklees.gov.uk

Contact Officer: Carol Tague

KIRKLEES COUNCIL

LICENSING AND SAFETY COMMITTEE

Wednesday 13th March 2019

Present: Councillor Carole Pattison (Chair)
Councillor Mahmood Akhtar
Councillor Christine Iredale
Councillor Michelle Grainger-Mead
Councillor Manisha Roma Kaushik
Councillor Terry Lyons
Councillor Cathy Scott
Councillor Mohan Sokhal
Councillor Kath Taylor
Councillor Michael Watson

Apologies: Councillor Karen Allison
Councillor James Homewood
Councillor Mumtaz Hussain
Councillor Amanda Pinnock

1 Membership of the Committee

Apologies for absence were received from Councillors Allison, Homewood, Hussain and Pinnock.

2 Minutes of Previous Meeting

The minutes of the meeting of the Panel held on 23 November 2018 were approved as a correct record.

3 Interests

No interests were declared.

4 Admission of the Public

That all agenda items be considered in public session.

5 Deputations/Petitions

No deputations or petitions were received.

6 Public Question Time

Councillor Scott referred to the introduction of clean air zones and the Clear Air Charging Zone due to be introduced by Leeds City Council in 2020 and highlighted the impact that surcharges would have on Kirklees' taxi drivers and their businesses. This was considered under Item 7 (Kirklees Hackney Carriage and Private Hire Licensing Policy).

7 Kirklees Hackney Carriage and Private Hire Licensing Policy

The Committee received a report which asked for consideration to be given to the adoption of the overarching Kirklees Hackney Carriage and Private Hire Policy, taking into account the consultation responses received.

Members were informed that the report was the culmination of a 12 month piece of work to develop an overarching policy, encompassing all the different aspects of hackney carriage and private hire licensing. The Licensing and Safety Committee had received the proposed policy at its meeting on 11 October 2018 and authority had been given for officers to consult on the draft policy.

The Committee were informed that the most significant changes related to a new policy regarding the fitness and suitability of drivers and a new driver training policy. Both of these policies had been developed in conjunction with other West Yorkshire authorities and it was noted that these would be presented to a future Committee. Until then the existing policies would remain in place.

Changes to the emissions standard and the removal of the lower age limit were highlighted. With regards to the introduction of clean air zones, the points raised earlier by Cllr Scott in relation to the potential impact of surcharges on the livelihoods of taxi drivers were acknowledged. The Committee were informed that Leeds City Council had approved the Clean Air Charging Zone proposals and these included an exemption for existing vehicles for 2 years. Representations had been made to Leeds City Council concerning the wider impact of the surcharges across West Yorkshire and the Licensing Service were working with Environment Services to put together a bid for funding from DEFRA to help support licensed drivers in the district.

The Committee expressed concern that the funding support currently available to Leeds was not available to Kirklees as the district was not within the Clean Air Charging Zone. Further concern was raised that drivers in Leeds would be exempt from the surcharges until 2021, whilst those in Kirklees would feel the impact from 2020.

The Committee asked that given the impact on drivers within Kirklees, dialogue continue at a West Yorkshire level and officers work to secure funding to support drivers wherever possible.

It was clarified that a vehicle license was tested on an annual basis and the taxi compliance check, which was instead of an MOT, included a vehicle emissions check. Test and re-test charges were published on the Council's website and included on the documentation sent out to taxi drivers. An individual's license to drive would be issued on a 3 year renewal basis

In referring to the consultation responses outlined at Appendix 2, it was noted that the main issues raised by the trade were in relation to emissions and the vehicle age limited. These concerns had been noted and the Licensing Service continued to work with the trade. With regards to public response, it was noted that responses had been primarily in relation to driver behaviour and the need for checks and more proactive enforcement across the licensing regime.

It was acknowledged that an earlier member suggestion as to the inclusion of travelling dogs other than assistance dogs had been overlooked and would be included within the final policy.

Further to a question raised on the maximum age limit of disabled vehicles, the Committee were informed that as a result of the consultation and discussions with trade members, officers had agreed to look at the Council's current policy in relation to the age upon which all types of licensed vehicles would cease to be licensed. A report on this and vehicle exemptions would be brought back to a future meeting of the Committee.

RESOLVED - That the Committee agreed:-

- The adoption of the draft policy as presented at Appendix I in the report from 1 April 2019; and
- To delegate authority to the Head of Public Protection to make minor changes to the policy should these be necessary, in relation to updating of processes, legislation, service name changes or grammatical errors.

8 Taxi & Private Hire Licensing - New Statutory Guidance from the Department for Transport

The Committee received a report which provided information on the consultation currently being undertaken by the Department of Transport on new statutory guidance in relation to the licensing of the private hire and hackney carriage trades.

The Panel welcomed the consultation and the proposed standardisation of licensing regulations across the country.

It was noted that in-vehicle visual recording was included within the 30 specific areas of guidance and it was hoped that this would provide clarity on data protection issues.

In response to a question regarding the safeguarding of taxi drivers, it was noted that difficulties in reporting incidents to the police had been raised at a recent trade meeting and a police representative had been invited to attend the next meeting. It was also noted that this issue had been discussed at a recent Safeguarding Board and the potential development of a travelling public and taxi driver safety campaign was due to be considered by the Board in May/June.

RESOLVED - That the Committee:-

- Noted the Statutory Guidance;
- Delegated authority to officers, in conjunction with the Chair of the Licensing and Safety Committee, authority to respond to the consultation on behalf of the licensing service; and
- Agreed that Committee Members would contact officers and / or the Chair of the Licensing and Safety Committee with any specific consideration to be fed into the consultation response.

9 Licensing Training

The Committee received a verbal update on licensing training proposals for newly elected members and refresher sessions for existing councillors.

RESOLVED - The Committee agreed the training session proposals and asked that it be clearly stated that the training was mandatory for all committee members.

Contact Officer: Carol Tague

KIRKLEES COUNCIL

LICENSING AND SAFETY COMMITTEE

Wednesday 22nd May 2019

Present:

- Councillor Amanda Pinnock (Chair)
- Councillor Carole Pattison
- Councillor Mahmood Akhtar
- Councillor Karen Allison
- Councillor James Homewood
- Councillor Christine Iredale
- Councillor Michelle Grainger-Mead
- Councillor Mumtaz Hussain
- Councillor Manisha Roma Kaushik
- Councillor Terry Lyons
- Councillor Mohan Sokhal
- Councillor Kath Taylor
- Councillor Michael Watson
- Councillor Paola Antonia Davies
- Councillor David Hall
- Councillor Harpreet Uppal

1 Admission of the Public

RESOLVED – That the business for the meeting be considered in public.

2 Appointment of the Licensing Panel and Regulatory Panel

It was moved by Councillor A U Pinnock, seconded by Councillor Pattison and;

RESOLVED –

(1) That the Licensing Panel and a Regulatory Panel be appointed for the ensuing municipal year, that the representation of political groups on the Regulatory Panel and the Licensing Panel shall not be in accordance with the requirements of Section 15 and 16 of the Local Government and Housing Act 1989 but that Membership of the Panel will be drawn from the Membership of the Licensing and Safety Committee.

(2) That a Licensing Panel be appointed for the ensuing municipal year and that Councillor A U Pinnock, as Chair of the Licensing and Safety Committee, be appointed Chair of the Panel for the ensuing year.

This page is intentionally left blank

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

Signed: Dated:

NOTES

Disclosable Pecuniary Interests

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

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

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

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

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

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

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

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

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

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

the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you, or your spouse or your civil partner, has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

Name of meeting: Licensing and Safety Committee

Date: 11th June 2019

Title of report: West Yorkshire – Policy on determining the suitability of applicants and licensees as drivers in taxi and private hire licensing

Purpose of report:

The purpose of this report is to seek approval, following consultation, for Members to adopt the West Yorkshire policy on determining the suitability of applicants and licensees as drivers in taxi and private hire licensing.

| | |
|---|---|
| Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards? | No |
| Key Decision - Is it in the Council's Forward Plan (key decisions and private reports?) | No |
| The Decision - Is it eligible for call in by Scrutiny? | Not applicable |
| Date signed off by <u>Strategic Director</u> & name | 03/06/2019 Karl Battersby – Strategic Director, Economy and Infrastructure |
| Is it also signed off by the Service Director for Finance IT and Transactional Services? | Eamonn Croston Service Director – Finance |
| Is it also signed off by the Service Director for Legal Governance and Commissioning Support? | David Stickley – Senior Legal Officer (on behalf of Julie Muscroft – Service Director, Legal and Governance) |
| Cabinet member portfolio | Councillor Rob Walker |

Electoral wards affected: All

Ward councillors consulted: All

Public or private: Public

GDPR Implications:

GDPR has been considered and appropriate sections of the report have been amended.

1. **Summary**

- 1.1 It is a function of the Council to issue Hackney Carriage and Private Hire licences under the Local Government Miscellaneous Provisions Act 1976.
- 1.2 The overriding requirement of the Council, in its capacity as licensing authority, is the protection of the public and others who use (or can be affected by) Hackney Carriage and Private Hire services.
- 1.3 The aim of this policy a copy of which is attached at **Appendix A**, is to ensure that public safety is not compromised while at the same time providing guidance to an applicant, existing licence holder or decision maker, 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.
- 1.4 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.

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

Background

- 2.1 The Council must ensure that applicants and / or licence holders are and remain fit and proper to hold a private hire / hackney carriage drivers licence, this onerous responsibility involves a detailed examination of the character of the applicant / existing licence holder in order to make a judgement as to their fitness and propriety.
- 2.2 When considering a person's character the overriding aim of the Council, when carrying out its functions relating to the licensing of Hackney or Private Hire Drivers, Vehicle Proprietors and Operators, must be the protection of the public and others who use (or can be affected by) Hackney Carriage and Private Hire services.
- 2.3 This policy categorises the types of issues including, crime and driving convictions that form part of the test of a person's "fitness and propriety".
- 2.4 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.
- 2.5 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.
- 2.6 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.

- 2.7 In making a decision on whether to grant or renew a licence the Council are in effect holding out the licensee as someone who can be trusted to convey passengers from A to B safely. That passenger may be you, or your elderly mother, or your teenage daughter, or a person who has had too much to drink or a vulnerable person.
- 2.8 In order to meet the Council's duties to protect the public, the proposed Policy at **Appendix A** has been developed by working in partnership and 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 Driver Suitability policy has been agreed across West Yorkshire and York, and is compliant with this new guidance and, in particular, adopts the strict tariffs. The guidelines have recently (April 2019) been included as a proposal in the draft statutory guidance which has been out for consultation by the Department for Transport.
- 2.9 The proposed 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.

Consultation

- 2.10 At the 11th October 2018 meeting of the Licensing and Safety Committee, Members gave approval for officers to consult on this policy. Consultation began w/c 5 November 2018 and ended on the 18th January 2019, where 161 responses were received.
- 2.11 A summary of the responses to the consultation are attached at **Appendix B and C**; **Appendix D** contains a summary of the responses received across the other West Yorkshire Authorities (inc. York)
- 2.12 As a result of the consultation responses across the six West Yorkshire Authorities, some minor changes were made to the proposed policy. These changes are highlighted in **Appendix A**.
- 2.13 The final policy will be considered for adoption by Leeds, Calderdale, Wakefield and York between June 2019 and July 2019. Bradford Council adopted the policy, with minor amendments, on 7 February 2019.

3 Implication for the Council

3.1 Working with People

The purpose and vision of the changes is to ensure there is a raising of standards and skills amongst licensed 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.

3.2 Working with Partners

In developing its policies the licensing services have worked with a number of partners, including, Kirklees Safe Guarding Children's Board, West Yorkshire

Police, Public Health, Environmental Health, other West Yorkshire Authorities (inc York) and Community Safety Partnership,

3.3 Place Based Working

In developing this policy it is to ensure that the travelling public across the whole of the Kirklees district and within the wider region feel safe and are protected from harm.

3.4 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.

3.5 Other (eg Legal/Financial or Human Resources)

Legal

The principle legislation is the Town and Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976.

The purpose of taxi licensing is detailed in the Department for Transport “Taxi and Private Hire Licensing Best Practice Guide” paragraph 8 which states: “The aim of local authority licensing of the taxi and Private Hire Vehicle (PHV) trades is to protect the public.”

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.

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 common standards across the West Yorkshire and York 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. This is also supported by current Government responses and consultation documents.

Equality Implications

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).

A stage 1 Equality Impact Assessment has been completed and is available <https://www.kirklees.gov.uk/beta/delivering-services/equality-impact-assessments.aspx>

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.

4. **Consultees and their opinions**

4.1 Consultation took place on this policy between w/c 5th November 2018 and 18th January 2019, and a total of 161 responses were received; a summary of those responses can be found at **Appendix B and C**.

4.2 The survey was launched online w/c 5th November 2018 and placed on the Kirklees Involve website with links to the policy and survey.

4.3 We actively engaged with the following groups by writing/emailing:

- All Licensed Private Hire Operators
- All Licensed Drivers
- Trade Representatives
- All Councillors
- Kirklees Safeguarding Children's Board
- Kirklees Safeguarding Adults Board
- West Yorkshire Police
- Public Health Board
- Kirklees Community Safety Board
- NHS North Kirklees
- Greater Huddersfield CCG

4.4 The consultation was highlighted in the local media, Huddersfield Examiner on 24th December 2018.

4.5 In addition, the surveys were highlighted on the Kirklees Council, main licensing webpages.

4.6 A summary of the online consultation response is as follows:-

4.7 There were 157 responses to the consultation –

- 93 (59%)¹ responses from the trade
- 13 (8%)¹ responses from members of the public
- 2 (1%)¹ responses from Ward Councillors
- 60 (38%)¹ responses other (this includes council officers)

(¹ The numbers / percentages, added together, are greater than 157 / 100% due to 11 respondents selecting multiple options i.e. licensed driver and operator)

4.8 The majority of people who responded agreed with the tariffs consulted upon apart from the minor traffic or vehicle related offences and hand held telephone / devices, where there was a mixed response.

It is noted that the majority of those responding were of the view the tariff for driving whilst using a hand-held telephone or other device consulted as 5 years and the minor traffic or vehicle related offences also consulted as 5 years were too high.

Having considered the responses, it is proposed minor traffic or vehicle related offences be reduced to 3 years in line with the concerns raised by the respondents. However, notwithstanding the results of the consultation, it is proposed the tariff for driving whilst using a hand-held telephone or other device remain at 5 years. The reason being, it is an endorsable offence and is deemed a significant one that carries a 6 point tariff on your licence whilst most other endorsable offences only carry 3 points and so should not be confused with a minor traffic offence.

4.9 In relation to responses from the following partnering agencies, all agreed with the proposed tariffs and welcomed the review of the policy. In addition, the partnering agencies welcomed the opportunity to work more closely with Licensing and the trade in general to improve standards –

- Kirklees Safeguarding Children's Board
- Kirklees Safeguarding Adults Board
- West Yorkshire Police
- Public Health Board
- Kirklees Community Safety Board
- NHS North Kirklees
- Greater Huddersfield CCG

4.10 A copy of the responses from partnering agencies can be found at **Appendix C**.

4.11 The responses received by Kirklees were broadly in line with the other West Yorkshire Authorities (**Appendix D**).

4.12 Following consideration of the survey results, Kirklees and the other five authorities have amended its proposed policy to reduce the period of ban from 5 years to 3 years for minor traffic and vehicle offences.

5. **Next steps and timelines**

5.1 The next steps are for Members to consider this report and appendices, which include the responses to the consultation, equality impact assessment and the changes made to the policy as a result of that consultation.

5.2 If Members are minded to adopt the policy, including the proposed changes, it is proposed that this new policy on determining the suitability of applicants and licensees as drivers in taxi and private hire licensing be implemented from the 1st August 2019.

6. **Officer recommendations and reasons**

6.3 Members are recommended to adopt the policy on determining the suitability of applicants and licensees as drivers in taxi and private hire licensing, as presented at **Appendix A**, and that this new policy be effective from the 1st August 2019.

6.4 Adopting this policy will ensure people across West Yorkshire are transported safely and protected from harm.

6.4 Authorise the Group Leader of Licensing, in conjunction with their immediate Operational Manager and Head of Service for Public Protection, to make any minor changes necessary to the policy, to remain commensurate with the outcomes of the other West Yorkshire and York Authorities.

7. Cabinet portfolio holder's recommendations

- 7.1 Councillor Rob Walker 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

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

9. Background Papers and History of Decisions

- Report to Licensing and Safety Committee – 11th October 2018
<https://democracy.kirklees.gov.uk/documents/s24810/Item%207%202018-10-11%20Licensing%20Report%2011%20Oct%202018%20002%20002.pdf>
- 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. Strategic Director responsible

Karl Battersby
Strategic Director - Economy and Infrastructure
karl.battersby@kirklees.gov.uk
01484 221000

This page is intentionally left blank

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

Introduction

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

9. As part of the assessment referred to in paragraph 4 above the Council can consider convictions and cautions but also other outcomes of actions taken by the Police, other agencies and the Civil Courts.
10. Reference to convictions in this policy also includes cautions, warnings, reprimands, all forms of fixed penalty notices, restrictive type orders and any other relevant information. **These must be reported to the Council in the format and timescales stated in the relevant policy.** In addition any circumstances relating to the licensee is potentially relevant if it is relevant to their safety and suitability to hold a licence.
11. Matters which have not resulted in a criminal conviction (whether as a result of an acquittal, a conviction being quashed, a decision not to prosecute or an investigation which is continuing where the individual has been bailed) will be taken into account by the Council. In addition, complaints where there was no police involvement will also be considered.
12. In the case of a new applicant who has been charged with any offences and is awaiting trial, the determination will be deferred until the trial has been completed or the charges withdrawn.
13. In all cases, the Council will consider a conviction or behaviour and what weight should be attached to it, and each case will be decided on its own merits and in line with this policy.
14. The licensing process places a duty on the Council to protect the public. Therefore it is essential that those seeking a 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

15. One of the purposes of this policy is to provide guidance to an applicant or existing licence holder on the criteria to be taken into account by the Council when determining whether or not an applicant, or an existing licensee on renewal, is fit & proper to hold a hackney carriage or private hire driver's licence.
16. When determining whether or not a person is "fit & proper" to become or remain a licensed driver each case will be decided on its own merits and the Council shall only depart from this Policy in exceptional circumstances.
17. There must be clear and compelling reasons for the Council to depart from this policy. The otherwise good character and driving record of the applicant or licence holder will not ordinarily be considered exceptional circumstances nor will the impact of losing (or not being granted) a licence on the applicant and/or his family.
18. The granting of a licence places an individual in a unique position of trust and they are expected to act with integrity and demonstrate conduct befitting of the trust placed in them. For this reason, whilst it is possible for an applicant or existing licence holder to have convictions that individually comply with the policy, the overall offending history and conduct of the applicant/licence holder will be considered.

Appropriate weight will be applied where a series of convictions/incidents have been incurred over a period of time.

19. The Policy will also be applied if any additional issue arises that would call into question a person's suitability to continue to hold a licence. If an existing licence holder's conduct falls short of the "fit and proper" standard of behaviour at any time, their licence will be revoked.
20. Where a licence would normally be granted after an elapsed period, there may be circumstances where the elapsed period will be extended.
21. Any foreign offence disclosed by the applicant/licence holder or revealed on an enhanced Disclosure & Barring Service Disclosure will be dealt with in line with this Policy.
22. Any concerns, issues, incidents or convictions/offences not covered by this Policy will not prevent the Council from taking them into account.

Disclosure and Barring Service

23. Applicants need to be aware that as a consequence of the Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) Order 2002, they are excluded from the provisions of the Rehabilitation of Offenders Act 1974 in relation to spent convictions and that **ALL** convictions (including minor motoring convictions and fixed penalty notices) must be declared. The Secretary of State made this exemption because it is necessary to put public safety as the first consideration and to enable the Councils to take a wider view of the applicant over a longer timescale.
24. The Council conducts enhanced disclosures from the Disclosure and Barring Service ("DBS") of any applicant for a drivers licence. Applicants will be required to obtain an enhanced disclosure at their expense and to subscribe to the Disclosure and Barring Update Service.
25. Any information contained in the Enhanced DBS Certificate that identifies an individual as not suitable to work with children or vulnerable adults will normally be refused.
26. The Council is also entitled to use other records and information including any complaints history that may be available to it in determining applications or an entitlement to continue holding a licence. This may include information held by the Council or other Councils and information disclosed by the police under the Home Office scheme for reporting offences committed by notifiable occupations.
27. In determining safety and suitability the Council is entitled to take into account all matters concerning that applicant or licensee. This includes not only their behaviour whilst working in the hackney carriage or private hire trade, but also their entire character including, but not limited to, their attitude and temperament.
28. Any applicant who has resided outside the UK for any period longer than 6 months within the preceding 3 years will be required to produce a **certificate of good conduct dated in the last 3 months** 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. **Alternatively you may be required to produce a Statutory Declaration dated in the last 3 months.**

29. It is the responsibility of the applicant/licence holder to satisfy the Council that they are a “fit and proper person” to hold a licence. Therefore the applicant/licence holder must ensure that all convictions, cautions, warnings, reprimands, fixed penalties, arrests and summonses are disclosed to the Council, including any incurred outside the UK. **A failure to report such convictions, cautions, warnings, reprimands, fixed penalties, arrests and summonses will be given significant weighting.**
30. Once a licence has been granted there is a continuing requirement on the part of a licensee to maintain their safety and suitability to meet the “fit and proper” test. The Council has the powers to take action against licence holders and any behaviour, incidents, convictions or other actions on the part of the licensee which would have prevented them from being granted a licence will lead to the licence being revoked.
31. Any dishonesty by any applicant or other person acting on the applicant’s behalf which occurs in any part of the application process will result in a licence being refused, or if already granted, revoked and may result in prosecution.
32. **An applicant must hold a full DVLA driver’s licence, have the right to remain and work in the UK and be a “fit and proper” person.**
33. Under the Local Government (Miscellaneous Provisions) Act 1976 section 57, the Council has the power to require an applicant to provide:

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

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

34. The character of the applicant in its entirety is the paramount consideration when considering whether they should be licensed. The Council is not imposing an additional punishment in relation to previous convictions or behaviours. The information available to them is used to make an informed decision as to whether or not the applicant is a safe and suitable person.
35. The fact that an offence was not committed when the applicant was driving a taxi or when passengers were aboard is irrelevant. Speeding, drink driving and bald tyres are all dangerous, irrespective of the situation. Violence is always serious. A person who has a propensity to violence has that potential in any situation. Sexual offences are always serious. A person who has in the past abused their position (whatever that may have been) to assault another sexually has demonstrated completely unacceptable standards of behaviour.
36. Licensees are expected to demonstrate appropriate professional conduct at all times, whether in the context of their work or otherwise. Licensees should be courteous, avoid confrontation, not be abusive or exhibit prejudice in any way. Licensees are

expected to act with integrity and demonstrate conduct befitting the trust that is placed in them.

37. There are those who seek to take advantage of vulnerable people by providing services they are not entitled to provide; for example, by plying for hire in an area where they are not entitled to do so. The Council expects licensees to be vigilant of such behaviour and to report any concerns to the Police and the relevant licensing authority. Passengers must feel able to check that the person offering a service is entitled to do so. Licensees must be willing to demonstrate that they are entitled to provide the service offered by, for example, showing their badge. Any applicant or licensee who does not comply with the requirements set out in this paragraph will not meet the “fit and proper” test.

Criminal and Driving Convictions

38. The Council considers that a period of time must elapse after a crime before a person can no longer be considered to be at risk of re-offending. The timescales set out in Table A are to reduce the risk to the public to an acceptable level.
39. In relation to single convictions Table A sets out the time periods that should elapse following completion of the sentence (or the date of conviction if a fine was imposed) before a licence will be granted.
40. The Council will look at the entirety of the individual and in some cases the suitability will not be determined simply by a specified period of time having elapsed following a conviction or the completion of a sentence. The time periods are a relevant and weighty consideration but they are not the only determining factor.
41. In addition to the nature of the offence or other behaviour, the Council will also consider the quantity of matters and the period of time over which they were committed. Patterns of repeated unacceptable or criminal behaviour are likely to cause greater concern than isolated occurrences as such patterns can demonstrate a propensity for such behaviour or offending.
42. This policy does not replace the Council’s duty to refuse to grant a licence where they are not satisfied that the applicant or licensee is a fit and proper person. Where a situation is not covered by this policy the Council must consider the matter from first principles and determine the fitness of the individual.
43. Once a licence has been granted there is a continuing requirement on the part of the licensee to maintain their safety and suitability to meet the “fit and proper” test.
44. Some offences on their own are serious enough for a licence not to be granted and these identified Table A. In the case of an existing licence “refused” in the Table means “revoked”.
45. Applicants and licensees should be aware that where they have been convicted of a crime which has resulted in the death of another person or was intended to cause the death or serious injury of another person they will not be licensed.
46. Where an applicant or licensee has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment of another individual

irrespective of whether the victim or victims were adults or children, they will not be licensed. This includes slavery, child sexual exploitation, grooming, psychological or financial abuse.

47. The Council will not grant a licence to any applicant who is currently on the Sex Offenders Register or on any “barred” list. Existing licensees who are placed on the Sex Offenders Register or on any “barred” list will have their licence revoked.
48. Convictions for attempt or conspiracy will be regarded as convictions for the substantive crime. A caution is regarded in exactly the same way as a conviction. Fixed penalties and community resolutions will also be considered in the same way as convictions.
49. Road Safety is a major priority to the Council. A taxi driver has direct responsibility for the safety of their passengers, direct responsibility for the safety of other road users and significant control over passengers who are in their vehicle. As those passengers may be alone, and may also be vulnerable, any driving convictions or unacceptable behaviour whilst driving will weigh heavily against a licence being granted or retained.
50. Taxi drivers are professional drivers charged with the responsibility of carrying the public. Any motoring convictions demonstrate a lack of professionalism and will be considered seriously. Whilst it is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the grant of a licence or may not result in action taken against an existing licence, subsequent convictions would indicate that the licensee does not take their professional responsibilities seriously and is therefore not a safe and suitable person to be granted or retain a licence.

Decision and Right of Appeal

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

TABLE A

| Offence | Period Elapsed |
|---|--|
| Crimes resulting in death of another person or was intended to cause the death or serious injury to another person. | No period is thought sufficient to have elapsed and the application will be refused. |
| Exploitation – any crimes involving, related to, or has any connection with abuse, exploitation, use or treatment of another individual irrespective of whether the victims were adults or children including, for example: slavery, child sexual exploitation, grooming, psychological, emotional, or financial abuse. | No period is thought sufficient to have elapsed and the application will be refused. |
| Offences involving violence (including arson, riot, terrorism offences, harassment, common assault & criminal damage) or connected with any offence of violence. | 10 years |
| Possession of a weapon or any other weapon related offence. | 7 years |
| Sex and indecency offences – any offence involving or connected with illegal sexual activity or any form of indecency. | No period is thought sufficient to have elapsed and the application will be refused. |
| Dishonesty – any offence of dishonesty, or any offence where dishonesty is an element of the offence. | 7 years |
| Drugs supply – any conviction for, or related to, the supply of drugs, or possession with intent to supply or connected with possession with intent to supply. | 10 years |
| Drugs use – any conviction for possession of drugs, or related to possession of drugs. | 5 years |
| Discrimination – any conviction involving or connected with discrimination in any form. | 7 years |
| Drink driving/driving under the influence of drugs. | 7 years |

| | |
|---|----------|
| | |
| Driving whilst using a hand-held telephone or other device. | 5 years |
| Minor traffic or vehicle related offences – offences which do not involve loss of life, driving under the influence of drink or drugs, driving whilst using a 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. | 3 years |
| Major traffic or vehicle related offences – offences not covered under minor traffic or vehicle related offences and also any offence which resulted in injury to a person or damage to any property (including vehicles), driving without insurance or any offence relating to motor insurance. | 7 years |
| Hackney carriage and private hire offences. | 7 years |
| Vehicle use offences, for example being carried in vehicle without the owners consent. | 7 years. |

Determining the suitability of applicants and licensees as taxi and private hire drivers

- policy consultation

157 responses received to this online survey during 5 November 2018 – 19 January 2019

Do you think the length of elapsed period for offences under each of the main categories are satisfactory?

Crimes resulting in death of another person or was intended to cause the death or serious injury to another person

| | |
|-----------|---|
| 111 (71%) | Agree that no elapsed period should apply |
| 45 (29%) | An elapsed period should apply |
| 1 (1%) | No response |

Please comment:

A longer time should elapse to prevent such incidents from happening again

All depends on the losses

If death was intended on purpose disqualification should apply. If accidental death occurs due to poor weather and visibility or due to another car driving dangerously or kids throwing objects a short time of elapsed time may be needed for the driver to overcome the situation.

Lifetime ban

Mite be accidentally, none fault

Obvious. Should be barred from holding a hackney or private hire licence.

Proper investigation should be made before any action is taken on anyone.

Should be barred for life.

Should not forget what happened

Shouldn't be ever considered as a taxi driver or private hire driver

Somebody guilty of an offence resulting in the death of a person should never be in a position whereby they can be a licensed taxi driver

These crimes should completely exclude whoever commits them from taxi work indefinitely.

This covers a wide range of offences and there should be opportunities with some of these (with a sufficient time lapse) for people to rehabilitate and work

Under these circumstances the elapsed period should be indefinite

Exploitation

| | |
|-----------|---|
| 116 (74%) | Agree that no elapsed period should apply |
| 39 (25%) | An elapsed period should apply |
| 2 (1%) | No response |

Please comment:

A difficult one to answer as exploitation covers so many possibilities.

A lesson to others

As above some of these crimes I agree that no sufficient period is enough, but with others (e.g. financial abuse) there may be scope after a sufficient time lapse to allow an application.

If a taxi driver is involved in exploiting young girls disqualification.

Lifetime ban

Obvious. Should be barred from holding a hackney or private hire licence.

Should be barred for life.

Should be given more time to understand. Wait for full report

Should be refused a licence indefinitely.

Shouldn't be considered to be a taxi driver or private hire driver

Some age false cases

Somebody guilty of an offence involving exploitation should never be in a position whereby they can be a licensed taxi driver

Offences involving violence – proposed elapsed period 10 years

| | |
|------------|-------------|
| 69 (44%) | Agree |
| 61 (39%) | Too long |
| 26 (16.4%) | Too short |
| 1 (0.6%) | No Response |

Please comment:

10 years is to long for violence either don't give the badge or make a shorter time period.

A violent offender should not hold any position involving a licence however long ago the offence

Anyone convicted of offences involovig violence should be bannned from driving a taxi in future, not worth risking the safety of the public.

As a driver you need to be level.headed and calm in all situations

As a vulnerable taxi user I would not like to think that anyone with a history of conviction for violent behaviour would be driving me around alone at night.

AS SOME TIMES WRONG ALLEGATIONS CAN BE IMPOSED AND SOMETIMES PROVEN IN COURT SO THIS PERSON THEN DOESN'T HAVE A CHANCE TO REDEEM THEMSELVES AND THIS IS WHY I FEEL THE PROPOSED PERIOD IS TOO LONG.

Could be self defense

Depending on the offence

Depends if they would reoffend

Depends on the situation and Werner it was provoked.

Depends on violence category

each case should be determined on its own merits

Having committed any offence of violence the person should not be put in a position where they will be in direct face to face contact with the public.

I think again that there could be some scop dependent on offence/circumstances for a lesser period

If that the way it will be all the Society in prison.please take look at the Society culture

If violence led to a conviction person should not be allowed to be alone in a car with anyone else.

Is violence just a tap/punch or as serious as an assault with a weapon?

It could be others fault

It may be a case of a customer swearing or kicking a drivers car door and causing hundreds of pounds of damage.

It should depend on the reason for assault as some assaults are self defence

Its way too harsh to punish someone for 10 years when the driver could be acting in self defence.

Life

Life

Longer period or proof from trusted source that the person has changed

My view is there should be no elapsed period. As criminal conviction information is not allowed to be shared with the public due to GDPR, the public are at a disadvantage as they are unable to make an informed choice on whether to travel with a taxi firm or driver and the risk of doing so. Therefore the council should take the most stringent measures possible in terms of elapsed periods to protect the public in the absence of the public being able to choose who they travel with based on their history. I would never knowingly travel in a taxi with a driver who had been convicted of this type of offense.

No elapsed period should apply
 Passengers should feel and be entirely safe in a taxi and under no threat or implied threat.
 Risk of violence unwanted
 should be 2 years
 Should be barred for life.
 Should not be allowed at all
 Some very rough customers aswell, it can be a case of someone kicking a door in on a brand new car
 Somebody guilty of an offence involving violence should never be in a position whereby they can be a licensed taxi driver
 The taxi driver doesn't know who he is picking up, he could be a dangerous person. The driver gets blamed for everything even if he's innocent.
 There needs to be evaluation procedure for how serious is violence.
 They have been punished by the court of law no further punishment should apply.
 Think they should be banned for life
 This should incur a lifetime ban.
 those people have a responsibility transporting children and vulnerable adults and should not be allowed to come back, its a matter of trust!!
 these are supposed to be professional drivers
 Violence in most cases is from other side but driver gets blamed for it.

| Possession of a weapon or any other weapon related offence – proposed elapsed period 7 years | |
|--|-------------|
| 73 (47%) | Agree |
| 43 (28%) | Too long |
| 40 (25.4%) | Too short |
| 1 (0.6%) | No Response |

Please comment:
 10 years
 Any offensive weapon conviction should result in a lifelong ban and would send out a message and deterrent.
 As a vulnerable taxi user I would not like to think that anyone with a history of conviction for weapons offenses would be driving me around alone at night.
 as above
 B/C this guy have a weapon is ready to kill same one, so those kind of people need too long elapsed period.
 Carrying a weapon for any reason should be enough to preclude the offender from working again as a taxi driver.
 Do you really need to ask!
 each case should be determined on its own merits
 Evaluation process and how this weapon came in the vehicle?
 How will it be assessed that rehabilitation is successful so that a weapon will never be carried again?
 If that the way it will be all the Society in prison
 It depends what you consider a weapon
 Life
 Longer period of time to prove that such offenders are no longer a risk
 My view is there should be no elapsed period. As criminal conviction information is not allowed to be shared with the public due to GDPR, the public are at a disadvantage as they are unable to make an informed choice on whether to travel with a taxi firm or driver and the risk of doing so. Therefore the council should take the most stringent measures possible in terms of elapsed periods to protect the public in the absence of the public being able to choose who they travel with based on their history. I would never knowingly travel in a taxi with a driver who had been convicted of this type of offense
 No elapsed period its weapons
 No elapsed period should apply
 No need to be carrying weapons in this day and age whatsoever.
 Offence has been dealt with by court of law, this would penalise again for same crime.

Possession shows intent to commit violence, the period should be 10 years
 Risk of driver carrying a weapon
 should be 10
 should be 2 years
 Should be barred for life.
 should be minimum 10 years to be consistent with violence
 Should be refused a licence indefinitely.
 Shouldn't be considered to be a private or public driver
 So without using these weapons they will be deprived from working?
 Some very rough customers out there especially at night.
 Somebody guilty of an offence involving a weapon should never be in a position whereby they can be a licensed taxi driver
 Someone who is prepared to possess a weapon should not be allowed to be alone in a car with anyone else.
 The carrying of a weapon of any sort should incur a ban on working in direct contact with the public.
 Think it should be 10 years.
 This should be increased to reflect the very serious nature of the crime. Hundreds of people every year are killed by weapons. For example, stabbings are at an epidemic level in this day and age. The elapsed period should be increased to 10 years.
 This should incur a lifetime ban
 Too long same answer either give a warning if still caught again then take action.

Sex and indecency offences

| | |
|-----------|---|
| 110 (70%) | Agree that no elapsed period should apply |
| 46 (29%) | An elapsed period should apply |
| 1 (1%) | No Response |

Please comment:

10 People can change for better

7 YEARS

A longer period of time to ensure safety

A period of time should apply as everyone should be given a second chance.

Again scope for looking at offence/nature of this and when it took place and in some circumstances an elapsed period may be acceptable

Disqualification

I don't think anyone convicted of sex or indecency offences should be allowed to work as a taxi driver again.

If convicted of rape or having sex with someone underage should be banned for life.

If found guilty

Lifetime ban

Never be considered to be a private hire or public hire driver

Obvious. Should be barred from holding a hackney or private hire licence.

Only if proven

Should be barred for life.

Should be refused a licence indefinitely.

Should not break rules

Somebody guilty of an offence involving sex and indecency should never be in a position whereby they can be a licensed taxi driver

Taxi drivers will find themselves carrying lone women, drivers with a record of sexual offences should not be taxi drivers

Yes a good proper investigation should be taken but the council should not take badges without proof from drivers.

Dishonesty offences - proposed elapsed period 7 years

| | |
|------------|-------------|
| 75 (48%) | Agree |
| 62 (39.4%) | Too long |
| 19 (12%) | Too short |
| 1 (0.6%) | No response |

Please comment:

10 year minimum to act as a deterrent.

10 Years

10 years

10 years

10 years

5 years

5 Years is enough

A licence holder is a position of trust. Perhaps another occupation would be more suitable?

as above

At least ten years, these drivers are dealing with some very vulnerable people.

dependent on the situation

Depends on crime

Depends on the degree of the offense, 10 years would be better

each case should be determined on its own merits and the seriousness of the matters in question

Each individual case should be looked at to determine a proposed elapsed period

Far too long for applicant to be punished 10 years after crime.

How can you prove dishonesty? It sounds like the taxi drivers have no credibility within the eyes of your organisation.

If that the way it will be all the Society in prison

It's hard to comment without really knowing what dishonesty offences are, but 7 years seems a long time - doesn't feel like these offenses would have much impact on the work of a taxi driver

Need to assess about what kind of dishonesty is there? And then elapsed period should be decided.

not enough informaton/examples about what this would include - many offences have an element of dishonesty so would it be the case that most drivers would automatically be declined for 7 years.

should be minimum 10 years to be consistent with violence

Should be refused a licence indefinitely.

Somebody guilty of this type of offence should never be in a position whereby they can be a licensed taxi driver

The taxi driver is put in a position of trust and therefore any offence for dishonesty should preclude them from working in a face to face role with the general public.

Too long either should be given a warning if done again then investigate why done again.

Drugs supply - proposed elapsed period 10 years

| | |
|----------|-------------|
| 95 (60%) | Agree |
| 34 (22%) | Too long |
| 27 (17%) | Too short |
| 1 (1%) | No response |

Please comment:

20 years
Again consider circumstances when looking at elapsed period, I dont think a blanket 10 year ban should apply to lower level crime of this nature
As a vulnerable taxi user I would not like to think that anyone with a history of conviction for supplying drugs would be driving me around alone at night.
as above
Being a taxi/private hire driver makes it easy to supply or possess drugs shouldn't be considered as either driver
Do you really need to ask!
each case should be determined on its own merits and the seriousness of the matters in question
Far too short. People convicted of supplying drugs are not suitable to hold a licence.
Indefinite period
Life
Life
Lifetime Ban
My view is there should be no elapsed period. As criminal conviction information is not allowed to be shared with the public due to GDPR, the public are at a disadvantage as they are unable to make an informed choice on whether to travel with a taxi firm or driver and the risk of doing so. Therefore the council should take the most stringent measures possible in terms of elapsed periods to protect the public in the absence of the public being able to choose who they travel with based on their history. I would never knowingly travel in a taxi with a driver who had been convicted of this type of offense
No elapsed period
Should be barred for life.
Should be refused a licence indefinitely.
Somebody guilty of this type of offence should never be in a position whereby they can be a licensed taxi driver
Taxis are often used to transport drugs and drivers have been found to be complicit in this crime.
The reputation of some taxi drivers acting as drug mules and delivery service should result in a total ban
This is too long a shorter period should be proposed
This should incur a lifetime ban.
Would you want your children being driven by a convicted drugs dealer, however long ago the offence?

Drugs use - proposed elapsed period 5 years

| | |
|----------|-----------|
| 88 (56%) | Agree |
| 36 (23%) | Too long |
| 33 (21%) | Too short |

Please comment:

10 years

10 years

10 years or indefinite ban

10 years should apply

20 years

Actually agree with 5 years, however longer elapsed periods for subsequent offences.

Are drivers regularly tested?

as above

Customers place their lives in the hands of drivers. We need to be sure there are no drug issues.

each case should be determined on its own merits and the seriousness of the matters in question

Each individual case should be looked at to determine a proposed elapsed period.

If it's just a proportion amount for self use merits should be considered in my opinion

If that the way it will be all the Society in prison

Indefinite

It's drugs no elapsed period

Make it 10 years with drug tests

My view is there should be no elapsed period. As criminal conviction information is not allowed to be shared with the public due to GDPR, the public are at a disadvantage as they are unable to make an informed choice on whether to travel with a taxi firm or driver and the risk of doing so. Therefore the council should take the most stringent measures possible in terms of elapsed periods to protect the public in the absence of the public being able to choose who they travel with based on their history. I would never knowingly travel in a taxi with a driver who had been convicted of this type of offense

Regular unannounced checks should be made to determine whether suitable

Same reason as drug supply, any involvement with drugs should result in a lifelong ban from taxi driving.

See above comment

should be 10 and subject to on going tests

Should be 10 years

should be 7-10 years

Should be barred for life.

should be minimum 10 years to be consistent with violence

Should be refused a licence indefinitely.

Somebody guilty of this type of offence should never be in a position whereby they can be a licensed taxi driver

Use of illicit drugs should incur a lifetime ban. Drivers should also face drug testing at minimum 4 month intervals.

Discrimination – any conviction involving or connected with discrimination in any form - proposed elapsed period 7 years

| | |
|----------|-----------|
| 91 (58%) | Agree |
| 54 (34%) | Too long |
| 12 (8%) | Too short |

Please comment:

10 years

10 years

10 years or indefinite ban

10 years should apply

20 years

Actually agree with 5 years, however longer elapsed periods for subsequent offences.

Are drivers regularly tested?

as above

Customers place their lives in the hands of drivers. We need to be sure there are no drug issues.

each case should be determined on its own merits and the seriousness of the matters in question

Each individual case should be looked at to determine a proposed elapsed period.

If it's just a proportion amount for self use merits should be considered in my opinion

If that the way it will be all the Society in prison

Indefinite

It's drugs no elapsed period

Drink driving/driving under the influence of drugs - proposed elapsed period 7 years

| | |
|----------|-------------|
| 84 (54%) | Agree |
| 32 (20%) | Too long |
| 39 (25%) | Too short |
| 2 (1%) | No Response |

Please comment:

10 years

10 years. At least.

A complete ban for indefinite period

As a vulnerable taxi user I would not like to think that anyone with a history of conviction for drink or drug driving would be driving me around alone at night.

As criminal conviction information is not allowed to be shared with the public due to GDPR, the public are at a disadvantage as they are unable to make an informed choice on whether to travel with a taxi firm or driver and the risk of doing so. Therefore the council should take the most stringent measures possible in terms of elapsed periods to protect the public in the absence of the public being able to choose who they travel with based on their history. I would never knowingly travel in a taxi with a driver who had been convicted of this type of offense

Do you really need to ask!

If that the way it will be all the Society in prison

indefinite ban

Life

minimum 10 years

never again

No elapsed period should apply

Not a suitable occupation for the candidate

same as above

should be 10
 Should be 10 years minimum
 should be around 1-2 year as 7 years is too long.
 Should be barred for life.
 Should be for shorter period
 should be minimum 10 years to be consistent with violence
 Should be refused a licence indefinitely.
 Should never be allowed to hold a taxi drivers license as they are not only putting their own lives in danger but innocent people could be hurt or die through their criminal activity.
 Should not ever be considered
 So significant for a taxi driver - it should be at least 19 years
 Somebody guilty of an offence of drink/drug driving should never be in a position whereby they can be a licensed taxi driver
 Think should be 10 years
 This should also incur a lifetime ban.
 This should be increased to 10 years to reflect the very serious nature of the crime. This should be increased to 10 years as it is very similar to violence because thousands of people are killed or injured every year because of drink/drug drivers.
 We living under very testing times sometimes people do come the victims of the situations (stressed) so each case should be analysed differently though I don't encourage drink driving.
 You should be able to get into a taxi and not be afraid the driver is under the influence of drink or drugs

Driving whilst using a hand-held telephone or other device - proposed elapsed period 5 years

| | |
|----------|-------------|
| 64 (41%) | Agree |
| 71 (45%) | Too long |
| 19 (12%) | Too short |
| 3 (2%) | No response |

Please comment:

10 years
 10 Years minimum.
 12 months
 2 months
 5 years feels excessive - not sure we should be making examples of drivers in this way
 7yrs
 Again Each individual case should be looked at to determine a proposed elapsed period
 any PSV driver should not use a phone while driving
 Do responding to a dash mounted Pda result in the same offense catagorie ?
 Drivers have radios for communication with their base; driving using a mobile phone should result in a total ban.
 Emergency could be the reason
 Harsh
 I understand about the mobile phone but what about the taxi data mobile we have for jobs
 If driving at the time 5 years is fine but if the driver has parked up safely using a phone and is charged with using a phone whilst in charge of a vehicle that's a different circumstance and I think 5 years is too long
 if fine and points is ok with police then it should be ok with the council.
 If that the way it will be all the Society in prison
 It is common practice for Taxi drivers to use their mobile phones while driving resulting in accidents or dangerous driving. A 7-10 year ban would have more impact.
 minimum 10 years

My point of view the maximum time is 1year
 My point of view the maximum time is 1year
 No elapsed period should apply
 Not a deterrant. Taxi drivers especially private hire companies frequently drive whilst using hand held phones
 Obviously no good using a hand held phone while driving but let police do their job in giving out the fines eventually the driver won't do it.
 One month
 one month minimum
 Seems a bit harsh, I would suggest 3 years in line with points remaining on licence.
 seems too long though I appreciated it is an offence
 Should be 7 years
 Should be refused a licence indefinitely.
 should be shorter unless the offender consistently does it
 Should lose licence for six months for a first offence, twelve months for a second, eighteen months for a third, etc.etc.
 Could be dealt with like any other drivers
 Taxi will always need a device whilst at work so may be caught via work related
 This seems to be unfair and unjust maybe a lower elapsed time say maybe 6 months
 Too harsh this will be considered excessive
 Too many taxi drivers use their phones while driving
 where no accident, injury or damage occurs then this period is way too long

Minor traffic or vehicle related offences - proposed elapsed period 5 years

| | |
|------------|-------------|
| 59 (37.5%) | Agree |
| 93 (59%) | Too long |
| 4 (2.5%) | Too short |
| 1 (1%) | No response |

Please comment:

10 yrs
 10 yrs at least
 12 months
 1year
 1year
 2 years
 3 years
 5 years ????? No work , how is that going to work , isn't the standard 12 point policy good enough, ?
 5 years feels excessive - not sure we should be making examples of drivers in this way
 5 years seems a long time for offences deemed as 'minor'
 Accidents happen with anyone, it could be a case of just a bulb not working.
 Anything can happen on the roads
 Anything can happen on the road with any vehicle, wether it's a taxi or private car.
 as above
 As the question says it just minor proper investigation should be made before accusing the driver.
 ban for minor traffic related offences?
 Dependent on offence period enforced by offence
 Depending on what the offence is I think everyone breaks the law on the road 5 years is long time to pay for 1 minor mistake
 Depends how minor the offence.
 depends what the minor incident was.
 Everybody makes mistakes

I don't think that's a big offence that you are committed to .it's persons lively hood. And what are they going to all do go on benefits
 I think this should be inline with the period these points for the offence remain on the individuals licence
 If that the way it will be all the Society in prison
 If you are caught speeding doing 36 in a 30 zone at 3am no other traffic around then 5 years is far to long anybody can have a short lapse of
 concentration
 Minor is the word reason for my answer
 Minor offence 5 years wow
 Minor offences are not even that long by DVLA
 Minor!!!
 No elapse time should apply.
 One month
 one month minimum
 period should be shorter if offence is minor.
 Should be less could be taxi drivers only job
 should be shorter unless the offender consistently does it
 should have no exclusion on this offence
 Taxi game can be a pressured one where drivers are likely to make mistakes.
 Thats just ridiculous!!! 5 years proposed elapsed period for a minor traffic offence.. yes we are professional drivers but we are still human,
 mistakes can be made.
 There should be no elapse time
 This is too vague - what is determined as a minor offence
 Very draconian
 Ways of earning will bw stopped, affect family also more taking from tax payers
 where no accident, injury or damage occurs then this period is way too long

Major traffic or vehicle related offences - proposed elapsed period 7 years

| | |
|-----------------|--------------------|
| 74 (47%) | Agree |
| 63 (40%) | Too long |
| 17 (11%) | Too short |
| 3 (2%) | No response |

Please comment:
 10 years or no elapsed period depending on if violation could have caused injury or death
 2year
 2year
 3 months
 5 Years
 7 years? need to elaborate more in what is a major traffic or vehicle related offence are
 Accidents happen to anyone taxi or private car
 Accidents happen with anyone end of day we're all human beings. We all make mistakes
 All of these should be on a sliding scale, with repeat offenders having licences refused for longer periods.
 as above
 Depends very much on independent applicants circumstances
 depends what offence was
 each case on its own merits
 Everybody makes mistakes
 If that the way it will be all the Society in prison
 Life

Major and u want to put them back on the road? Lifetime ban
 May be too long and there should be some disrection for issues towards the less serious end of this category.
 minimum 10 years
 never again
 No elapse time should apply
 Nobody wants a accident to happen they just happen, mistakes can occur
 Not a suitable occupation for the candidate
 One year
 Proper investigation should be made before accusing driver.
 Should be barred for life.
 Situation counts how things happens, if due to reckless and negligent i agree
 Somebody guilty of this type of offence should never be in a position whereby they can be a licensed taxi driver
 There again it's too long for anyone to sit at home without any earnings
 There should be no elapsed time
 This is too vague - what is determined as a major offence
 This should be increased to 10-12 years depending on the offence and if a death occurred then this should be a life ban.

Hackney carriage and private hire offences - proposed elapsed period 7 years

| | |
|----------|-------------|
| 68 (43%) | Agree |
| 77 (49%) | Too long |
| 11 (7%) | Too short |
| 1 (1%) | No response |

Please comment:

!0 Years
 10 years
 10yrs
 2 years
 5 Years
 A licenced driver should know the rules of the job and keep to them. It is very clear
 A longer sentence will ensure that taxi drivers are focussed on maintaining their license requirements.
 again depends what offence is
 Again it depends how serious is the offence
 And what are these exactly ?? Picking up the wrong fare/flyer for a private hire ?
 as above
 care to elaborate what are Hackney carriage and private hire offences
 Depends on the offence but 7 years too long either give the badge or don't drag it on.
 Depends on which scenerio.
 Drivers can make mistakes don't hang them
 Each individual case should be looked at to determine a proposed elapsed period
 If that the way it will be all the Society in prison.
 If you've committed an offence as a Hackney or private hire driver then shouldn't be considered again
 It depends on what sort of offence they have committed
 never again
 not justified
 offences needs to be assessed.
 one month minimum depending on the offence
 should be shorter unless the offender consistently does it

should have no exclusion
Six months
Some consideration again to type of offence before going for one period across all offences?
There should be no elapse time
These are employees of kirklees who need retraining not throwing to the scrapheap
This is too vague - what is determined as a minor offence

Vehicle use offences - proposed elapsed period 7 years

| | |
|----------|-------------|
| 72 (46%) | Agree |
| 73 (46%) | Too long |
| 9 (6%) | Too short |
| 3 (2%) | No Response |

Please comment:
10 years
10 yrs
5 Years
as above
Crazy proposal
Each individual case should be looked at to determine a proposed elapsed period
Far to excessive should have shorter period of rehabilitation
far too long
Harsh
if penelty is good for the police then should be ok for council
If that the way it will be all the Society in prison
Mistakes can easily be made
Not clear enough what's the question is about to me
one month minimum depending on the offence
Potentially too long-dependent on type of offence.
See above comment
should be minimum 10 years to be consistent with violence
should be shorter unless the offender consistently does it ad have bad intention
should have no exclusion
Six months
These are supposed to be "professional drivers", lose their licence permanently.
Too long warning first should be given prior to any action taken but not 7 years.
unjust

Do you agree drivers should be made to join the DBS Update Service?

All licence holders and applicants have to have an Enhanced DBS every 3 years the requirement would be for all licence holders to sign up to the online update service rather than manually sending the DBS application through the postal service.

| | |
|-----------|-------------|
| 118 (75%) | Yes |
| 38 (24%) | No |
| 1 (1%) | No response |

Please comment:

Both methods should be used so people might not like the online method some might do so both methods.

DBS is every 3 years anyway, it tells you everything in 3 years

Every 3 years is good time. It can be up to the driver if he wants it every year.

Every 3 years is ok local people know local drivers anyway

It is more advisable but not everyone wants to do it that way

It's valid for the 3 years anyway you get a up to date one every 3 years

It's valid for the 3 years anyway you get a up to date one every 3 years

It's valid for the 3 years anyway you get a up to date one every 3 years. If driver wants it every year it can be available to them.

Not everyone is able to use a computer.

Some drivers do like to have a choice and if we are paying for a service why take it away

The choice should be made by the applicant

Do you agree drivers should be required to produce a certificate of good conduct?

The certificate of good conduct would be a requirement for all applicants who have lived outside of the UK for any period longer than 3 months within the preceding 3 years, the certificate is provided by the country they have lived in, it details any convictions or cautions recorded against them whilst in that country.

| | |
|-----------|-------------|
| 108 (69%) | Yes |
| 47 (30%) | No |
| 2 (1%) | No Response |

Please comment:

All drivers are good conduct

All drivers are good conduct been in trade for years and years, so they must be trustworthy

Can be in holiday different countries which may be difficult to get one. I think DBS is enough

i don't see any other business asking for a certificate or "good conduct" we're not driving the queen around!!

No not really the certificate or any misconduct should be about the country they are living in at the moment not other countries.

No!! How would they get the certificate, would they be able to work whilst waiting for this certificate it all seems too much.

Some taxi drivers have been in trade for 20 30 35 years. They must have a good conduct in all that time. (very nice drivers there).

Taxi drivers with years of clean record must be good conduct in order to achieve that.

This is not really of any value. Who is going to police it and ensure that it is genuine??

This is unbelievably discriminatory attitude by the council.

Unreasonable and how will you prove authenticity of a document from abroad?

Very experienced and talented drivers out there all drivers have a good conduct. It's not fair making them produce this.

Do you have any other comments or suggestions?

| | |
|-----------|-------------|
| 48 (30%) | Yes |
| 103 (66%) | No |
| 6 (4%) | No response |

Please provide details:

All drivers to be able to speak English and have a good knowledge of the local area. On numerous occasions I have had to provide directions to places within the town centre as when I have given the road name or location of where I want to be the driver said that they don't know where that is

Any criminal conviction or caution should result in the licence being immediately revoked on a permanent basis, without the right of appeal unless the conviction or caution has been quashed..

Any violence, abuse and dishonesty from the customer should also be looked at the same way

As an executive/chauffeur hire driver the knowledge test is unfair because we only pick up from our local area and travel to the airports and we all have sat have

Before creating any rules and regulations please think about the drivers too we have to earn a living here. Everything seems to be against drivers not.for. us please to take that into consideration thanks.

cctv in all licenced taxis

Convictions checks should include countries lived in outside the UK. All drivers should hold a UK driving license and should be required to take an advanced safety course.

Council are trying to make money from ordinary hard working people. Who are taking peoples at home after night out Taxi drivers understand better they are the ones on the road all times. Council and taxis can make difference together

Dishonesty offences - 7 years. Would it be the case that many offences have an element of dishonesty so when assessing a case which would have had a shorter period applied, it would automatically be increased to seven years. Minor traffic offences - 5 years seems a long time for offences that are deemed as 'minor' Vehicle use offences - Not enough detail given in the document about what this would include - Ive put 'Agree' but not sure. Certificate of good conduct - whilst I agree as DBS checks only detail offences recorded in the UK, it is reliant of the applicant being truthful about where they have lived, and I don't know how this would be 'policed'.

Do the law breaches include those committed, detected and/or punished overseas? From whom are the good conduct reports obtained - is there a policy in place to prevent family members/friends/interested parties from giving false reports?

Driving standards amongst Kirklees taxi drivers are appalling. I find it very hard to believe that many drivers have ever passed a UK driving desk. I would like the Council to consider what it can do to raise the standard.

each office or incident needs to be looked at on it's own merit instead of a blanket one that fits all.

Far more checks on road worthiness, insurance, immigration status, etc, A rating system that would allow good and bad comments and perhaps trigger higher or lower frequency of checks.

I am extremely concerned with the new proposals, I believe the Licencing department is unnecessarily introducing bans, especially to those who have been working for a number of years, moreover nothing is being done to improve driver safety unfortunately. There are attacks on taxi drivers carried out every day, many of which go unreported mainly because taxi drivers don't have faith that the licencing department would stand with us. I myself had people threaten me, leave without paying, shouted and spat in the face. What do you do to protect us? as we are also vulnerable. I believe the proposed changes would see existing drivers seeking a career change.

I hope you're able to produce a policy to protect the private hire driver than being vulnerable person then been abused by the pass owner.and fair decent Payment we need to run by metre not by fix price.because fixed price is not fair.also why kirklees prevent us from using the get camera buss.why is Hackney why is not private hire Use.thanks

I think there are alot of good professional drivers out there. Please do not count everybody as the same.

I think what you doing is wrong they earning a very hard living they all passed driving test and taxi test, so why should they be different to anybody else. I think its not fair on them.

ID badges should be clearly display

If any driver commits a serious crime they should punished..end off. A naughty minority makes us all look bad. Get them off the road

Its not fair on the drivers having to go through this.

Let's learn to share, nature gave us enough and peace will flow the world

money and time can be spent else where instead of pointless things like this.. i wonder whoever thought of this has ever sat in a taxi before as a passenger or a driver... wish i got paid to think of stupid things like this

most the new matters proposed seem arbitrary and unjust and would unfairly penalise taxi drivers who are honest, hard working people.

need some pertactin as taxi driver, driver can score they job, price incerse,

Needs to be a consistent period eg 10 year largely across the board. Need to be setting a standard and ensuring that the public who are the users of taxis can be assured that safety is the number one priority. it should also send a message to the taxi driving industry that West Yorkshire means business and will act where right to do so. If you want to be in the taxi licencing business then you abide by the rules however tough they are. if you are a genuine business then you have nothing to fear of the rules.

Please provide details:

Private hire and Hackney should be able to go to any vosa station and enquire a m.o.t this is sufficient as it meets government requirements rather than clogging up system which is the case at moment. This department makes alot of money for kirklees instead of making things harder for drivers and new applicants the department should make it easier process. We have no confidence in licensing. No taxis mean no healthy economy, instead of kirklees thinking how to make money they should think how to save money for drivers.

REFRESHER TRAINING i not happy that every three year it is not possibale

Safety has to be top concern, those applying for licenses should have to live up to much higher standards than other drivers. HGV & PSV drivers have to take special tests to show their competance to drive their vehicles. I suggest taxi drivers should have to pass the advanced drivers test. Also vehicles being used should be up to appropriate standards. Anyone caught using a substandard vehcle should lose their license & have to reapply and the firm they work for should have to pay a fine for lack of supervision & multiple such offenses by a firm should bring their license into question. The authority has to stand up for the users not the operators.

Some very talented and experience drivers there.

Taking a taxi used to be a safe and viable option. The standard of driving, ill mannered drivers and condition of the vehicles around Kirklees are appalling. I worry when I hear my daughter is catching a taxi from the train station. She has said she doesn't feel safe with the driver if she is the only passenger

Taxi drivers have been driving for years and years they have 4 eyes on the road. They are very well known and provide a excellent service.

They earn a very hard living. drivers are very well known to local people and so are them.

Taxi drivers should not have to go through all this, they earn a very hard living.

Taxi drivers that I have encountered on the road are some of the worst drivers I have ever seen. Regularly running red lights when they think no one is around, queue jumping, cutting into traffic with no regard for other drivers, parking illegally, using a mobile phone while driving, picking up fares that have not been booked through an office, illegal U turns, driving up one way streets as a shortcut, aggressive driving attitude, approaching roundabouts in the wrong lane and having to cut across traffic, pulling out at speed when behind buses, driving though zebra crossing when pedestrians are on the crossing - this is but a small number of the bad driving that taxi's regularly exhibit and anything that can be done to tighten up on this will be most welcome.

Taxi job is a dangerous one anything can happen to them they make a very hard living

Taxi's in huddersfield are completely unsafe at the moment. There isn't a young person I know that feels safe getting in a taxi, I have heard countless horror stories about our taxi services in Huddersfield and will continue not to use them

The licensing authority need to speak to the companies/ Businesses that purely do the airport transfers and executive hire companies as we do not do the same work as the other private hire/ Hackney carriage drivers do, as we are not running round the towns on Friday/ Saturday nights, we know our customers, we only go to and from the airport

the quality of the current taxi driver is terrible, they run red lights on a regular basis, I have seen regular near misses due to speed and bad driving. The rules of the road mean nothing to them,

The taxi driver should also be protected from the public with zero tolerance of abuse fare Dodgers violence there should be a quick response to these incidents and there should be results Taxi trade is an absolutely rubbish trade to be in makes you wonder how the councils issue licenses to drivers with no communication skills what so ever

There have been alot of cases where taxi drivers got abuse and attacked by customers.

They should be regularly checked for all above

We have problems with uber drivers working 2 places if the company you work for is printed on the plate also Kirklees and calderdale drivers should be given a Leeds council knowledge test along side the course they have as Leeds is a frequent place of work for Kirklees and calderdale drivers also it very hard to pick up in Leeds as a private hire driver everywhere is for Hackney carriage and they aren't nice when you are trying to pick up a customer that has prebooked with companies maybe some spaces could be made for private hire to pick up customers with cameras so the council could randomly check if you was there fire prebooked job or flagging cos a lot of that is going on I've seen it and it's so dangerous for both customers and drivers

I am responding as:

- 93 (59%)¹ A licensed driver
- 13 (8%)¹ A licensed private hire operator
- 2 (1%)¹ A proprietor
- 60 (38%)¹ A member of the public

¹The percentages, added together, are greater than 100% due to 11 respondents selecting multiple options i.e licensed driver and operator

This page is intentionally left blank

West Yorkshire Police

West Yorkshire police, covering the Kirklees area, would like the following points to be considered and hopefully included in the new taxi licensing policy.

- 1) CCTV to be installed and permanently recording when the vehicle is being used as a taxi or private hire.
- 2) The policy regarding granting or reviewing taxi licenses should be reworded to cover police intelligence and occurrences as opposed to just solely driver's previous convictions. Some drivers have been over the drink drive limit when stopped, however have managed to avoid conviction purely on technicalities. In the new policy drivers and renewal application, the driver must give written consent they do not object to the licensing authority requesting all information held by West Yorkshire, not just convictions but intelligence and involvement with the police.
- 3) All taxi licences are revoked and new grants are not considered if the driver has 7 points or more on their licence.
- 4) All vehicles used as taxi or private hire cars will be clean, tidy and well presented, both internally and externally. All must be mechanically sound and not pose any risk to other road uses or passengers.
- 5) Any communication devices used such as mobile phones must be legal to use when the vehicle is in motion.
- 6) Any driver convicted of using their mobile device such as a phone while driving, should have their licence revoked.
- 7) Drivers should be smart and well presented, they are in a way ambassadors for the Kirklees area, people travelling into our area requiring the service of a taxi or private hire should feel that Kirklees is a place worth visiting and are left with a positive image of our towns and our transport infrastructure.
- 8) All drivers must inform the licensing authority of any convictions, no matter what the conviction is for, some minor convictions may be considered irrelevant by the driver, but could demonstrate he/ she is not a fit and proper person. Failure to notify the relevant authority should lead to the licence being revoked.
- 9) All drivers must complete a mandatory refresher training course when their licence is due for renewal. The training should cover relevant and current legislation. Issues such as:
 - 1) Disability legislation, transportation of persons with limited mobility, guide dogs or young persons with learning difficulties.
 - 2) C.S.E issues and how to help vulnerable children.
 - 3) How to help and assist the more vulnerable members of our society, such as the elderly.

Councils Response

The Council welcomes the suggestions made by West Yorkshire Police, and can respond to say that the suggestions made are being considered by the licensing and Safety Committee as part of a wider project being undertaken by the West Yorkshire (inc York) Licensing Group to harmonise policies across

the region. Two elements of this harmonisation are being presented to the Council's Licensing and Safety Committee at its meeting on the 11th June 2019.

Kirklees Council Community Safety Board

The board welcomed the policy and asked that driver training be linked into the Council's Safer Adult Board and Modern Day slavery. The board welcomed the partnership approach being taken in developing policies. The Board asked that links be made to the wider area including bordering authorities in Greater Manchester such as Oldham and Rochdale.

Councils Response

The Council have noted the Boards comments and officers will seek to establish / strengthen links with other boarding authorities, and training on wider safeguarding matters will be part of the training programme.

.

CSE / Missing Operational Group

The group were fully supportive of the policies being put forward.

Council's Response

The Council welcomes the groups support.

Kirklees Safe Guarding Children's Board

The Board welcomed the comprehensive nature of the policy, and noted the approach to strengthened diligence, including training, vetting, ongoing monitoring and sanctions

The board encouraged and supported the use of 'soft' intelligence, while recognising that for some individuals this may prove challenging, the Board took the view that they supported this approach. It was the Boards view that the safeguarding of the most vulnerable outweighed the individual human rights aspects.

The Board were encouraged by the parallel work to educate, raise awareness and inform; and that the Board would raise this with West Yorkshire colleagues

The Board welcomed that the policy encompassed all providers including independent companies.

Councils Response

The Council welcomes the suggestions made by the Board, and its support, officers can respond to say that the suggestions made are being considered as part of a wider project being undertaken by the West Yorkshire (inc York)

Licensing Group to harmonise policies across the region. Two elements of this harmonisation are being presented to the Council's Licensing and Safety Committee at its meeting on the 11th June 2019.

This page is intentionally left blank

Suitability Policy – Summary of Consultation Responses across West Yorkshire (inc York)

| | Crimes resulting in death or intended to cause death or serious injury– no elapsed period | | | Exploitation – no elapsed period | | | Offences involving violence – 10 years | | | | Possession of a weapon or any other weapon related offence – 7 years | | | | Sex and indecency offences – no elapsed period | | |
|------------------|---|----------|--------------|----------------------------------|----------|--------------|--|----------|-----------|--------------|--|----------|-----------|--------------|--|----------|--------------|
| | Agree | Disagree | Not Answered | Agree | Disagree | Not Answered | Agree | Too Long | Too Short | Not Answered | Agree | Too Long | Too Short | Not Answered | Agree | Disagree | Not Answered |
| Calderdale | 115 | 63 | 7 | 111 | 63 | 11 | 65 | 86 | 28 | 6 | 85 | 52 | 42 | 5 | 107 | 75 | 3 |
| Kirklees | 111 | 45 | 1 | 116 | 39 | 2 | 69 | 61 | 26 | 1 | 73 | 43 | 40 | 1 | 110 | 46 | 1 |
| Leeds | 194 | 41 | 5 | 194 | 41 | 5 | 203 | 24 | 23 | 0 | 194 | 19 | 37 | 0 | 182 | 68 | 0 |
| Wakefield | 33 | 17 | 0 | 36 | 14 | 0 | 10 | 38 | 3 | 0 | 17 | 27 | 7 | 0 | 32 | 18 | 0 |
| York | 42 | 8 | 0 | 39 | 11 | 0 | 21 | 23 | 3 | 3 | 35 | 4 | 9 | 2 | 38 | 11 | 1 |
| Combined Results | 495 | 174 | 13 | 496 | 168 | 18 | 368 | 232 | 83 | 10 | 404 | 145 | 135 | 8 | 469 | 218 | 5 |

| | Dishonesty offences – 7 years | | | | Drugs supply – 10 years | | | | Drugs use – 5 years | | | | Discrimination – 7 years | | | | Drink driving/ driving under the influence of drugs – 7 years | | | |
|------------------|-------------------------------|----------|-----------|--------------|-------------------------|----------|-----------|--------------|---------------------|----------|-----------|--------------|--------------------------|----------|-----------|--------------|---|----------|-----------|--------------|
| | Agree | Too Long | Too Short | Not Answered | Agree | Too Long | Too Short | Not Answered | Agree | Too Long | Too Short | Not Answered | Agree | Too Long | Too Short | Not Answered | Agree | Too Long | Too Short | Not Answered |
| Calderdale | 86 | 81 | 13 | 5 | 115 | 28 | 35 | 7 | 110 | 33 | 36 | 6 | 106 | 60 | 15 | 4 | 105 | 32 | 42 | 6 |
| Kirklees | 75 | 62 | 19 | 1 | 95 | 34 | 27 | 1 | 88 | 36 | 33 | 0 | 91 | 54 | 12 | 0 | 84 | 32 | 39 | 2 |
| Leeds | 203 | 35 | 12 | 0 | 196 | 13 | 41 | 0 | 201 | 22 | 27 | 0 | 213 | 21 | 16 | 0 | 200 | 12 | 38 | 0 |
| Wakefield | 10 | 38 | 3 | 0 | 30 | 13 | 7 | 0 | 27 | 12 | 12 | 0 | 19 | 30 | 2 | 0 | 32 | 10 | 9 | 0 |
| York | 26 | 20 | 3 | 1 | 29 | 14 | 7 | 0 | 26 | 15 | 9 | 0 | 33 | 14 | 2 | 1 | 39 | 5 | 6 | 0 |
| Combined Results | 400 | 236 | 50 | 7 | 465 | 102 | 117 | 8 | 452 | 118 | 117 | 6 | 462 | 179 | 47 | 5 | 460 | 91 | 134 | 8 |

| | Driving whilst using a hand-held telephone or other device – 5 years | | | | Minor traffic or vehicle related offences – 5 years | | | | Major traffic or vehicle related offences – 7 years | | | | Hackney carriage and private hire offences – 7 years | | | | Vehicle use offences – 7 years | | | |
|------------------|--|----------|-----------|--------------|---|----------|-----------|--------------|---|----------|-----------|--------------|--|----------|-----------|--------------|--------------------------------|----------|-----------|--------------|
| | Agree | Too Long | Too Short | Not Answered | Agree | Too Long | Too Short | Not Answered | Agree | Too Long | Too Short | Not Answered | Agree | Too Long | Too Short | Not Answered | Agree | Too Long | Too Short | Not Answered |
| Calderdale | 71 | 87 | 19 | 8 | 62 | 111 | 8 | 4 | 94 | 65 | 24 | 3 | 73 | 92 | 11 | 9 | 75 | 98 | 11 | 1 |
| Kirklees | 64 | 71 | 19 | 3 | 59 | 93 | 4 | 1 | 74 | 63 | 17 | 3 | 68 | 77 | 11 | 1 | 72 | 73 | 9 | 3 |
| Leeds | 200 | 44 | 6 | 0 | 185 | 61 | 4 | 0 | 201 | 28 | 12 | 0 | 199 | 42 | 9 | 0 | 212 | 29 | 9 | 0 |
| Wakefield | 5 | 45 | 0 | 0 | 4 | 46 | 1 | 0 | 12 | 37 | 2 | 0 | 7 | 39 | 4 | 0 | 12 | 39 | 0 | 0 |
| York | 14 | 34 | 0 | 2 | 17 | 32 | 0 | 1 | 33 | 10 | 3 | 4 | 19 | 28 | 0 | 3 | 26 | 22 | 0 | 2 |
| Combined Results | 354 | 281 | 44 | 13 | 327 | 343 | 17 | 6 | 414 | 203 | 58 | 10 | 366 | 278 | 35 | 13 | 397 | 261 | 29 | 6 |

| | Requirement to subscribe to DBS Update Service | | | Certificate of good conduct | | |
|------------------|--|-----|--------------|-----------------------------|-----|--------------|
| | Yes | No | Not Answered | Yes | No | Not Answered |
| Calderdale | 113 | 67 | 5 | 88 | 90 | 7 |
| Kirklees | 118 | 38 | 1 | 108 | 47 | 2 |
| Leeds | 235 | 15 | 0 | 6 | 9 | 235 |
| Wakefield | 31 | 20 | 0 | 24 | 27 | 0 |
| York | 46 | 4 | 0 | 48 | 1 | 1 |
| Combined Results | 543 | 144 | 6 | 274 | 174 | 245 |

| | |
|--|---|
| | Represents a majority of the number of responses in favour of the proposal |
| | Represents a majority of the number of responses against the proposal |

Summary of respondents

| | Calderdale | Kirklees | Leeds | Wakefield | York |
|--|------------|----------|-------|-----------|------|
| Total Number of Responses | 185 | 168 | 250 | 51 | 50 |
| Type: | | | | | |
| A licensed driver | 116 | 93 | - | 42 | 17 |
| A licensed private hire operator | 4 | 13 | - | 1 | 3 |
| A licensed vehicle proprietor | 3 | 2 | - | 1 | 17 |
| A member of the public | 58 | 60 | 19 | 6 | 2 |
| A licensed driver/ a proprietor | - | - | - | - | 9 |
| A licensed driver/private hire operator | - | - | - | - | 1 |
| A licensed driver/a proprietor/private hire operator | - | - | 227 | - | - |
| Other | 4 | - | 4 | 1 | 1 |

Name of meeting: Licensing and Safety Committee

Date: 11th June 2019

Title of report: West Yorkshire Driver Training Policy

Purpose of report:

The purpose of this report is to seek approval, following consultation, for Members to adopt the West Yorkshire (and York) driver training policy.

| | |
|---|---|
| Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards? | No |
| Key Decision - Is it in the Council's Forward Plan (key decisions and private reports?) | No |
| The Decision - Is it eligible for call in by Scrutiny? | Not applicable |
| Date signed off by <u>Strategic Director</u> & name | 03/06/2019 Karl Battersby – Strategic Director, Economy and Infrastructure |
| Is it also signed off by the Service Director for Finance IT and Transactional Services? | Eamonn Croston Service Director – Finance |
| Is it also signed off by the Service Director for Legal Governance and Commissioning Support? | David Stickley – Senior Legal Officer (on behalf of Julie Muscroft – Service Director, Legal and Governance) |
| Cabinet member portfolio | Councillor Rob Walker |

Electoral wards affected: All

Ward councillors consulted: All

Public or private: Public

GDPR Implications:

GDPR has been considered and appropriate sections of the report have been amended.

1. Summary

- 1.1 It is a function of the Council to issue Hackney Carriage and Private Hire licences under the Local Government Miscellaneous Provisions Act 1976.
- 1.2 The overriding requirement of the Council, in its capacity as licensing authority, is the protection of the public and others who use (or can be affected by) Hackney Carriage and Private Hire services.
- 1.3 The aim of this policy, a copy of which is attached at **Appendix A**, is to ensure the travelling public within West Yorkshire and York can be confident 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.
- 1.4 The requirement to undertake driver training forms an integral part of determining whether or not a person is “fit & proper” to become or remain a licensed driver.

2. Information required to take a decision

Background

- 2.1 The Council must ensure that applicants and / or licence holders are and remain fit and proper to hold a private hire / hackney carriage drivers licence, this onerous responsibility involves a detailed examination of the character of the applicant / existing licence holder in order to make a judgement as to their fitness and propriety.
- 2.2 When considering a person’s character the overriding aim of the Council, when carrying out its functions relating to the licensing of Hackney or Private Hire Drivers, Vehicle Proprietors and Operators, must be the protection of the public and others who use (or can be affected by) Hackney Carriage and Private Hire services.
- 2.3 This driver training policy forms part of that overall assessment of an applicant / existing licence holder fitness and propriety, and ensures the travelling public within the West Yorkshire and York region can be confident drivers licensed by each authority have been trained to the highest standard and to a consistent standard; and that they are fully aware of their role and responsibilities as a licensed driver.
- 2.4 The standards set out in this policy 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.
- 2.5 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. Being aware of your role and responsibilities as a driver is a key requirement in ensuring a driver knows how to approach every situation.
- 2.6 The proposed Policy at **Appendix A** has been developed by working in partnership and considering the existing policies in place across West Yorkshire and York.

- 2.7 The proposed policy gives details of the modules new applicants will have to pass before being granted licence, as well as details of refresher training that existing drivers will be expected to complete.

Consultation

- 2.8 At the 11th October 2018 meeting of the Licensing and Safety Committee, Members gave approval for officers to consult on this policy. Consultation began w/c 5 November 2018 and ended on the 18th January 2019, where 167 responses were received.
- 2.9 A summary of the responses to the consultation are attached at **Appendix B – D**.
- 2.10 As a result of the consultation responses across the six West Yorkshire Authorities, some minor changes were made to the proposed policy. These changes are highlighted in **Appendix A**.
- 2.11 The final policy will be considered by, Kirklees, Calderdale, Wakefield and York between June 2019 and July 2019 for adoption. Leeds City Council adopted the policy in March 2019, Bradford Council have agreed the review their training scheme once the final content and policies have been agreed.

3 Implication for the Council

3.1 Working with People

The purpose and vision of the changes is to ensure there is a raising of standards and skills amongst licensed 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.

3.2 Working with Partners

In developing its policies the licensing services have worked with a number of partners, including, Kirklees Safe Guarding Children's Board, West Yorkshire Police, Public Health, Environmental Health, other West Yorkshire Authorities (inc York) and Community Safety Partnership,

3.3 Place Based Working

In developing this policy it is to ensure that the travelling public across the whole of the Kirklees district and within the wider region feel safe and are protected from harm.

3.4 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.

3.5 Other (eg Legal/Financial or Human Resources)

Legal

The principle legislation is the Town and Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976.

The purpose of taxi licensing is detailed in the Department for Transport “Taxi and Private Hire Licensing Best Practice Guide” paragraph 8 which states: “The aim of local authority licensing of the taxi and Private Hire Vehicle (PHV) trades is to protect the public.”

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.

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 West Yorkshire and York 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. This is also supported by current Government responses and consultation documents.

Equality Implications

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).

A stage 1 Equality Impact Assessment has been completed and is available <https://www.kirklees.gov.uk/beta/delivering-services/equality-impact-assessments.aspx>

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.

4. Consultees and their opinions

4.1 Consultation took place on this policy between w/c 5th November 2018 and 18th January 2019, and a total of 167 responses were received; a summary of those responses can be found at **Appendix B to D**.

4.2 The survey was launched online w/c 5th November 2018 and placed on the Kirklees Involve website with links to the policy and survey.

4.3 We actively engaged with the following groups by writing/emailing:

- All Licensed Private Hire Operators
- All Licensed Drivers
- Trade Representatives
- All Councillors
- Kirklees Safeguarding Children's Board
- Kirklees Safeguarding Adults Board
- West Yorkshire Police
- Public Health Board
- Kirklees Community Safety Board
- NHS North Kirklees
- Greater Huddersfield CCG

4.4 The consultation was highlighted in the local media, Huddersfield Examiner, on 24th December 2018.

4.5 In addition, the consultation was highlighted on the Kirklees Council, main licensing webpages.

4.6 A summary of the consultation response is as follows:-

4.7 There were 161 responses to the online consultation survey –

- 112 (70%)¹ responses from the trade
- 59 (37%)¹ responses from members of the public
- 5 (3%)¹ responses other (this includes council officers)

(¹ The numbers / percentages, added together, are greater than 157 / 100% due to 15 respondents selecting multiple options i.e. licensed driver and operator)

4.8 A summary of the online survey can be found at **Appendix B**.

4.9 Most of those responding to the surveys, agreed with the modules that applicants for a new licence would be trained on, but the majority did not agree with the pass mark being set to 90%.

4.10 In relation to refresher training for existing licence holders, most respondents to the survey stated they did not agree refresher training should be done every three years; and this response was consistent across the other West Yorkshire Authorities.

4.11 Two responses were received via email – one from a member of the trade and one from a member of the public. A copy of these responses can be found at **Appendix C**.

4.12 In addition, responses were received from partnering agencies / internal departments, these are attached to this report as **Appendix D**. All were in favour of the work being undertaken on driver training, and welcomed the opportunity to work more closely with Licensing and the trade in general to improve standards, –

- Kirklees Safeguarding Children's Board
- Kirklees Safeguarding Adults Board
- West Yorkshire Police
- Public Health Board
- Kirklees Community Safety Board
- NHS North Kirklees
- Greater Huddersfield CCG

- 4.13 The responses received by Kirklees were broadly in line with the other West Yorkshire Authorities (**Appendix E**)
- 4.14 Following consideration of the survey results, Kirklees and the other five authorities have amended its proposed policy as follows –
- to reduce the pass rate from 90% to 80%,
 - removed the requirement that existing drivers, undertaking refresher training, have to also pass a test,
- 4.15 Whilst the majority were against refresher training, it is important that existing drivers are kept up to date with changes in legislation, conditions, good practice and any changes as result of statutory guidance. As such, officers are of the opinion that refresher training is needed, and that it should be undertaken every three years in line with the renewal of a licence. But, as stated above officers agreed the test element from the refresher training was not required.

5. Next steps and timelines

- 5.1 The next steps are for Members to consider this report and appendices, which includes the responses to the consultation, equality impact assessment and the changes made to the policy as a result of that consultation.
- 5.2 If Members are minded to adopt the policy, including the proposed changes, it is proposed that this new policy on driver training be adopted from 1st August 2019, but that the following implementation dates be delegated to the Group Leader of Licensing –
- The date the training will commence for new applicants,
 - The date upon which existing drivers must have completed refresher training.
- 5.3 Delaying the date upon which training for new applicants will commences and the date upon which existing drivers must have completed refresher training, will ensure the policy is adopted in line with the other West Yorkshire Authorities, while ensuring resources are in place within Kirklees before the training commences.

6. Officer recommendations and reasons

- 6.1 Members are recommended to adopt the policy on driver training, as presented at Appendix A, and that this new policy be adopted from the 1st August 2019.
- 6.2 Adopting this policy will ensure people across West Yorkshire are transported safely and protected from harm.

7. Cabinet portfolio holder's recommendations

- 7.1 Councillor Rob Walker 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

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

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

- Report to Licensing and Safety Committee – 11th October 2018
<https://democracy.kirklees.gov.uk/documents/s24810/Item%207%202018-10-11%20Licensing%20Report%2011%20Oct%202018%20002%20002.pdf>
- 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. **Strategic Director Responsible**

Karl Battersby
Strategic Director - Economy and Infrastructure
karl.battersby@kirklees.gov.uk
01484 221 000

This page is intentionally left blank

PROPOSED HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER TRAINING POLICY

INTRODUCTION

Calderdale, Leeds, Kirklees, Wakefield, and York all recognise 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 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
 - ESOL Entry 3 in Speaking, Listening and Reading
- Local knowledge test
 - Local Tourism and routes to places within the authority for which you are applying
 - Local Conditions/policies/bylaws
- Regulatory framework (Legislation) of the private hire and hackney carriage industry and test
 - Local Government (Miscellaneous) Provisions Act 1976
 - Town Police Clauses Act 1847
 - Highways Act 1980
- Professional standards training and test:
 - Health and safety (Personal Safety/Passenger Safety)
 - Professional customer service (Assisting Customers)
 - 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 assistance 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, ESOL Entry 3 in Speaking, Reading and Listening |
| Local Knowledge Test | Requirement to achieve a pass rate specified by the authority that you are applying to. (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 80% pass rate (these questions will cover the same topics for all authorities) |
| Professional Standards Training and Test | Requirement to achieve a 80% pass rate (these questions will cover the same topics for all authorities) |
| Safeguarding Training and Test | Requirement to achieve a 80% pass rate (these questions will cover the same topics for all authorities) |
| Equalities/Disability Training and Test | Requirement to achieve a 80% pass rate (these questions will cover the same topics for all authorities) |
| Practical Wheelchair Course (for all Drivers of Wheelchair Accessible Vehicles) | Practical Assessment |

You will be required to carry out the training specified by the authority in which you are applying and each authority will have different **approved** providers and/or **approved** 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 must answer correctly. If an applicant 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.

All new applicants will be required to complete and pass the training programme.

The aspects of the training shown in **section 3 of the policy** will have to be carried out by all existing drivers prior to the renewal of their application. **New drivers must have completed all training within the twelve month period following the submission date 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 training must be completed before an application will be accepted.

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
- Professional Standards Training
- Safeguarding Training
- Equalities/Disability Training
- Practical Wheelchair Course (for all Drivers of Wheelchair Accessible Vehicles)
- Any other training, such as any legislation changes

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 Authorities including York firmly believes that safe, suitable and professional trained Hackney carriage and Private Hire drivers are an asset to the West Yorkshire and York region as a whole. We wish to set standards on a par or above that of our neighbouring regions to ensure the safety of the travelling public within our region.

DRAFT

Driver training consultation

161 responses received to this online survey during 5 November 2018 – 19 January 2019

Do you agree that new driver training should cover the following areas?

a) Advanced practical driving assessment

| | |
|-----------|-----|
| 108 (67%) | Yes |
| 53 (33%) | No |

Please comment:

All applicants have a driving licence which they passed and they passed a taxi test once so it's not fair for them

All drivers have been passed once like anybody else. They are very good everyday drivers.

Already been passed once

Already two test there to become a taxi driver

Been passed once like everybody on the road

Drivers already have a valid UK driving licence so why should they have to undertake a practical test

Drivers should have previous experience of driving. Dropping customers off mainly is getting them to their location locally. But should have Motorway experience for longer distances.

Everybody been passed

Getting a licence already tough and costly enough. i do not agree to have a second test.

If someone who has 9 points and are new drivers need advanced practical driving assessment, but someone who has been working for 10/20 years, and does not have any points, require this assessment.

Its not fair on them, they all can drive like anybody on the road. They've all passed once.

Its not fair on them, they all can drive like anybody on the road. They've all passed once.

Most drivers have practical driving knowledge

Should be normal test

There should be no test been passed once like everybody else

we already know how to drive. we are not driving the queen around yorkshire!!

b) An English test ESOL Entry 3

| | |
|-----------|-------------|
| 117 (72%) | Yes |
| 43 (27%) | No |
| 1 (1%) | No response |

Please comment:

A test of level 3 should not be needed. When u speak in English it is then u build up the spoken English.
The taxi should be able to speak in a reasonable amount of English.
for people that cannot write or read much english which much asian taxi drivers would not be able to do
If you hold a full uk driving licence you be able to understand and speak English (in other circumstances i agree)
It should be a written test on the highway code, e.g. What do the words "Residents Parking Only" on a sign mean?
Many older people may find it difficult
Taxi drivers talk and read signs, and they do not need to write, as nowadays, technology is advanced and it works through emails for bills etc, through taxi company.
The English Test should be at least B1 standard, like the test which has been put in place by Transport for London for all private hire and hackney carriage licences.
They are good at what they doing.
This would be very hard for any one to do and complete and not everyone needs ESOL, English standard for overseas learners and cannot be completed in a few hours or a day!!

c) Local knowledge test, 90% pass rate

| | |
|----------|-----|
| 88 (55%) | Yes |
| 73 (45%) | No |

Please comment:

75% as google maps and sat nav can help
All drivers have a good knowledge of local area most live in same area
All drivers have a knowledge of local area they work in
All drivers have a knowledge of local area they work in
All drivers have a knowledge of local area they work in
All drivers have a knowledge of local area they work in
As an executive /chauffeur hire driver we only pick up from our local area and travel to airports and we all have sat navs because you can use your navigation
even some of the senior's drivers dont have this knowledge.
Everybody has knowledge of local area
having knowledge does not make you a good driver with people skills
I think the pass rate could be slightly lower on this - Google street maps are always helpful
In the era of sat nav how is it really a problem not knowing all the streets?
It is good to know local however GPS is now days in control
It is possible that driver come from other authority and at initial stage driver do not have enough knowledge, should be given chance.
It's not London.modern technology helps

It's too high just general knowledge of certain main places and how to use a navigation system.
Local drivers know local area, you learn as you go like in any industry.
Most people won't be familiar with the area until they have began working
New to areas
Not really as long as you are able to use mordern technology you will be fine
Old drivers who have been working for a while, know about the local knowledge as they would have loads of experience due to working for many years, so in this case they would not need a local knowledge , however, new drivers may need this as they are newly passed.
on my openion is 80% is enough b/c they will ues to it when they start work
Sat navs are the future.
The technology so advanced these days a quick google search gets you from a-b in no time it is time to step out of the dark ages
There is a lot of technology there now so does not need a knowledge test
These days plenty satnavs option are available like google map tom tom all private hire company use that drivers can find easily any place
think the pass rate is too high...local knowledge is not that important for certain types of drivers eg long distance/airports/chauffeur only
This comes with on job not a text book. Also if im working in dewsbury/batley why ask me about huddersfield and vice versa abit unfair
unnecessary
We are in 21st century, you do not have to remember anything by heart. Google Map made life so easy as it is. Knowledge test is not appropriate.
We are not robot to memories all streets
With so many places around Kirklees and so many roads leading to them it's difficult for anyone to remember all places and most of private hire trips are to and from peoples houses and not every trip is to the same address.
Would not be fair on people who may not understand test
yes and no.. whats the point of having sat navs?

d) Regulatory framework of the private hire industry and test, 90% pass rate

| | |
|----------|-------------|
| 98 (61%) | Yes |
| 58 (36%) | No |
| 5 (3%) | No response |

Please comment:
90%is a bit to high I don't think knowing the regulatory frame work will make us any better drivers just another way for the council to make more money
As I mentioned before high pass rate about 70% is ok
does it really matter
pass rate is to high
Should be around 60%
Should be higher than 90%
unnecessary

e) Professional standards training and test, 90% pass rate

| | |
|-----------|-------------|
| 108 (67%) | Yes |
| 51 (32%) | No |
| 2 (1%) | No Response |

Please comment:

70% is satisfactory.

90% is too high it should be 45 to 60%

Everybody been passed professionally once.

Most of us are professional get the naughty ones. Leave good ones alone.

New drivers who have never driven a taxi may need this test, as they may not know how it works being a taxi driver as they may have no experience.

Pass 60%

pass rate is too high

Should be higher than 90%

What are professional standards please elaborate

f) Safeguarding training and test, 90% pass rate

| | |
|-----------|-------------|
| 123 (76%) | Yes |
| 37 (23%) | No |
| 1 (1%) | No Response |

Please comment:

Everybody keeps safety foremost in mind

It should be up 60% pass rate

New drivers will need this as they may have never done this test before, however, old drivers who have been working for taxi for a long time have already done this training before.

pass rate is to high

Should be higher than 90%

who would they be safeguarding?

g) Equalities/disability training and test, 90% pass rate

| | |
|-----------|-------------|
| 120 (74%) | Yes |
| 38 (24%) | No |
| 3 (2%) | No Response |

Please comment:

70% minimum.

Not all cars have a ramp.

pass rate is to high

Please comment:

Should be higher than 90%

h) Practical wheelchair assessment (drivers of wheelchair accessible vehicles)

| | |
|-----------|-------------|
| 124 (77%) | Yes |
| 34 (21%) | No |
| 3 (2%) | No Response |

Please comment:

this should only be done as and when required because 99% of the drivers never drive wheelchair accessible cars.

Where a test is required, do you agree the pass rate should be 90%?

| | |
|----------|-------------|
| 75 (46%) | Yes |
| 83 (52%) | No |
| 3 (2%) | No Response |

Please comment:

60%
60%
80%
95%
97%
100%
70% above for pass
70% minimum
75 per cent
80 percent is more reasonable
90% is an unfair amount
90% is far too low
95% would be a far higher standard.
again does it really matter? 90% of customers sitting in my car just want to go home. they are not bothered about anything except getting home safely
as above not for all tests
At least 50% 90 is too high
Atlest 75%
I believe it should be around 75% to 80% to be reasonable for any test
I think before the pass rate is agreed the tests should be undertaken by a group of 'relevant competent persons' to see what scores they achieve.
i think too high
is bit too high most of the driver never achieved 90%in their entire life.
it can be 80%
It should be 60%
It should be above 70%
It should be above 70%
Its should b 65 %
It's too high as there are many foreigner work as taxi drivers. If too less taxis then will be much expensive and may also put public on risk.
Its way too high and in the long run you wont have many drivers left to work those silly hours clearing the town centre of drunk peple at 4 in the morning.
Many exams have lower rate such as over 40/50

maybe 75
No 90% should not be applied to all tests professional and safeguarding standards yes but as an older driver i find it difficult to take exams and doesn't make me any better driver
no should be over 51 per cent
Not always
Not for everything but definitely for safeguarding, equality and professional standards
pass rate is to high and unreasonable.
Seems high in some circumstances, there may be scope for lowering this slightly
should be 80 percent
should be 80%
too high

For licensing authorities that do not already do so, do you agree that existing drivers should be required to complete refresher training every 3 years?

(Only relates to the regulatory framework of the private hire industry, professional standards, safeguarding, equalities/disability and practical wheelchair test.)

| | |
|-----------------|------------|
| 70 (43%) | Yes |
| 91 (57%) | No |

Please comment:

2 years
5 years should be sufficient and depending on how much it will cost us drivers to resit the training we can't just put prices up to cover it as it is a very cut throat business
after all what is mentioned on the survey about practical assessment 90% pass and knowledge. if the person is pass all this what it has been mention it above. my opinion that is a concerning about making money. K
Because once you know it you will always remember it
Because they have the experience of delivering the correct service to the general public already
Cost and time, life balance
Doesn't need Because that's not the airplane License only the car and the Hackney garage Private hire License every driver they have knowledge of the road And good communicate with the customer I'm polite with the customer
Doesn't need Because that's not the airplane License only the car and the Hackney garage Private hire License every driver they have knowledge of the road And good communicate with the customer I'm polite with the customer
Doesn't need Because that's not the airplane License only the car and the Hackney garage Private hire License every driver they have knowledge of the road And good communicate with the customer I'm polite with the customer
I think every 3 years a refresher training should be made but not in a test or examining fashion just a update of rules and regulations way in a classroom fashion practically and theory.
if its for free then yes im up for the refresher and the rest of the courses. if its not then no. did u vote for the Tories by any chance?
If your gone do refresher training that it should be cost free as to me it looks like you guys Are trying to take advantage of taxi drivers
If your gone do refresher training that it should be cost free as to me it looks like you guys Are trying to take advantage of taxi drivers
instead of wasting time and money leaflets containing all the relevant information should be sent to the taxi companies who should then make sure their employees have agreed and understood it.
It should be over 5 years or more
Just a refresh like training
maybe every 5 years
No need for this as updates are provided as and when changes occur.
Once a driver has passed and has its badge why should that person have to do a refresher training to learn the same thing?? Also is the cost involved going to be passed on to the driver?

Only if driver wants to be refreshed
Only if driver wants to be refreshed
Only if driver wants to be refreshed, you learn as you go in any working industry
Only people who have points on their license etc,not required for people who have no points etc.
refresh like traning can be given if driver thinks he needs it.
Refresh training can be given if needed
Refresher training should be mandatory and be completed every 2 years to ensure drivers are up to date on any legislative or any other changes.
regular updates should be enough unless there has been a problem relating to the P. H company or driver
should be no need if youve already done it
The drivers been in job for number of years and should know the job I would say the drivers should be regularly updated with new rules
There is experience as you work
These driver have already proven they are professional, introducing a new test, with additional costs would only further inconvenience them.
They already working, relying on that income for their mortgage etc. Not fair to make them jobless if they couldn't pass for 90%. Unless there is complaint about the individual.
They got Experience in their work
they know their job
This is just another cost to a driver which will bot improve the standards in any way. The training given at the beginning off a licence is enough.
too long
Training can be given every 3 years but you learn as you go aswell.
Training can be given if needed
Waste of time and money because the experience is there.
We already get trained up when we qualify as taxi license holders so only drivers that have had a complaint reported about them should have to do extra training otherwise it feels like we aren't trustworthy as taxi drivers thanks.
We have all ready too many costs.
Why keep doing something youve been doing for many years waste of time and money in my opinion. (moving goal posts all the time)
Yes but every 18 months 3 years is too long

Do you have any other comments or suggestions?

| | |
|-----------|-------------|
| 41 (25%) | Yes |
| 114 (71%) | No |
| 6 (4%) | No Response |

Please provide details:

again pointless.. pay me the same as the other guy. Much Love

All councils should work together and make it as safe as possible for members of the public and driver

All drivers have been passed and have knowledge of area they work in. A DBS every 3 years shows if a driver has a clean record. This proves the driver is capable of driving taxi.

All drivers have been passed so its not fair putting them through all this. More should be done to protect the driver against very dangerous and rough customers. They do a very dangerous job.

Alot of professional drivers out there, they have all passed to gain a licence so they should not go through all this. Training can be given if needed even online at home.

Any changes in current taxi licensing requirements will be most welcome. They may see themselves as "professional" and safe drivers but many do not demonstrate a professional or safe approach to driving. They should have a higher standard of driving skill and if they are found to have broken established rules and regulations they should have the license removed and be required to reach an acceptable standard of driving and customer care before the license is reissued.

As a result of taxi badge ,licences ,insurance and fuel rises all increasing adding more tests of which will no doubt have to be paid for by the driver will deter some people from being a taxi driver or will increase overcharging as a driver we have more than enough overheads

Can we include anything around driving methods which impact on air quality e.g idling for long periods of time, fuel efficient ways of driving. appreciate this couldn't go into massive details but it's a good opportunity to join up agendas. Improving air quality should be seen as a way to further protect the public.

Door stickers should b remove or without the company advertising so driver can do job where ever they want And vehicle r look better on the roads

Drivers at Huddersfield Station should be required to obey the law about driving across the roadway in front of the station particularly after dusk without lights from the rank to the 3 car pick up point. I have seen several near misses. They should not be allowed to wait in the rank with engines running. Drivers should be prepared to give [or even have cards printed with] their licence number and/or photograph to a potential passenger as well as the car registration number.

Drivers need to be given customer service training or there should be a workshop of some sort due to the amount of drivers not speaking to customers this could be due to the language barrier if they are unable to speak English.

Drivers should be tested before given a licence, no temporary licences should be issued until tests and checks have been done

I agree with all the trainings you have just mentioned because it's all to do with everyone's healthy and safety

I do believe that taxi drivers should have their cars checked more regularly and if found with defaults but subject to a 7 day ban. Cars have often been seen tailgating, flying through red and speeding on Manchester, and Wakefield Rd. These roads are often busy and zigging in and out is d traffic without indicating. Tougher bans and suspensions should be in place, a driver gets caught doing this. First offence 28 day ban from working. 2nd 72 day ban and 3rd 12 month suspension of taxi/private hire permit. We have been in several drivers and asked drivers to slow down and been laughed at by both Hackney and private hire (most do and are pleasant) some are rude and refuse to give there details if you ask for them. The private hire control rooms don't care. You as an organisation need to be firmer. We all understand that the drivers need to make money but breaking the law on a daily basis putter by other road users and pedestrians at risk of harm should not be done. On a daily occurrence driving from Crosland Moor to the M62 and back i'll see easily 6-10 law breaks or taxis that are not roadworthy (lights out etc). I do believe suspension of taxi licence will work.

I feel the council should help existing drivers, they bring in a large amount of revenue for the council. I feel the drivers have no support from the council in fact the opposite, the council is quick to respond to complaints etc but on the other side who supports the drivers when they have problems? No one.

I think having 90% pass rate will result in the loss of many drivers and the ESOL will result in even more as english is not their first language, unable to read or write or even use a computer. this would lead to unemployment and more people claiming benefits.

I think you should monitor number of hours a taxi driver can work to provide the equal opportunity to all drivers to make some money. At the moment, this business is chaos.

I'm disappointed that the gulf between the licencing and taxi drivers has increased.

It's all money making scheme. That's all its about.

Many taxi drivers have basic knowledge however many rely on working as drivers as they may not have qualifications. If they have family's and they don't pass the tests they may have no other income. Before making any decisions taxi drivers should be considered and involved in meetings.

Not only should the standard of driving improve for people who drive the public around but the cars are at times disgusting when it comes to safety I have been in cars with seat belts not working, they drive cars with suspension issues, tires low in pressure

Presumably drivers are obliged to have regular sight tests to make sure that they are safe to be in charge of a vehicle? I also assume they are only allowed to drive for a limited number of hours over a 24 hour period.

Random drugs and alcohol testing at least once every 4 months.

safeguarding and equality tests are becoming common place and paper exercises are useless if you have a driver with a heart of gold who can't pass tests. the most important thing to me is respect, patience, ability to drive! i want to feel safe. for those who treat us like family; maybe awards would be useful

See above comment thanks.

Standards of taxi driving and licenced vehicles in Kirklees are the worst I have had the unfortunate experience of having to use. As a business traveller I rely on taxis to and from meetings/railway stations/airports. Frankly how the drivers or vehicles in Kirklees have passed any sort of regulations defeats me. One offence and they should never be allowed to hold a licence again and the company they work for should be heavily fined or shut down. Simple and effective

Taxi drivers are experienced drivers they have been passed like anybody on the road so they should not be going through all this. They all have a knowledge of local area and of course you learn as you go like in any industry you work in.

Taxi drivers are professionally passed once like anybody on the road. They are a lot better at driving than other road users. They have been in trade for years and years with a clean record. All this should be done to people who have a criminal record not those with a clean and happy record for years.

Taxi drivers should not be made to take driving tests again and again they can all drive. They are very good at their job and local area. They have passed once like everybody else.

Taxi drivers should not have to go through this they have been passed and all have a knowledge of area they work in. Very experienced drivers out there but very rough customers.

The English language test should be at a B1 standard, and all taxi drivers must be able to read, write and speak English to the B1 standard. I have experienced taxi driver who speak very little English, and are unaware of the highway code as they regularly speed and run red lights. The B1 level of English must be incorporated to ensure all drivers can speak English at the appropriate level. This english test has been adopted by Transport for London for all new applicants and renewals for private hire and hackney carriage licences, I believe Kirklees Council and all other councils in West Yorkshire should do the same. All taxi drivers must be able to pass a secure english language test to at least B1 standard. This will ensure all taxi drivers are able to communicate with their passenger and ensure they are able to read signs and abide by the highway code. They are doing a very hard and risky job. More should be done to protect the driver than you doing all this.

This is in Kirklees licensing. You have closed the Dewsbury office and it's having a big impact on the Dewsbury drivers. You will not raise this issue in your meetings as you think it's not important. It's important to the drivers as they have to travel to Huddersfield. If you're bothered about it why don't you move the offices to Dewsbury and close the Huddersfield office and see if it has an impact on Huddersfield drivers. I was asked to show my passport so the licensing could have this on their systems as I was told it was a new legislation. If this was a new legislation then why have the banks been doing this for 20 plus years. If you have missed placed the documents then it's your fault and even your colleagues have no answer. I think it would be good to train your colleagues first then ask taxi drivers for a refresher training. For you guys it's all about money making.

This is to kirklees licensing. You have closed the Dewsbury office and it's having a big impact on the Dewsbury drivers. You will not raise this issue in your meetings as you think it's not important. It's important to the drivers as they have to travel to Huddersfield. If your or bothered about it why don't you move the offices to Dewsbury and close the Huddersfield office and see if it has an impact on Huddersfield drivers. I was asked to show my passport so the licensing could have this on there systems as I was told.it was a new legislation. If this was a new legislation then why have the banks been doing this for 20 plus years. If you have missed placed the documents then it's your fault and even your colleagues have no answer. I think.it would be good to train your colleagues first then ask taxi drivers for a refresher training. For you guys it's all about money making.

Very experienced drivers out there, all drivers have been passed and know what to do, so this should not be happening to them.

Whatever policy is adopted, then it needs to be consistent across West Yorkshire and more importantly applied in a consistent manner. If it leads to less taxis operating then so be it. The ones that remain will be operating to a high standard which can only be good for the customer.

When older drivers apply for a badge they should have a small test for general knowledge in dealing with customers and any other question related to the taxi service. It has to be a randomized test not a standard one

| I am responding as: | |
|-----------------------|----------------------------------|
| 95 (59%) ¹ | A licensed driver |
| 14 (9%) ¹ | A licensed private hire operator |
| 3 (2%) ¹ | A proprietor |
| 59 (37%) ¹ | A member of the public |
| 5 (3%) ¹ | Other |

¹Percentages are greater than 100% as 15 respondents selected more than one option i.e responded as a licensed driver and licensed operator

| Responses from trade / licence holders | |
|--|---|
| 1. | <p>My only comments are as follows :</p> <ol style="list-style-type: none"> 1. Who regulates Kirklees Council's employees who may or may not determine a person is fit and proper to hold a licence. How does the general public have confidence the Licensing Department is fit for purpose? 2. Is there really a need for "Local Knowledge Test"? Is this just for the quickest routes? If so surely technology in the shape of satnav and/or driverless cars negates the need for that. If it is local knowledge who determines what each driver/operator should know? If you provide a list you will open yourself to court action if you miss someone or something from that list <p>Do as you will with these comments.</p> <p>Councils Response</p> <p>The Council note the respondent's comment about the need for a 'local knowledge' test given the use of satellite navigation systems. Satellite navigation systems predominately work on the basis of a post code or full address, not all users of private hire / hackney carriages know these details or may just know a local land mark; and licensed drivers need to accommodate these customers. In addition, it is not uncommon for Satellite navigation systems to direct driver the wrong way down one streets.</p> |

| Responses from Members of Public | |
|----------------------------------|--|
| 2. | <p>For my tw'penneth worth and experience I rarely use taxis anymore.</p> <p>1/ My reason, terrible driving standards, I have repeatedly had to tell drivers to slow down or to drive more safely, one driver was doing almost 60 in a 30 with myself my wife and my 9yr old son in. I told him to slow and he didn't, I ended up making him stop, we got out and I refused to pay.</p> <p>2/ old skanky cars, not clean, rattling and rusty.</p> <p>3/ cash only drivers? I've also been refused to be given receipts when asked.</p> <p>My solution.</p> <p>1/ personally I think all public drivers should be made to complete and Advanced driving test with the institute of advanced drivers, I also think more frequent and random stop checks by KMBC should be conducted to stop unofficial drivers standing in for friends and families. I also think drivers should be monitored for driver hours as quite a few do taxiing in between long shifted jobs.</p> |

| | |
|--|---|
| | <p>2/ again, my opinion, cars should only be used up to 3yrs from new, that way there are no questionable own or back street repairs done. (I'm sure main dealers would do special terms for cabbies)</p> <p>3/ customers should be given an opportunity to pay via card if they so require, and all drivers should record and give receipts when requested.</p> <p>Hope this may help in some way</p> <p>Councils Response</p> <p>The Council note the concerns raised and can state that the Licensing Service do undertake multi-agency operations, inspecting licensed vehicles. In addition there is an existing requirement that all applicants for a licence undertake driven test, this policy does not propose to alter that requirement.</p> |
|--|---|

West Yorkshire Police

West Yorkshire police, covering the Kirklees area, would like the following points to be considered and hopefully included in the new taxi licensing policy.

- 1) CCTV to be installed and permanently recording when the vehicle is being used as a taxi or private hire.
- 2) The policy regarding granting or reviewing taxi licenses should be reworded to cover police intelligence and occurrences as opposed to just solely driver's previous convictions. Some drivers have been over the drink drive limit when stopped, however have managed to avoid conviction purely on technicalities. In the new policy drivers and renewal application, the driver must give written consent they do not object to the licensing authority requesting all information held by West Yorkshire, not just convictions but intelligence and involvement with the police.
- 3) All taxi licences are revoked and new grants are not considered if the driver has 7 points or more on their licence.
- 4) All vehicles used as taxi or private hire cars will be clean, tidy and well presented, both internally and externally. All must be mechanically sound and not pose any risk to other road uses or passengers.
- 5) Any communication devices used such as mobile phones must be legal to use when the vehicle is in motion.
- 6) Any driver convicted of using their mobile device such as a phone while driving, should have their licence revoked.
- 7) Drivers should be smart and well presented, they are in a way ambassadors for the Kirklees area, people travelling into our area requiring the service of a taxi or private hire should feel that Kirklees is a place worth visiting and are left with a positive image of our towns and our transport infrastructure.
- 8) All drivers must inform the licensing authority of any convictions, no matter what the conviction is for, some minor convictions may be considered irrelevant by the driver, but could demonstrate he/ she is not a fit and proper person. Failure to notify the relevant authority should lead to the licence being revoked.
- 9) All drivers must complete a mandatory refresher training course when their licence is due for renewal. The training should cover relevant and current legislation. Issues such as:
 - 1) Disability legislation, transportation of persons with limited mobility, guide dogs or young persons with learning difficulties.
 - 2) C.S.E issues and how to help vulnerable children.
 - 3) How to help and assist the more vulnerable members of our society, such as the elderly.

Councils Response

The Council welcomes the suggestions made by West Yorkshire Police, and can respond to say that the suggestions made are being considered by the licensing and Safety Committee as part of a wider project being undertaken by the West Yorkshire (inc York) Licensing Group to harmonise policies across

the region. Two elements of this harmonisation are being presented to the Council's Licensing and Safety Committee at its meeting on the 11th June 2019.

Kirklees Council Community Safety Board

The board welcomed the policy and asked that driver training be linked into the Council's Safer Adult Board and Modern Day slavery. The board welcomed the partnership approach being taken in developing policies. The Board asked that links be made to the wider area including bordering authorities in Greater Manchester such as Oldham and Rochdale.

Councils Response

The Council have noted the Boards comments and officers will seek to establish / strengthen links with other boarding authorities, and training on wider safeguarding matters will be part of the training programme.

.

CSE / Missing Operational Group

The group were fully supportive of the policies being put forward.

Council's Response

The Council welcomes the groups support.

Kirklees Safe Guarding Children's Board

The Board welcomed the comprehensive nature of the policy, and noted the approach to strengthened diligence, including training, vetting, ongoing monitoring and sanctions

The board encouraged and supported the use of 'soft' intelligence, while recognising that for some individuals this may prove challenging, the Board took the view that they supported this approach. It was the Boards view that the safeguarding of the most vulnerable outweighed the individual human rights aspects.

The Board were encouraged by the parallel work to educate, raise awareness and inform; and that the Board would raise this with West Yorkshire colleagues

The Board welcomed that the policy encompassed all providers including independent companies.

Councils Response

The Council welcomes the suggestions made by the Board, and its support, officers can respond to say that the suggestions made are being considered as part of a wider project being undertaken by the West Yorkshire (inc York)

Licensing Group to harmonise policies across the region. Two elements of this harmonisation are being presented to the Council's Licensing and Safety Committee at its meeting on the 11th June 2019.

This page is intentionally left blank

Driver Training Policy

Summary of Consultation Responses

| | Advanced Practical Driving Assessment | | | English Test ESOL Entry 3 | | | Local Knowledge Test | | | Regulatory Framework | | | Professional Standards | | | Safeguarding Training | | |
|------------------|---------------------------------------|----------|--------------|---------------------------------|----------|--------------|----------------------|----------|--------------|---|----------|--------------|------------------------|----------|--------------|-----------------------|----------|--------------|
| | Agree | Disagree | Not Answered | Agree | Disagree | Not Answered | Agree | Disagree | Not Answered | Agree | Disagree | Not Answered | Agree | Disagree | Not Answered | Agree | Disagree | Not Answered |
| Calderdale | 119 | 86 | 0 | 124 | 80 | 1 | 100 | 104 | 1 | 112 | 91 | 2 | 123 | 80 | 2 | 134 | 66 | 5 |
| Kirklees | 108 | 53 | 0 | 117 | 43 | 1 | 88 | 73 | 0 | 98 | 58 | 5 | 108 | 51 | 2 | 123 | 37 | 1 |
| Leeds | 665 | 224 | 0 | 771 | 118 | 0 | 657 | 232 | 0 | 740 | 148 | 0 | 739 | 150 | 0 | 806 | 83 | 0 |
| Wakefield | 20 | 25 | 0 | 24 | 21 | 0 | 16 | 28 | 0 | 14 | 31 | 0 | 18 | 27 | 0 | 23 | 22 | 0 |
| York | 115 | 8 | 1 | 122 | 2 | 0 | 108 | 16 | 0 | 107 | 16 | 1 | 107 | 17 | 0 | 105 | 17 | 2 |
| Combined Results | 1027 | 396 | 1 | 1158 | 264 | 2 | 969 | 453 | 1 | 1071 | 344 | 8 | 1095 | 325 | 4 | 1191 | 225 | 8 |
| | Equality/Disability Training | | | Practical Wheelchair Assessment | | | 90% Pass Rate | | | Refresher Training for Existing Drivers | | | | | | | | |
| | Agree | Disagree | Not Answered | Agree | Disagree | Not Answered | Agree | Disagree | Not Answered | Agree | Disagree | Not Answered | | | | | | |
| Calderdale | 130 | 71 | 4 | 153 | 49 | 3 | 87 | 115 | 3 | 89 | 114 | 2 | | | | | | |
| Kirklees | 120 | 38 | 3 | 124 | 34 | 3 | 75 | 83 | 3 | 70 | 91 | 0 | | | | | | |
| Leeds | 786 | 103 | 0 | 790 | 99 | 0 | 625 | 264 | 0 | 307 | 582 | 0 | | | | | | |
| Wakefield | 23 | 22 | 0 | 32 | 13 | 0 | 10 | 35 | 0 | 7 | 38 | 0 | | | | | | |
| York | 102 | 21 | 1 | 116 | 7 | 1 | 100 | 24 | 0 | 74 | 47 | 3 | | | | | | |
| Combined Results | 1161 | 255 | 8 | 1215 | 202 | 7 | 897 | 521 | 6 | 547 | 872 | 5 | | | | | | |

Represents a majority of the number of responses **in favour** of the proposal

Represents a majority of the number of responses **against** the proposal

Summary of respondents

| | Calderdale | Kirklees | Leeds | Wakefield | York |
|--|------------|----------|-------|-----------|------|
| Total Number of Responses | 205 | 176 | 899 | 45 | 124 |
| Type: | | | | | |
| A licensed driver | 117 | 95 | - | 34 | 68 |
| A licensed private hire operator | 10 | 14 | - | 2 | 7 |
| A licensed vehicle proprietor | 2 | 3 | - | 0 | 21 |
| A member of the public | 70 | 59 | 61 | 7 | 3 |
| A licensed driver/a proprietor | - | - | - | - | 16 |
| A licensed driver/private hire operator | - | - | - | - | 2 |
| A licensed driver/a proprietor/private hire operator | - | - | 778 | - | 1 |
| Other | 5 | 5 | 59 | 2 | - |
| Not specified | 1 | - | 1 | - | 6 |

This page is intentionally left blank

Name of meeting: Licensing and Safety Committee

Date: 11th June 2019

Title of report: Vehicle Age Policy – Upper Age Limit

Purpose of report:

The purpose of this report is to inform Members of the result of the review of the Council's private hire and hackney carriage upper age limit policy, and seek approval for one of the recommendations

| | |
|--|--|
| Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards? | No |
| Key Decision - Is it in the Council's Forward Plan (key decisions and private reports?) | No |
| The Decision - Is it eligible for call in by Scrutiny? | Not applicable |
| Date signed off by Strategic Director & name Is it also signed off by the Service Director for Finance IT and Transactional Services? Is it also signed off by the Service Director for Legal Governance and Commissioning Support? | 03/06/2019 - Karl Battersby Strategic Director – Economy and Infrastructure |
| Cabinet member portfolio | Councillor Rob Walker |

Electoral wards affected: All

Ward councillors consulted: All

Public or private: Public

GDPR Implications:

GDPR has been considered and appropriate sections of the report have been amended.

1. **Summary**

- 1.1 It is a function of the Council to issue Hackney Carriage and Private Hire licences under the Local Government Miscellaneous Provisions Act 1976.
- 1.2 The overriding requirement of the Council, in its capacity as licensing authority, is the protection of the travelling public and others who use (or can be affected by) Hackney Carriage and Private Hire services.
- 1.3 This report, and the proposals it contains, are as a result of a recent consultation on improving the standards within the private hire / hackney carriage trades.

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

Background

- 2.1 In 2018, the Licensing service started the process of developing an overarching policy encompassing all the different aspects of hackney carriage and private hire licensing; having such a policy is recommended and seen as good practice.
- 2.2 In October 2018 Members of the Licensing and Safety Committee, gave authority for officers to consult on the overarching taxi policy; with consultation then taking place October 2018 and January 2019.
- 2.3 The new overarching policy drew together all current aspects of taxi and private hire licensing including setting out required standards, expectations, conditions, processes, some changes were also proposed and consulted on.
- 2.4 One of those proposed changes was to remove the Council lower age limit for vehicles wishing to be licensed as private hire / hackney carriages, and replacing the lower age limit with an emissions based system. However, no proposals were made to alter the Council's policy relating to the upper age limit, or the age upon which a vehicle will cease being licensed.
- 2.5 Following consultation and engagement with representatives from the private hire / hackney carriage trades, the Council felt it appropriate to consider whether the changes to an emission based approach would impact on the vehicle age policy and whether there should be changes; particularly if the Council wished to encourage the trade to move to a more environmentally friendly vehicles.
- 2.6 In March 2019, the overarching taxi policy was adopted by Members of the Licensing and Safety Committee. As part of the discussions at that meeting, officers gave a commitment to Members to review the Councils upper vehicle age policy, with a view to a report being presented to a future Licensing and Safety Committee.
- 2.7 Officers have conducted that review, which has included benchmarking with West Yorkshire authorities, seeking views and information from trade representatives, and Transport services and are now in a position to present the result to Members of this Committee.

Current Policy

- 2.8 The Councils current policy, in relation to the upper age limit for licensed vehicles is -

Hackney Carriage/Private Hire vehicles over ten years of age will be refused further licences.

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

- 2.9 In relation to a lower age limit, Members of the March 2019 Licensing and Safety Committee agreed to move away from an age related policy, and towards an emissions based policy. The policy agreed is as follows –

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*

- 2.10 Adopting an emissions based policy for new vehicles supported the Council's commitment to reducing pollution within the district; and has resulted in the trade being able to licence a new, petrol based vehicle that is older than 6 years of age, which was the previous lower vehicle age policy. However, a diesel vehicle, will need to be less than 6 years of age.

Trade Representatives

- 2.11 Officers and the Chair of the Licensing and Safety Committee held a meeting with trade representatives in April 2019.
- 2.12 In general the trade would like to see the upper age limit increased to 15 years old across all types of vehicles. However, the trade also considered it reasonable that the upper age limit increase to 15 years of age for certain type / class of vehicle, for example hybrids, electric and adapted vehicles / specialist vehicles.
- 2.13 The trade were supportive of a move to more environmentally friendly vehicles such as hybrids and electric, but felt the current upper age limit, coupled with the cost of more eco-friendly vehicles made it cost prohibitive and there would be no return on their investment if they purchased, for example, an electric vehicle for it to cease being licensed once it reached ten years of age.

Transport Services

- 2.14 Officer also held a meeting with officers from the Council's transport services, to seek views from those that test the current fleet of licensed vehicles.
- 2.15 Officers from fleet services could see the merit in increasing the upper age limit slightly in certain circumstances, but did not support to 15 years. The officers felt it could be reasonable to increase the upper age limit to 12 years with certain conditions on that increase, such as between the age of 10 and 12, the vehicle must pass its compliance test first time, and / or the vehicle is subject to a compliance test two times per year.
- 2.16 Officers from fleet services were concerned regardless of the type of vehicle electric, hybrid, petrol / diesel all still have mechanical similarities such as steering, suspension and braking mechanisms etc. that can fail and that are still subject to the same wear and tear as their petrol / diesel counterparts. Officer's highlighted significant mileage is undertaken by licensed private hire and hackney carriage

vehicles and this wear and tear is significantly increased, irrespective of whether it is an electric, hybrid or petrol / diesel vehicle. This was a safety concern and impacts all vehicles.

- 2.17 Fleet services have provided twelve months of data on vehicles passing and failing compliance tests, a summary of this data can be found at **Appendix A**.

Comparison across other Local Authorities

- 2.18 Officers have contacted other West Yorkshire Authorities (inc York), as well as authorities outside of West Yorkshire; the results can be found at **Appendix B**.
- 2.19 The table at Appendix B shows the Council's current vehicle age policy of 10 years is in line with other nearby authorities, including Wakefield Council who, as recently as March 2018, introduced a maximum vehicle age of ten years for standard vehicles, and twelve years for wheelchair / larger people carriers, with no caveats.

Other Factors

- 2.20 Members should also take into consideration the ongoing West Yorkshire (inc. York) Harmonisation Policy. Where officers are looking at whether it is possible to achieve a common vehicle standard / specification. It is not clear yet whether vehicle age limits will be a factor that is considered for harmonisation across the region.

3 Implication for the Council

3.1 Working with People

One of the Licensing Service key priorities is to ensure there is a raising of standards across the taxi trade 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.

3.2 Working with Partners

In developing its policies the licensing services works with a number of partners, including, Kirklees Safe Guarding Children's Board, West Yorkshire Police, Public Health, Environmental Health, Overview and Scrutiny Committee, Community Safety Partnership and other West Yorkshire Authorities (inc York).

3.3 Place Based Working

The proposed policy brings together into one place a number of existing policies. The changes outlined in this report, seek to address some of the issues surrounding air-quality within Kirklees.

3.4 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.

3.5 Other (eg Legal/Financial or Human Resources)

Legal

The principle legislation is the Town and Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976.

The purpose of taxi licensing is detailed in the Department for Transport “Taxi and Private Hire Licensing Best Practice Guide” paragraph 8 which states: “The aim of local authority licensing of the taxi and Private Hire Vehicle (PHV) trades is to protect the public.”

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.

Equality Implications

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).

A stage 1 Equality Impact Assessment has been completed and is available <http://www.kirklees.gov.uk/youkmc/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.

4. **Consultees and their opinions**

- 4.1 Consultation took place between w/c 5th November 2018 and 18th January 2019. This report, and the proposals contained within, are as a result of the views expressed by those who responded to that consultation.

5. **Next steps and timelines**

- 5.1 The next steps are for Members to consider the options in relation to the upper age limit policy, these options are –
1. Retain the existing policy in relation to the age upon which a vehicle will cease to be licensed;
 2. Increase the upper age limit.

6. Officer recommendations and reasons

- 6.1 Members are recommended to keep the existing policy on the upper age limit for licensed vehicles.
- 6.2 Licensed vehicles are subject to more wear and tear, and accrue significantly more mileage than your average vehicle, this gives rise to significant safety concerns.
- 6.3 Information from transport services shows that nearly 30% of vehicles fail their compliance test on the first occasion, with a high proportion of those failing on serious items, for example 115 vehicles failed on brake related matters, 240 on steering related matters.
- 6.4 Information from transport services also shows that vehicles failing their compliance test first time is not limited to just petrol or diesel engines, a number of those failing were Hybrid vehicles.
- 6.5 Whilst it is acknowledged the private hire / hackney carriage will incur additional cost in purchasing new vehicles after ten years, the primary consideration for the Licensing Authority is the safety of the travelling public.
- 6.6 Retaining the existing policy will also ensure the Council upper vehicle age policy remains consistent with other neighbouring authorities.
- 6.6 If Members are minded to agree to increase the upper age limit, then officers recommend it is limited to Ultra Low Emission Vehicles only and an extension is not automatic. Instead, each case would be dealt with on its own individual merits, taking in to consideration, but not limited to, the following –
- Submission of a formal application (including fee),
 - If extension is granted, vehicle will be subject to two compliance tests per licence year,
 - Vehicle has to have a full service history,
 - Receipts of work / repairs undertaken on the vehicle,
 - The vehicle / drivers history with the licensing service, including –
 - If the vehicle has failed any previous compliance test,
 - Complaints about the condition of the vehicle,
 - Complaints about the proprietor / driver of the vehicle,
 - Any other matters considered material to the application,

7. Cabinet portfolio holder's recommendations

- 7.1 Councillor Rob Walker supports the policy review.

8. **Contact officer**

Russell Williams
Group Leader - Licensing
01484 221000
russell.williams@kirklees.gov.uk

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

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

- Report to Licensing and Safety Committee – 11th October 2018
<https://democracy.kirklees.gov.uk/documents/s24810/Item%207%202018-10-11%20Licensing%20Report%2011%20Oct%202018%20002%20002.pdf>
- 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. **Strategic Director responsible**

Karl Battersby
Strategic Director - Economy and Infrastructure
karl.battersby@kirklees.gov.uk
01484 221 000

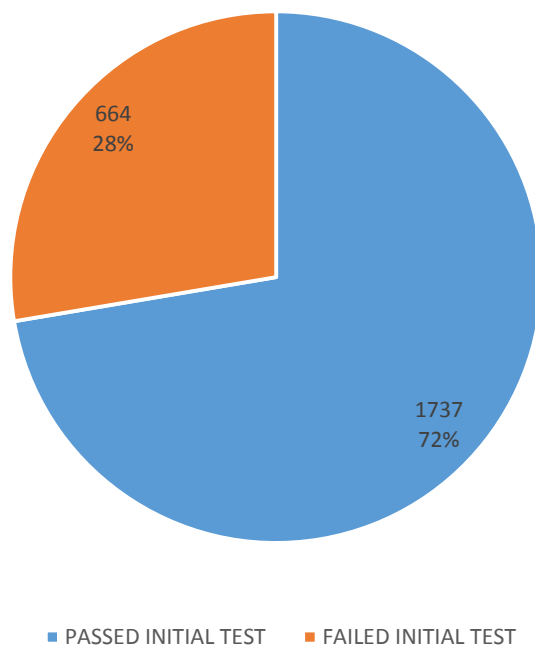
This page is intentionally left blank

Table A – Items vehicles failing on

| Year of Registration | Lighting | Steering | Brakes | Tyres | Bodywork | Interior | Emissions (Diesels) | Emissions (Catalyst) | Meter | Fire Extinguisher | Other |
|----------------------|------------|------------|------------|------------|-----------|-----------|------------------------|-------------------------|----------|-------------------|------------|
| 2001 | | 1 | | | | 1 | | | | | |
| 2003 | | | | 1 | | | | | | | |
| 2007 | 3 | 2 | 2 | | | 1 | 2 | | | | 2 |
| 2008 | 13 | 7 | 7 | 3 | 1 | 2 | 5 | | | | 9 |
| 2009 | 54 | 51 | 24 | 17 | 6 | 12 | 25 | | | 3 | 17 |
| 2010 | 59 | 48 | 24 | 20 | 3 | 12 | 22 | | | 3 | 24 |
| 2011 | 80 | 51 | 20 | 19 | 3 | 9 | 18 | | | 7 | 23 |
| 2012 | 77 | 49 | 20 | 22 | 2 | 11 | 11 | | | 11 | 29 |
| 2013 | 46 | 19 | 12 | 11 | 2 | 12 | 5 | | | 5 | 17 |
| 2014 | 19 | 8 | 3 | 9 | 3 | 5 | 3 | | 1 | 2 | 11 |
| 2015 | 6 | 3 | 1 | 3 | | | 2 | | | 2 | 5 |
| 2016 | 4 | 1 | 2 | 1 | | | | | | | 1 |
| 2017 | 1 | | | 2 | | 1 | | | | | |
| Grand Total | 362 | 240 | 115 | 108 | 20 | 66 | 93 | 0 | 1 | 33 | 138 |

Chart 1 – No. of Vehicles Passing / Failing Initial Test

No. Vehicles Passing / Failing Initial Test



Comparison with Other Local Authorities

| Authority | Vehicle Type | Upper age policy | Conditions / Caveat's |
|------------|-------------------------------------|--|--|
| Leeds | None ULEVs | Max 10 years 12 years for a 5, 6, 7 seater vehicle or wheelchair accessible vehicle | Extended inspection for vehicles after they reach 7 years of age |
| | ULEVs | May now be licensed up to 12 years of age | Not an automatic extension. Vehicle proprietors have to submit a formal written application along with a fee. Vehicle will be subject to a extended inspection by authorised vehicle examiner, must show full service history, receipts and service book |
| Wakefield | Standard vehicle | Maximum 10 years of age | Maximum age policy only came in force March 2018. |
| | Wheelchair / Larger people carriers | Maximum 12 years of age | |
| Calderdale | All None ULEV vehicles | Maximum age 10 years | October 2008 – Members agreed vehicles which were in 'showroom' condition could be licensed beyond 10 years |
| | ULEVs | Vehicle can be licensed beyond 10 years of age | Subject to higher standard compliance test. If vehicle fails that compliance test, vehicle cannot be licensed. |

| | | | |
|-----------|---|----------------------------|--|
| York | All vehicles (only Euro 5 petrol / hybrid & Euro 6 diesel vehicles can be licensed) | No upper age limit | At 5 years of age vehicle is subject to two inspections per licensed year. |
| Bradford | All none WAV vehicles | Maximum 10 years of age | |
| | WAV vehicles | Maximum 12 years of age | |
| Doncaster | All vehicles | No upper age limit | Vehicles less than 4 years of age tested annually, vehicles over 4 but less than 7 years of age tested twice per licence year, over 7 years of age tested three times per licence year. |
| Sheffield | None ULEV vehicles | Maximum 9 years of age | All vehicles up to 6 years of age tested annually, vehicle over 6 years of age tested twice per licence year. |
| | ULEVs | Maximum 11 years of age | |