

Public Document Pack



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

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Monday 12 July 2021

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 20 July 2021**.

This meeting will be live webcast. To access the webcast please go to the Council's website at the time of the meeting and follow the instructions on the page.

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 Mahmood Akhtar
Councillor Aafaq Butt
Councillor James Homewood
Councillor Mumtaz Hussain
Councillor Mohan Sokhal
Councillor David Hall
Councillor Adam Gregg
Councillor Kath Taylor
Councillor Michael Watson
Councillor Paola Antonia Davies
Councillor Andrew Marchington
Councillor Karen Allison
Councillor Carole Pattison
Councillor Terry Lyons

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
R Smith
M Thompson
J Taylor

Green

S Lee-Richards

Independent

C Greaves

Labour

E Firth
S Hall
M Kaushik
J Ramsay
S Ullah

Liberal Democrat

J Lawson
A Munro
A Pinnock

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 - 2

To approve the minutes of the meeting of the Committee held on 19 May 2021.

3: Interests

3 - 4

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: Department of Transport - Statutory Taxi and Private Hire Vehicle Standards

5 - 148

A report seeking approval to consult on the review of the Kirklees Hackney Carriage and Private Hire Policy considering the new Statutory Taxi and Private Hire Vehicle Standards.

Contact: Fiona Goldsmith, Group Leader, Licensing and Russell Williams, Operational Manager, Tel: 01484 221000

8: Licensing Service Standards

149 -
156

A report to inform Members and seek approval, of proposed Licensing service standards in relation to the processing of private hire and hackney carriage applications.

Contact: Fiona Goldsmith, Group Leader, Licensing and Russell Williams, Operational Manager, Tel: 1484 221000

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Contact Officer: Andrea Woodside

KIRKLEES COUNCIL

LICENSING AND SAFETY COMMITTEE

Wednesday 19th May 2021

Present: Councillor Amanda Pinnock (Chair)
Councillor Mahmood Akhtar
Councillor Karen Allison
Councillor Aafaq Butt
Councillor Paul Davies
Councillor David Hall
Councillor Adam Gregg
Councillor James Homewood
Councillor Mumtaz Hussain
Councillor Terry Lyons
Councillor Andrew Marchington
Councillor Carole Pattison
Councillor Mohan Sokhal
Councillor Michael Watson

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.

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

Signed: Dated:

NOTES

Disclosable Pecuniary Interests

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

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

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

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

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

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

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

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

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

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

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

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



Name of meeting: Licensing and Safety Committee

Date: 20th July 2021

Title of report: Department of Transport – Statutory Taxi and Private Hire Vehicle Standards.

Purpose of report: The purpose of the report is to seek approval to consult on the review of the Kirklees Hackney Carriage and Private Hire Policy in light of the new Statutory Taxi and Private Hire Vehicle Standards.

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 <u>Council's Forward Plan (key decisions and private reports)?</u>	No
The Decision - Is it eligible for call in by Scrutiny?	Not Applicable
Date signed off by <u>Strategic Director</u> & name Is it also signed off by the Service Director for Finance? Is it also signed off by the Service Director for Legal Governance and Commissioning?	Colin Parr - 5th July 2021 Eamonn Croston - 5th July 2021 Julie Muscroft - 6th July 2021
Cabinet member portfolio	Cllr Will Simpson – 5th July 2021

Electoral wards affected: All

Ward councillors consulted: Not Applicable

Public or private: Public

Has GDPR been considered? Yes this report does not contain personal information

1. Summary

- 1.1 The Statutory Standards published by the Department for Transport ('DfT') set- out a wide range of robust measures to protect taxi and private hire vehicle passengers, particularly those most vulnerable.
- 1.2 Government advice is that licensing authorities must work together to ensure that, above all else, that the taxi and private hire vehicle services the public use are safe.
- 1.3 As a result of the standards, a review of existing policies in relation to the hackney carriage and private hire trades has had to be completed.
- 1.4 Officers are seeking permission from Members to consult on the proposed amendments having had regard to the DfT's statutory guidance.

2. Information required to take a decision

- 2.1 At the meeting of this Committee on 18th December 2020, it was reported that the DfT had published the guidance 'Statutory Taxi and Private Hire Vehicle Standards' and it was agreed the current hackney carriage and private hire policy be reviewed in accordance with the guidance.
- 2.2 **Appendix 1** shows a table with a summary of amendments, **appendix 2** is the draft policy, including appendices and a copy of the DfT standards are attached at **appendix 3**.
- 2.3 The standards cover a wide range of issues, including driver, vehicle and operator standards.
- 2.4 Members should be aware, in addition to the proposed changes shown at appendix 1 and 2 a number of areas being consulted on will require more specific consideration.

1. In vehicle visual and audio recording – CCTV

We currently do not have a policy in relation to CCTV in vehicles. CCTV in vehicles has been an agenda item for the work the Licensing Managers from each of the West Yorkshire Authorities (including York) have been undertaking in order to try to align our policies and ensure that we work to establish minimum standards in certain areas of licensing.

It is suggested in the guidance that all licensing authorities should consult to identify if there are local circumstances which indicate that the installation of CCTV in vehicles would have either a positive or an adverse net effect on the safety of taxi and private hire vehicle users, including children or vulnerable adults, and taking into account potential privacy issues.

2. Stretched Limousines

Although the Council do accept and issue licences for these types of vehicles, at this time we have no specific policy in relation to stretched limousines.

It is the Department's view that it is not a legitimate course of action for licensing authorities to adopt policies that exclude limousines as a matter of principle thereby excluding these services from the scope of the private hire regime and the safety benefits this provides. This will relate solely to those vehicles which operate less than eight passengers.

3. Decision Making

Currently the decision making in relation to the grant, refusal, suspension or revocation of hackney carriage and private hire licensing is delegated to the Group Leader for licensing. The guidance suggests that individual cases be considered by a panel of elected and suitably trained councillors.

2.5 In addition to the statutory guidance, there has also been a request via the new private hire and hackney carriage liaison meetings, that the Council review the current policy in relation to the upper age limit of licensed vehicles.

2.6 It is proposed to include this review in the consultation but to present a stand-alone report to Members in relation to the upper age limit following consultation for consideration. Alternatively, Members could instruct officers to conduct a wider piece of work on upper / lower age limits and vehicle specifications in light of climate change.

3. Implications for the Council

3.1 Working with People

One of the licensing services key priorities is to ensure there is a raising of standards across the private hire and hackney carriage trades in order to protect the travelling public; and ensure that the people across West Yorkshire are transported safely and are protected from harm. And that people in Kirklees experience a high quality, clean, sustainable and green environments, as well as an improved customer experience.

3.2 Working with Partners

In developing policies the licensing service works with a number of partners including (but not exclusively) Kirklees Safeguarding Children's and Adults Boards, 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

There is no specific impact in the context of this report. However, reviewing policies enables the service to examine the way in which it interacts and engages with licence holders, residents and communities.

3.4 Climate Change and Air Quality

There is no specific impact in relation to climate change and air quality in relation to this report. However, Members may see this as an opportunity to look at changes that may need to be made in relation to vehicle licences and its impact on climate change and air quality, specifically the request for the review of the upper age limit of the licensed vehicles.

3.5 Improving outcomes for children

The Council has a duty to protect the travelling public and specifically safeguard the vulnerable, which includes the safeguarding of children travelling in licensed vehicles and in particular for the purposes of school transport.

3.6 Other (eg Legal/Financial or Human Resources) Consultees and their opinions

Legal

The Principal Legislation in relation to hackney carriage and private hire licensing are the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976.

The purpose of taxi licensing is detailed in the DfT guidance is “to protect the public”

Hackney Carriage 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 hackney carriage 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 policy surrounding 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 an Integrated Impact Assessment.

Whilst there are no specific equality implications in the context of this report as we are currently just looking to consult. However, an Integrated Impact Assessment will be carried out as part of the review of the services policy and will accompany the final report that will recommend changes to the existing policy.

Financial Implications

There will be a cost involved in the consultation process and this will be met within the licensing services existing budget. This will include administrative costs at the commencement of the consultation and following the expiry of the consultation when collating the responses. The cost being approximately £500.

4 Next steps and timelines

4.1 It has been made clear in a letter from the DfT that local authorities are expected to act upon the standards without delay.

4.2 Members are being asked to agree to commence formal three-month consultation in relation to the proposed changes to the existing policy as shown at **appendix 2** and the additional areas in paragraph 2.5 above, either including the request in relation to the vehicle age limits or not.

4.3 Full consultation is planned and will include the taxi trade, the public and other relevant stakeholders.

4.4 The results will return to the Licensing and Safety Committee once responses have been received, collated and answered.

5 Officer recommendations and reasons

5.1 Members are recommended to –

- Note the report and appendices
- Instruct officers to commence a three-month consultation period in relation to the hackney and private hire licensing policy following regard of the guidance issued by the Department for Transport, and the request to review the upper age limit; or
- Instruct officers commence a three-month consultation in relation to the proposed changes to the hackney and private hire licensing policy following regard to the guidance issued by the Department for Transport and note the request from the trade and instruct officers to consider this matter as a wider piece of

work in relation to vehicle ages limits and vehicle specifications in light of climate change; and

- Request that the results be presented to Members of the Licensing and Safety Committee following the conclusion of the consultation

5.2 Agreeing to these recommendations will ensure the service can meet its obligations to consider the statutory standards taking into account resources available to carry out this review.

6 Cabinet Portfolio Holder's recommendations

Councillor Will Simpson does not have any recommendations to add to this report.

7 Contact officer

Fiona Goldsmith
Public Protection Group Leader - Licensing

01484 221000(ext 79921) or fiona.goldsmith@kirklees.gov.uk

8 Background Papers and History of Decisions

Department for Transport Statutory Standards as attached at Appendix 3

9 Service Director responsible

Wendy Blakeley
Service Director – Climate Change and Environment (Interim)
Tel: 01484 221000
Email: wendy.blakeley@kirklees.gov.uk

Overview of Policy Amendments in relation to DfT Guidance

Guidance requirements/recommendations	Compliant or policy addition/amendment
Authorities should produce a cohesive policy document	Existing policy compliant
Duration of licence – 3 years driver, 5 years operator	Existing policy complaint
Whistleblowing	Corporate policy in relation to whistleblowing
Online DBS update service	Existing policy compliant
Maintaining close links with police	Compliant
Licensee Self Reporting – notification to authority within 48 hrs	Amendment to Driver conditions to reflect this
Referrals to DBS	Added to policy (page 19)
Feedback to police	Added to policy (page 19)
Sharing information with other authorities and applicant required to disclose if they have had application refused, revoked or suspended by another licensing authority	Already compliant
Multi Agency Safeguarding Hub - MASH	Compliant
Overseas convictions	Existing policy partially complaint slight amendment to wording (pages 17 and 20)
Regulatory Framework, decision making, recommended convictions policy	Existing policy partially compliant, addressed in report
Safeguarding training	Existing policy compliant
English test requirement	Existing policy complaint
Vehicle proprietors requiring DBS	Added to policy (Page 23)
Stretch Limousines	Although no specific policy we do licence them, addressed in report
CCTV	No current policy – addressed in report
Licensed Operators and Staff requiring annual DBS	Addition to 4.8 of policy to add requirement for staff and amendment to condition 7 of operator conditions

Appendix 1

Operator to keep register of staff	Addition to policy 4.14 (Page 36) and amendment to condition 7 of operator conditions.
Joint Enforcement	Already have agreement in place with the WY authorities (inc York) – compliant
Record of bookings	Slight amendment to requirements para 4.11 (pages 34 and 35) in policy and amendment to existing condition 5 of operator conditions



Kirklees Council
Hackney Carriage and Private Hire Policy

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Foreword

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

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

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

At the heart of this policy is a commitment to:

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

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

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

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

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

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

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

The Council will implement the policy from 1st April 2019 and officers will keep it under review. A formal review will take place every three years when the policy will be considered by the Licensing and Safety Committee.

Section 1

1.1 Introduction

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

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

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

1.2 Aims and Objectives

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

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

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

Licensed vehicles and their drivers enjoy an anonymity on our roads that is shared only by emergency vehicles. The appearance of a liveried, licensed vehicle, whether regularly, or otherwise, at any time of the day or night is unlikely to raise any suspicion

as to the reason for it being there. As such the Council will, through regulation of the trade, seek to promote the following objectives:-

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

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

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

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

1.3 Integrated Policies and Strategies

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

Kirklees Corporate Plan 2018 -2020

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

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

How the Licensing Service will contribute:

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

How will we do this:

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

Kirklees Safeguarding Policies (Adults and Children)

The licensing authority considers the Kirklees Safeguarding Children Board to be the primary recognised body competent to give advice on the protection of children and the Kirklees Safeguarding Adult’s Board to give advice on protection of vulnerable adults. For the purposes of this policy a child is someone under the age of 18 years and vulnerable adult is someone over the age of 18 with care and support needs.

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

1.4 Changes to Policies, Procedures and other matters

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

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

1.5 Licensing Overview

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

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

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

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

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

The fares charged by the private hire trade are not regulated by the authority but must be agreed with the operator at the time of booking. Although, for journeys that

start and finish within the district, where a private hire vehicle has a taximeter fitted, the fare charged cannot be more than would be charged by the taximeter. They are not allowed to use the term 'taxi' or 'cab' but may be called 'minicabs'.

1.6 Powers and Duties

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

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

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

Immigration

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

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

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

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

Secretary of State Guidance

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

1.7 Consultation

Consultation on this policy took place between w/c 5th November 2018 and 18th January 2019, with the following groups / partners –

- 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

1.8 Information Sharing

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

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

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

1.9 Delegations

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

The Licensing and Safety Committee has further delegated its functions to a Regulatory Sub-Committee, usually consisting of three members that have been selected from the Licensing Committee and officers to carry out some of these functions

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

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

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

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

Investigations of offences and preparation of prosecution files		X
Complaints		X

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

2.1 Parallel Procedures

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

2.2 Drivers general – Fit and Proper Person Requirement

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

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

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

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

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

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

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

2.3 Application for New Drivers Licence

Pre-Application

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

Age

In order to be eligible to apply to be a licensed driver, an applicant must have held a valid full driving licence for a minimum of two years. Therefore the minimum age a

person could be eligible to apply is 19 years old. There is no maximum age, so long as the applicant still meets the full criteria.

Driven Assessment

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

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

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

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

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

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

Medical

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

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

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

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

The medical must be completed by the applicant's own family doctor. If it is not possible to obtain a medical from their own doctor the Council may accept a medical completed by another doctor, providing that doctor has had sight of the applicant's

full medical record and provides a declaration to say they have examined the applicants full medical record.

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

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

Knowledge Test

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

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

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

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

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

The aim of the training is to:-

- help provide a high level of professional service to customers;
- ensure passengers feel safe whilst travelling with a licensed driver;
- assist licence holders in working in a professional way;
- ensure there is an understanding of the basic legislation underpinning taxi and private hire work;
- ensure there is an understanding of the risks associated with working as a driver and help licence holders take reasonable steps to reduce those risks;
- ensure there is a basic knowledge of the geography of Kirklees district and the various town centres;
- ensure that licence holders can use a basic reference tool (GPS, A-Z);
- ensure a licence holder understand the conditions attached to holding a private hire driver's licence and the conditions attached to holding a private hire vehicle licence;

New Driver Application Process

Upon completion of the pre-application criteria, an applicant will be entitled to submit an online. Applicants must provide the following original documents, failure to do so will result in their application being refused –

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

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

An enhanced criminal record check with the Disclosure and Barring Service is required to be completed by all new applicants. The results of this check will be posted to the applicant; and upon receipt of the completed check an applicant must make an appointment to produce the certificate to the Council. The applicant will also be required to sign up to the DBS update service. Any information recorded on the certificate will place an application on hold while the matter is considered in line with the Council's fitness and suitability policy a copy of which can be found at Appendix A.

Applicants who have not resided continuously in the UK for five years and **where an applicant has spent an extended period of three or more continuous months outside the UK, applicants will be required, where possible, to provide a criminal records information or a 'Certificate of Good Character' from the Country in which they have resided.** The statement / certificate of Good Conduct, must be no more than 3 months old at the time of submission.

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

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

2.4 Renewal of a Drivers Licence

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

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

These documents are:

- Completed application form
- Statutory driving licence

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

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

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

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

If a new DBS is required, or for those not already signed up to the DBS update service, the application to renew the licence must be made in sufficient time for the DBS to be returned before the licence expires. A licence can be renewed up-to three-months in advance, we advise that application is made as close to the beginning of those three-months as possible.

2.5 Convictions, Cautions and Related Matters

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

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

It is important the council remains updated about relevant convictions after any

licence has been granted. Therefore as per guidelines set out by the Local Government Association, all drivers must register for the DBS Update Service to allow the Council to receive updates. If not already registered for the service, an applicant will only be able to do so when the DBS certificate has been issued. This will then enable the council to use the DBS Update Service, Multiple Status Check Facility.

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

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

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

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

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

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

If a decision to refuse or revoke a licence due to an individual being thought to be a risk of harm to a child or vulnerable adult will be referred to the DBS.

Any action taken by the Council as a result of information being received from the police will be fed back to the police.

Common Law Police Disclosure

Under Common Law Police Disclosure (CLPD) the police can share information regarding a licensed driver even before a conviction if there is a "Pressing social need".

This ensures that where there is a public protection risk, the police will pass information onto a regulatory body to allow immediate action to mitigate any serious safeguarding risk.

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

Residency

Applicants who have not resided continuously in the UK for five years and **where an applicant has spent an extended period of three or more continuous months outside the UK, applicants will be required, where possible, to provide a criminal records information or a 'Certificate of Good Character' from the Country in which they have resided.** The statement / certificate of Good Conduct, must be no more than 3 months old at the time of submission.

DVLA Checks

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

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

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

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

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

2.6 Carrying of Assistance Dogs

Carrying of Assistance Dogs

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

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

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

Medical Exemption Certificates

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

The Licencing Authority will:

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

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

2.7 Conditions

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

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

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

2.8 Refresher Training

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

2.9 Significant Changes

All licensed drivers are under a duty to notify the council of any significant changes which

may affect their licence; such as:

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

2.10 Drivers Badges

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

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

2.11 Duration of Licences

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

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

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

2.12 Applications taking longer than 6 months

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

2.13 Code of Conduct when working with vulnerable passengers

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

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

3.1 Application for licence

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

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

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

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

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

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

All vehicle proprietors who do not hold a valid hackney carriage / private hire drivers badge will be required to complete a basic disclosure from the DBS at first application and a check will be required annually for the duration the vehicle licence is in force.

3.2 Exemptions from Control

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

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

3.3 Vehicle Criteria

Specification

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

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

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

- Type Approval

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

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

- Vehicle Age/Emission Limits

The Authority operates an emission policy in relation vehicles being presented at first licensing, and an age policy in relation to when a vehicle will no longer be licensed.

The current policy for the Council is as follows:

- 1) For Hackney Carriage/Private Hire vehicles to be considered for first licensing they must meet the following emissions criteria –
 - Petrol Engines – Must meet Euro 5 Standards
 - Diesel Engines – Must meet Euro 6 Standards
- 2) Hackney Carriage/Private Hire vehicles over 10 years of age will be refused further licences.

- 3) London cab type vehicles, the maximum age for such vehicle will be 15 years.
- 4) ULEV / WAVS

For Ultra Low Emission Vehicles and Wheelchair Accessible Vehicles may be extended to twelve years of age based on the individual merits of each case, taking into consideration, but not limited to, the following:-

- a) Submission of a formal application (including fee);
- b) The vehicle having a full service history
- c) Receipts of work / repairs undertaken on the vehicle
- d) The vehicle / drivers history with the Licensing Service, including –
 - a. If the vehicle had failed any previous compliance test
 - b. Complaints about the condition of the vehicle
 - c. Complaints about the proprietor / driver of the vehicle, or
 - d. Any other matters considered material to the application

If a extension is granted the vehicle would be subject to two compliance tests per licence year;

Definitions

Ultra Low Emission Vehicles (ULEVs)

ULEVs are currently defined as having less than 75 grams of CO₂ per kilometre (g/km) from the tail pipe. (CO₂ count can be ascertained using the following website - <https://www.gov.uk/get-vehicle-information-from-dvla>)

Wheelchair Accessible Vehicle

A vehicle constructed or converted specifically so that it can accommodate one or more person(s) seated in their wheelchair(s) when travelling on the road

- Tinted Windows

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

3.4 Limitations on Numbers

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

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

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

3.5 Vehicle Testing

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

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

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

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

3.6 Insurance Write Offs

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

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

3.7 Accidents

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

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

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

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

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

3.8 Signage and Advertising

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

Style of Plates and window discs

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

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

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

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

The Council has specified that the vehicle licence number, make, model and licence expiry date, together with the number of passengers it is licensed to carry shall be

placed on the vehicle identification plate. This identification plate must not be tampered with, or amended by, anyone other than an authorised officer.

Door Signs – Private Hire

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

Corporate door signs are subject to the Council's prior approval of the design, colour and wording of the sign. All new Private Hire Vehicle applications and annual renewals if not already purchased from Kirklees Council must display the new corporate door signs manufactured by the Council.

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

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

Door Signs – Hackney carriage Vehicles

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

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

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

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

Roof Signs

The Proprietor/Driver of a hackney carriage vehicle shall cause to be fixed and displayed on the roof of the vehicle a taxi roof sign (minimum size 30 inches long)

authorised by the Council at all times the vehicle is being used for hackney carriage purposes, with the exception of the London Cab.

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

Advertisements

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

3.9 Byelaws

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

3.10 Duration of Licences

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

3.11 Ownership of Multiple Vehicles

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

3.12 Security Cameras / Audio Recording Equipment

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

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

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

3.13 Smoking

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

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

3.14 Transfer of Owner

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

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

3.15 Cherished Number Plates

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

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

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

3.16 Temporary Lease Vehicles

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

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

3.17 Executive Vehicles

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

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

- The request for executive status must come from the operator the vehicle will be working from. That request needs to be in writing, stating the reasons why the operator requires a particular vehicle to be granted executive status.
- The request from the operator needs to be accompanied by, written evidence of the contacts that particular vehicle will be used to fulfil, if 'executive status' is granted.
- The request from the operator must detail which specific conditions / area of policy they wish the Council to deviate from and the reasons why.
- The written contracts need to be accompanied by a letter from the companies, with whom the contract(s) are with, stating why the company needs an 'executive' style vehicle. The company will need to specify which specific conditions / areas of policy they wish the Council to deviate from and the reasons why. This letter will need to come on the relevant company letter headed paper, with contact details of a person at the company with whom officers can verify its contents.

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

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

3.18 Conditions

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

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

3.19 LPG and Electric Vehicles

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

Section 4 – General Provisions Relating to Private Hire Operators

4.1 General

Operators of private hire vehicles are required to be licensed under the 1976 Act. No person may operate a vehicle as a private hire vehicle if the vehicle or the driver is unlicensed.

“Operate” means, in the course of business, to make provision for the invitation or acceptance of bookings for a private hire vehicle.

4.2 Application Process

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

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

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

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

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

Business Partnerships

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

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

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

4.3 Convictions

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

4.4 Change of details

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

4.5 Conditions

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

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

4.6 Duration of Licence

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

4.7 Insurance

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

4.8 Criminal Records Check

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

All ancillary staff that have access to booking records that are not also a licensed driver with Kirklees Council should also have an annual DBS check.

4.9 CSE and Licensing Training

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

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

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

4.10 Advertising

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

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

4.11 Record of Bookings

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

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

- iii. Whether the booking was made by telephone, personal call or other means (to be stated)
- iv. The address or other place from which it is to commence, the address or place of destination and the requested time, if any, for the journey to commence
- v. The plate number of the vehicle to be used for the journey
- vi. The name of the driver undertaking the hiring **and the booking record clearly identifies the plate number and registration number of the private hire vehicle used and the badge number of the private hire driver for every journey.**
- vii. **The name of any other individual that responded to the booking request.**

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

4.12 Vehicle and Driver Records

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

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

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

4.13 Complaints System

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

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

The specified complaints or allegations are:

- of sexual misconduct, sexual harassment or inappropriate sexual attention

- racist behaviour
- violence
- dishonesty
- breaches of equality
- drink driving (including drivers smelling of alcohol)
- drug driving

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

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

4.14 Register of Staff

Private hire operators must keep a register of all staff that take bookings or dispatch vehicles. These individuals will also be required to complete an annual basic DBS check and confirmation of this is to be kept on the register.

Operators are also required to provide their policy on employing sex-offenders for those persons on the register.

The register should be a 'living document' that maintains records of all those in these roles and are required to be kept for a period of no less than three years on the premises and the records shall be produced immediately by the operator or his employee on request to any Authorised officer of the council or to any constable for inspection.

4.15 Use of Operator Name Following Expiry or Revocation of Licence

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

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

Schedule of Drivers

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

Where a Private Hire Operator ceases to employ or use any such licensed Hackney

Carriage driver, the Operator shall forthwith, and in any event within 72 hours, notify the Licensing Authority in writing.

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

Schedule of Vehicles

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

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

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

Advertising on Vehicles

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

Section 5 - Enforcement and Complaints Procedure

5.1 Authorised Officers

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

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

Authorised Officers have the right to do the following: -

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

Obstruction of authorised officers is a criminal offence.

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

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

5.2 Complaints

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

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

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

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

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

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

5.3 Enforcement

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

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

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

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

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

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

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

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

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

Illegal Plying for Hire

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

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

In taking such action, the licensing authority will;

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

Driving Whilst Unlicensed

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

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

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

5.4 Offences

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

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

5.5 Rights of Appeal

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

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

Section 6 – Miscellaneous

6.1 Fares

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

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

6.2 Fees

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

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

Fees are normally reviewed annually in accordance with Council policy.

6.3 Hackney Carriage Stands

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

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

6.4 Public Registers

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

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

Section 7– Revisions

Date of Revision	Section	Details
April 2020	1.2 Aims and Objectives	Change of word from 'Infirm' to 'Disabled'
June 2020	3.3 Vehicle Age Limits	Amendment to vehicle age limits to reflect decision of Licensing & Safety Committee form March 2019 and June 2019

Kirklees Licensing

A policy on determining the suitability of Applicants and Licensees as Drivers in Taxi and Private Hire Licensing



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 anytime, 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.
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 <u>do not involve</u> 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.

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

PART 11 – LICENSING OF HACKNEY CARRIAGES AND PRIVATE HIRE VEHICLES

STANDARD CONDITIONS ATTACHED TO THE ISSUE OF A HACKNEY

CARRIAGE/PRIVATE HIRE DRIVER LICENCE

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

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

3. The Driver shall not carry more passengers than allowed by his private hire or hackney vehicle licence.
4. The Driver shall at all times when driving or acting in accordance with the Driver's licence granted to him wear the Driver's badge issued to the Driver by the Council in such position and manner as to be plainly and distinctly visible.
5. The Driver's badge referred to in the foregoing Condition shall remain the property of the Council, and if the Driver's licence is not renewed, such badge shall be returned by the Driver to the Council within 7 days of a notice by the Licensing Manager or Senior Licensing Officer requesting the Driver to do so or immediately in the case of a suspension or revocation.
6. A failure to renew a Drivers licence by its expiry date will (unless there are exception circumstances supported by documentary evidence for the delay) result in the Drivers badge lapsing and a driver having to make a fresh application for a new Drivers badge.
7. The Driver shall at any time or at such intervals as the Council may reasonably require, produce a certificate in the form required by the Council, signed by the drivers own general practitioner or doctor with access to the drivers medical records to the effect that he is or continues to be physically fit to be the driver of a Hackney

Appendix B

Carriage or Private Hire Vehicle; whether or not such certificate is produced, the person shall, if required by the Council at any time, undergo a medical examination by a registered medical practitioner to be selected by the Council.

8. The Driver shall at any time or at such intervals as the Council may reasonably require be required to pass a driving test carried out by an authorised officer of the Council or other body approved by the Council.
9. The Driver shall at all times be clean and respectable in his dress and person, behave in a civil and orderly manner and afford all reasonable assistance with passengers' luggage and comply with all reasonable requirements of any person hiring or being conveyed in the vehicle.
- ~~10. The Driver shall, within 7 days, disclose to the Council in writing, details of any arrest whether charged or not, or any police investigation into his/her conduct. The Driver will also disclose to the Council in writing details of any conviction or caution imposed on him during the period of the Licence.~~
10. The Driver shall, within 48 hours, notify the council in writing of an arrest and release, charge or conviction of any sexual offence, any offence involving dishonesty or violence and any motoring offence. A arrest of any of the offences within this scope will result in a review of their licence.
11. The Driver shall, within 7 days, notify the Council in writing of any change in his/her name address or phone number taking place during the period of the Licence.
12. The Driver shall not without the consent of the Hirer convey or permit to be conveyed any other person in that vehicle.
13. The driver shall take all reasonable steps to ensure the safety of passengers entering or leaving the vehicle
14. The driver of a wheelchair accessible vehicle must ensure that any equipment associated with the carriage of wheelchair users must be in good order and ready for immediate use and that he is able to use such equipment in the correct manner.
15. The driver of a licensed vehicle shall, at the request of an authorised officer, stop the vehicle to enable a check to be made for the purpose of preventing or detecting any contravention of any statutory requirements, or of the conditions, applicable to the vehicle and its use as a licensed vehicle whether or not passengers are carried at the time. It shall not proceed until the authorised officer is satisfied that all such requirements or conditions are being observed and complied with.
16. The driver shall if required provide a written receipt for the fare paid.
17. The driver shall declare to the Council any penalty points endorsed on his licence or any courses attended in relation to driving offences.
18. The driver must carry any assistance dog or guide dog with no extra charge that is accompanying a passenger unless he is in possession of an exemption certificate.
19. The driver shall ensure that at all times when driving a licensed vehicle for hire or reward that such a vehicle is kept in a clean and roadworthy condition.
20. The driver must ensure that his ability to drive is not impaired by working excessive hours. Guidance can be sought from the Road Transport (Working Time) Regulations 2005.

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Appendix B

21. Drivers must cooperate with any authorised officer and / or police constable from any other licensing authority.
22. Drivers must comply with the Councils Code of Conduct on Working with Vulnerable People

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.

Kirklees Council

Vehicle Specification

Part A – Hackney Carriage Vehicles

Part B – Private Hire Vehicles

Part C – Vehicle Dimensions

Vehicle Specification
Hackney Carriage Vehicles
Amended July 2008

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

HACKNEY CARRIAGES

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

INTERIOR

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

EXTERIOR

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

- 2007, any existing taxi is exempt these limits. Testers should write on the pass certificate the relevant levels of tint for future reference. No adhesive films allowed. No adhesive films allowed, only tints built into the glass are acceptable. And no mirrored tints of any description.
- 3.4 When fitted rear wash wipe and headlight wash wiper systems must be operational.
 - 3.5 All body fitments must be in place, secure and free from damage.
 - 3.6 Vehicles must have a matching set of wheel trims fitted (with the exception of alloy or chrome wheels).
 - 3.7 All road tyres must be of the same size and speed rating
 - 3.8 Tyre side wall repairs will not be acceptable.
 - 3.9 Wiring of meter equipment/radios must be of a professional standard (correct cable, fastenings and inline fuses to be fitted).
 - 3.10 Engine and gearbox mountings must be secure and of a serviceable condition, gearbox and gear change mechanism must be in good working order.
 - 3.11 Paint work must be to manufactures standards (no blemishes, blistering, discolouration, runs, no visible rust spots and have a polished finish).
 - 3.12 The legal VIN (Vehicle Identification Number) plate and chassis plate must be fitted in a legible state.
 - 3.13 Vehicle must display the Authorities licence plate which when viewed from the rear is clearly visible. The plate to be permanently attached to the vehicle.
 - 3.14 The suspension must not be modified or lowered in any way that could adversely affect the handling, ride comfort or safety of the vehicle.
 - 3.15 The fitting of bull bar type attachments is strictly prohibited
 - 3.16 No jeep type vehicles to be allowed.
 - 3.17 With the introduction of multi- purpose vehicles are capable of carrying more than four passengers, the acceptance criteria may vary from vehicle to vehicle depending on luggage space, seating layout and measurements. Each vehicle will be assessed individually for acceptance to carry adult passengers.

MPV

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

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

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

ADDITIONAL

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

Amended July 2008

TRANSPORT SERVICES
GUIDELINES FOR PRIVATE HIRE OPERATORS/ PROPRIETORS

Amended July 2008

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

PRIVATE HIRE

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

INTERIOR

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

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

EXTERIOR

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

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

TRAILERS

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

4.8 National speed limits apply when towing trailer.

4.9 Trailers to be used by MPV type vehicles only.

MPV

5.1 Trailers to be used by MPV type vehicles only.

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

ADDITIONAL

6.1 Trailers to be used by MPV type vehicles only.

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

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

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

Amended July 2008

Hackney Carriage and Private Hire Vehicle Dimensions

Saloon Type Cars

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

Vans, Minibuses and MPV's

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

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

POLICY & CONDITIONS FOR ADVERTISEMENTS ON LICENSED VEHICLES

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

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

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

- d. Any of the advertising conditions have not been complied with.
18. Failure to comply with any of these conditions or an order made under condition 17 may lead to the vehicle's licence being suspended. In line with the Councils current Hackney Carriage and Private Hire Licensing Conditions, such a decision will be made on a case by case basis.

Kirklees Council Licensing Department

Hackney Carriage Byelaws

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

Interpretation

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

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

3. (a) The proprietor of a hackney carriage shall cause the number of the license granted to him in respect of the carriage to be legibly displayed on the outside and inside of the carriage or on plates affixed there to.
 - (b) A proprietors or drivers of a hackney carriage shall: -
 - (i) ensure any exterior plate shall be fixed at the near of the vehicle in such a manner that its clearly visible;
 - (ii) ensure any interior plate shall be fixed to the dashboard in such a position as to be clearly visible to all passengers;
 - (iii) not willfully or negligently cause or suffer any such number to be concealed from public view while the carriage is standing or plying for hire; and
 - (iv) not cause or permit the carriage to stand or ply for hire with any such display or plate so defaced the any figure or material particular is illegible.

Provision regulating how hackney carriages are to be burnished or provided

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

(e) cause the interior of the carriage to be kept in a clean condition, well maintained and in every way fit for public services;

(f) provide means for securing luggage if the carriage is so constructed as to carry luggage; (g) provide an efficient fire extinguisher which is clearly and indelibly marked with the vehicle license and registration number and which shall be securely fixed on the driver's side of the vehicle in such a position so as not to impede the driver's vision or use of controls and so as to be readily available for use; and

(h) provide at least two doors for the use of persons conveyed in such carriage and a separate means of ingress and egress for the driver.

5. The proprietor of a hackney carriage shall cause any taximeter with which the carriage is provided to be so constructed, attached and maintained as to comply with the following requirements, that is to say.

(a) The taximeter shall be securely affixed and shall not be mounted in either the footwells, or on top of the dashboard.

(b) The taximeter shall be fitted with a device the operation of which will bring the taximeter into action.

(c) The device shall be capable of being locked in such position the machinery of the taximeter is not in action and that no fare is recorded on the face of the taximeter.

(d) When the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in clearly legible figure a fare not exceeding the rate or fare which the proprietor or driver is entitled to demand and take for the hire of the carriage by distance and time in pursuance of the tariff fixed by the council.

(e) The word "fare" shall be printed on the face of the taximeter in plain letters so as clearly to apply to the fare recorded there on.

(f) The taximeter shall be so placed that all letters and figures on the face thereof are at all times plainly visible to any person being covered shall be suitably illuminated during any period of hiring.

(g) The taximeter and all the fitting thereof shall be securely fixed to the carriage with seals or other appliances so that it shall not be practicable for any person to remove or tamper with them except by breaking, damaging or permanently displacing the seals or other appliances

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

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

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

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

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

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

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

Penalties

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

Repeal of Byelaws (2)

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

Name of the byelaw Dates

Date

Byelaws made by the Urban District of Spenborough

Byelaws made by the County Borough of Huddersfield

Byelaws made by the County Borough of Dewsbury

Byelaws made by the Urban District of Heckmondwike

Byelaws made by the Borough Of Spenborough

Bylaws made by the Borough of Battle

17th February 1948

25th January 1951

29th November 1951

28th July 1969

24th December 1956

26th March 1971

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

1. The licence will remain in force for a period of one year unless the Council specify a lesser period or revoke or suspend the licence at any time.

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

3. Vehicle Used for Executive Purposes Only

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

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

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

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

(2) Any person who:-

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

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

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

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

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

(a) any roof sign;

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

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

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

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

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

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

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

19. Guide Dogs

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

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

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

22. Tinted Glass

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

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

1. OPERATOR LICENCE – THE APPLICATION PROCESS

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

2. POINT OF ENTRY TRAINING AND ASSESSMENT

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

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

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

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

3. BUSINESS PARTNERSHIPS

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

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

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

4. ADVERTISING

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

5. RECORD OF BOOKINGS

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

- I. The place at which the booking was received and the date and time thereof
- II. The full name of the hirer and contact number used to make the booking if taken over the telephone
- III. Whether the booking was made by telephone, personal call or other means (to be stated)
- IV. The address or other place from which it is to commence, the address or place of destination and the requested time, if any, for the journey to commence
- V. The plate number of the vehicle to be used for the journey
- VI. The name of the driver undertaking the hiring and that the booking record clearly identifies the plate number and registration number of the private hire vehicle and the badge number of the driver for every journey
- ~~VII.~~ VII. The name of any other individual that responded to the booking request

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

6. VEHICLE & DRIVER RECORDS

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

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

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

7. REGISTER OF OTHER STAFF

The operator must keep a register of all staff that take bookings or dispatch vehicles.

The register should be a 'living document' that maintains records of all those people within these roles. The information contained in the register should be kept for a minimum of three years on the premises. The records shall be produced immediately by the operator or their employee on request to any Authorised officer of the Council or to any constable for inspection.

The staff who take bookings or dispatch vehicles will also be required to complete an annual basic DBS check and confirmation of this is required to be kept on the register.

Operators are also required to provide their policy on employing sex-offenders for those persons who are on the register.

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7.8. VEHICLE LIVERY

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

7.9. COMPLAINTS SYSTEM

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

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

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

significant offending or allegations of unsafe behaviour.

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

9.10. LICENCE DURATION

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

10-11. USE OF OPERATOR NAME FOLLOWING REVOCATION OF LICENCE.

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

11-12. Applicants or existing licence holders that are found to have intentionally misled the council, or lied as part of the application process, will not be issued with a licence and any existing licence may be revoked.

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

12. ABSENCE FROM BUSINESS AND COMMUNICATION WITH PRIVATE HIRE OPERATORS

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

Subsection (2) to (5) of section 233 of the Local Government Act 1972 shall have effect and are incorporated in these Conditions in relation to any notices required or authorised by these Conditions to be given or served on the Operator by or on behalf of the Council or by an Authorised Officer.

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

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

14. ASSISTANCE DOGS

Every Proprietor, Driver and Operator of a licensed Private Hire vehicle shall ensure that assistance dogs are carried within the passenger compartment of the vehicle on request and there should be no additional charge added to the journey—Operators are reminded of their responsibilities under the Equality Act, 2010, and are advised

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

SCHEDULE OF DRIVERS

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

SCHEDULE OF VEHICLES

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

ADVERTISING ON VEHICLES

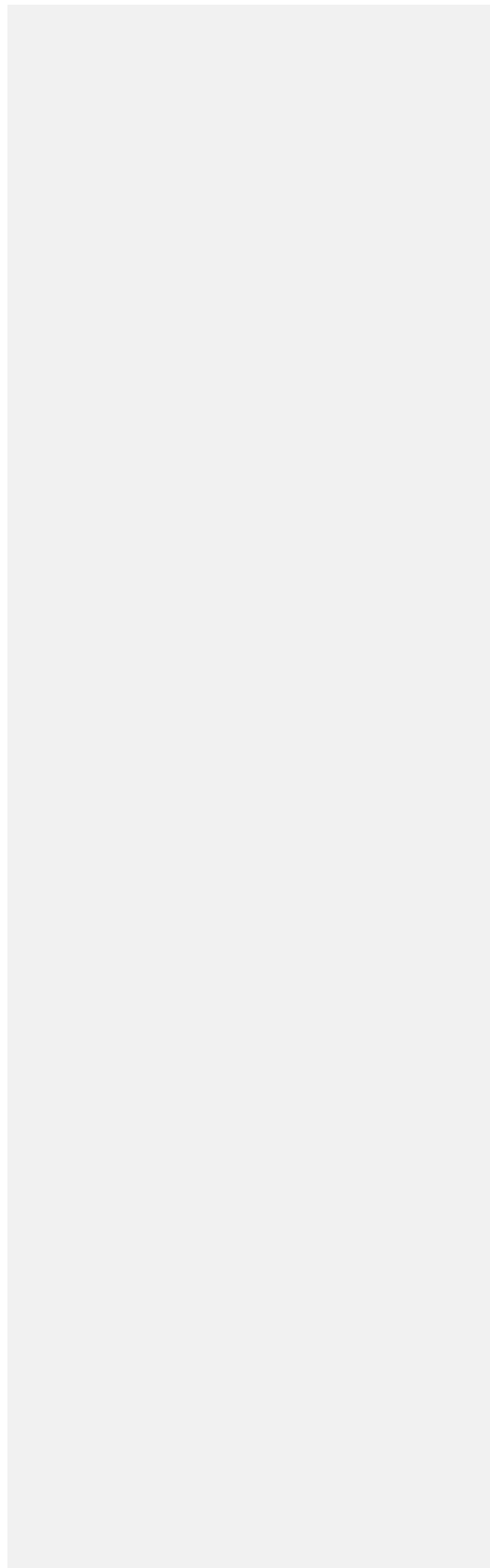
Where a Hackney Carriage vehicle is licensed by another Authority, such a Hackney Carriage driver or Hackney Carriage vehicle is expressly prohibited from using any literature, any documentation, any advertising or displaying any signage associated to the Private Hire Operator or Kirklees Council which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

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

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

Appendix H

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



Kirklees Licensing

Temporary Lease Information

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

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

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

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

Private Hire Vehicles

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

Hackney Carriage Vehicles

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

Extending the licence

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

Once your client's vehicle is fixed

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

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

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

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

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

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

List of Offences

1. Hackney Carriages (HC)

Hackney Carriage Offences – Town Police Clauses Act 1847

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

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

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

2. Private Hire (PH)

Private Hire Offences – Local Government Miscellaneous Provisions) Act 1976

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

Working with Vulnerable People – Code of Conduct

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

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

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

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

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



Department
for Transport

Statutory Taxi & Private Hire Vehicle Standards

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1. Introduction

- 1.1 There is evidence to support the view that taxis and private hire vehicles are a high-risk environment. In terms of risks to passengers, this can be seen in abuse and exploitation of children and vulnerable adults facilitated and in some cases perpetrated by the trade and the number of sexual crimes reported which involve taxi and private hire vehicle drivers. Links between the trade and child sexual abuse and exploitation have been established in many areas and other investigations continue. Data on reported sexual assaults by taxi and private hire vehicle drivers evidence the risk to passengers; data from [Greater Manchester](#) and [Merseyside](#) suggest that, if similar offence patterns are applied across England, 623 sexual assaults per year are reported. These figures do not however account for the under reporting of crime which is estimated to be as high as 83 percent in the [Crime Survey for England and Wales](#).
- 1.2 The Policing and Crime Act 2017 enables the Secretary of State for Transport to issue statutory guidance on exercising taxi and private hire vehicle licensing functions to protect children and vulnerable individuals who are over 18 from harm when using these services. For the purposes of this document, a child is defined as anyone who has not yet reached their 18th birthday; and the term “vulnerable individual” has the same meaning as the definition of a ‘vulnerable adult’ for the purpose of section 42 of the [Care Act 2014](#), which applies where a local authority has reasonable cause to suspect that an adult in its area (whether or not ordinarily resident there):
- (a) has needs for care and support (whether or not the authority is meeting any of those needs),
 - (b) is experiencing, or is at risk of, abuse or neglect, and
 - (c) as a result of those needs is unable to protect himself or herself against the abuse or neglect or the risk of it.
- 1.3 Whilst the focus of the Statutory Taxi and Private Hire Vehicle Standards is on protecting children and vulnerable adults, all passengers will benefit from the recommendations contained in it. There is consensus that common core minimum standards are required to regulate better the taxi and private hire vehicle sector, and the recommendations in this document are the result of detailed discussion with the trade, regulators and safety campaign groups. **The Department therefore expects these recommendations to be implemented unless there is a compelling local reason not to.**
- 1.4 It should be noted that as policing and criminal justice is not a devolved matter, the Statutory Taxi and Private Hire Vehicle Standards issued under the Policing and Crime Act 2017 will continue to have effect in Wales although responsibility for taxi and private hire vehicle policy was devolved to the Welsh Assembly in April 2018. Should the Welsh Government introduce legislation to regulate on these issues, the standards in this document would, cease to apply.

- 1.5 All local authorities and district councils that provide children's and other types of services, including licensing authorities, have a statutory duty to make arrangements to ensure that their functions and any services that they contract out to others are discharged having regard to the need to safeguard and promote the welfare of children. This means that licensing authorities should have in place arrangements that reflect the importance of safeguarding and promoting the welfare of children. This includes clear whistleblowing procedures, safe recruitment practices and clear policies for dealing with allegations against people who work with children, as set out in the [Working Together to Safeguard Children](#) statutory guidance.
- 1.6 The Statutory Taxi and Private Hire Vehicle Standards reflect the significant changes in the industry and lessons learned from experiences in local areas since the 2010 version of the Department's Best Practice Guidance. This includes extensive advice on checking the suitability of individuals and operators to be licensed; safeguarding children and vulnerable adults; the Immigration Act 2016 and Common Law Police Disclosure (which replaced the Notifiable Occupations Scheme).
- 1.7 The standards in this document replace relevant sections of the Best Practice Guidance issued by the Department in 2010, where there is a conflict between the Statutory Taxi and Private Hire Vehicle Standards and the Best Practice Guidance the Department issue on taxi and private hire vehicle licensing, the standards in this document take precedence.

Terminology

Taxis are referred to in legislation, regulation and common language as 'hackney carriages', 'black cabs' and 'cabs'. The term '**taxi**' is used throughout this document and refers to all such vehicles. Taxis can be hired immediately by hailing on the street or at a rank.

Private hire vehicles include a range of vehicles including minicabs, executive cars, chauffeur services, limousines and some school and day centre transport services. All private hire vehicle journeys must be pre-booked via a licensed private hire vehicle operator and are subject to a 'triple licensing lock' i.e. the operator fulfilling the booking must use vehicles and drivers licensed by the same authority as that which granted its licence. The term 'private hire vehicle' is used throughout this document to refer to all such vehicles.

2. Consideration of the Statutory Taxi and Private Hire Vehicle Standards

- 2.1 The past failings of licensing regimes must never be repeated. The Department has carefully considered the measures contained in the Statutory Taxi and Private Hire Vehicle Standards and recommend that these should be put in to practice and administered appropriately to mitigate the risk posed to the public. The purpose of setting standards is to protect children and vulnerable adults, and by extension the wider public, when using taxis and private hire vehicles.
- 2.2 The Government set out in the [Modern Crime Prevention Strategy](#) the evidence that where Government, law enforcement, businesses and the public work together on prevention, this can deliver significant and sustained cuts in certain crimes. That is good news for victims and communities and it makes clear economic sense too. Educating the public on the risks of using unlicensed drivers and vehicles, how to identify the licensed trade and appropriate measure to take when using these services will protect help all passengers, more information is annexed to this document (Annex - Staying safe: guidance for passengers).
- 2.3 The Strategy committed to protect children and young people from the risk of child sexual abuse and exploitation (CSAE), by working with local authorities to introduce rigorous taxi and private hire vehicle licensing regimes. Both the [Jay](#) and [Casey](#) reports on CSAE highlighted examples of taxi/private hire vehicle drivers being directly linked to children that were abused, including instances when children were picked up from schools, children's homes or from family homes and abused, or sexually exploited.
- 2.4 The Casey Report made clear that weak and ineffective arrangements for taxi and private hire vehicle licensing had left the children and public at risk. The Department for Transport has worked with the Home Office, Local Government Association (LGA), personal safety charities, trade unions and trade bodies,

holding workshops, forums, and sharing evidence and good practice with local authorities to assist in the setting of the standards.

- 2.5 This document is published by the Secretary of State for Transport under section 177(1) of the Policing and Crime Act 2017 following consultation in accordance with section 177(5).
- 2.6 The document sets out a framework of policies that, under section 177(4), licensing authorities “**must have regard**” to when exercising their functions. These functions include developing, implementing and reviewing their taxi and private hire vehicle licensing regimes. “Having regard” is more than having a cursory glance at a document before arriving at a preconceived conclusion.
- 2.7 “Having regard” to these standards requires public authorities, in formulating a policy, to give considerations the weight which is proportionate in the circumstances. **Given that the standards have been set directly to address the safeguarding of the public and the potential impact of failings in this area, the importance of thoroughly considering these standards cannot be overstated.** It is not a question of box ticking; the standards must be considered rigorously and with an open mind.
- 2.8 Although it remains the case that licensing authorities must reach their own decisions, both on overall policies and on individual licensing matters in light of the relevant law, it may be that the Statutory Taxi and Private Hire Vehicle Standards might be drawn upon in any legal challenge to an authority’s practice, and that any failure to adhere to the standards without sufficient justification could be detrimental to the authority’s defence. **In the interest of transparency, all licensing authorities should publish their consideration of the measures contained in Statutory Taxi and Private Hire Vehicle Standards, and the policies and delivery plans that stem from these.** The Department has undertaken to monitor the effectiveness of the standards in achieving the protection of children and vulnerable adults (and by extension all passengers).
- 2.9 The Statutory Taxi and Private Hire Vehicle Standards does not purport to give a definitive statement of the law and any decisions made by a licensing authority remain a matter for that authority.

3. Administering the Licensing Regime

Licensing policies

- 3.1 The Department recommends all licensing authorities make publicly available a cohesive policy document that brings together all their procedures on taxi and private hire vehicle licensing. This should include but not be limited to policies on convictions, a 'fit and proper' person test, licence conditions and vehicle standards.
- 3.2 When formulating a taxi and private hire vehicle policy, the primary and overriding objective must be to protect the public. The importance of ensuring that the licensing regime protects the vulnerable cannot be overestimated. This was highlighted in the [report by Dame Louise Casey CB](#) of February 2015 on safeguarding failings.

“It will be evident from this report that in many cases the activities of perpetrators take place in spheres which are regulated by the Council – taxis have been the focus of particular concern. Persistent and rigorous enforcement of the regulatory functions available to the council, including the placing of conditions on private hire taxi operator licences where appropriate, would send a strong signal that the trade is being monitored and would curtail the activities of opportunistic perpetrators whereby taxi drivers have solicited children to provide sex in return for cigarettes, alcohol or a fare free ride.”

- 3.3 The long-term devastation caused by CSAE was summarised in the same report:

“Victims suffer from suicidal feelings and often self-harm. Many become pregnant. Some have to manage the emotional consequences of miscarriages and abortions while others have children that they are unable to parent appropriately. The abuse and violence continues to affect victims into adulthood. Many enter violent and abusive relationships. Many suffer poor mental health and addiction.”

- 3.4 Rotherham Metropolitan Borough Council ('Rotherham Council') provides an example of how the systematic review of policies and procedures and the implementation of a plan to drive improvements in practice can result in a well-functioning taxi and private hire vehicle sector that is rebuilding local confidence in the industry. The history of past failings here and elsewhere is well known, but it is the transparency and resolution that Rotherham Council has demonstrated and the high standards they now require that are rebuilding public confidence.
- 3.5 One of the key lessons learned is that it is vital to review policies and reflect changes in the industry both locally and nationally. **Licensing authorities should review their licensing policies every five years, but should also consider interim reviews should there be significant issues arising in their area, and their performance annually.**

Duration of licences

- 3.6 A previous argument against issuing licences for more than a year was that a criminal offence might be committed, and not notified, during this period; this can of course also be the case during the duration of a shorter licence. This risk can be mitigated for drivers by authorities to undertaking regular interim checks. To help authorities monitor licensees' suitability, licensing authorities should engage with their police force to ensure that when the police believe a licensee presents a risk to the travelling public they use their Common Law Police Disclosure powers (see paragraphs 4.9 - 4.11) to advise them.
- 3.7 The Local Government (Miscellaneous Provisions) Act 1976 (as amended) sets a standard length at three years for taxi and private hire vehicle drivers and five years for private hire vehicle operators. Any shorter duration licence should only be issued when the licensing authority thinks it is appropriate in the specific circumstances of the case, if a licensee has requested one or where required (e.g. when the licence holder's leave to remain in the UK is time-limited) or when the licence is only required to meet a short-term demand; they should not be issued on a 'probationary' basis.

Whistleblowing

- 3.8 It is in the application of licensing authority's policies (and the training and raising of awareness among those applying them) that protection will be provided. Where there are concerns that policies are not being applied correctly, it is vital that these can be raised, investigated and remedial action taken if required. **Licensing authorities should have effective internal procedures in place for staff to raise concerns and for any concerns to be dealt with openly and fairly.**

A report into the licensing of drivers by South Ribble Borough Council highlights the implications of not applying the agreed policies. In early August 2015, concerns were raised regarding decisions to renew the licences of drivers where there were potential incidents of child sexual exploitation. An internal review concluded that there had been failings in local investigatory procedures which might have affected the ability of the General Licensing Committee to make proper decisions, and information sharing with the police and data recording was not satisfactory.

- 3.9 The external investigation in South Ribble concluded “that there had been a lack of awareness and priority given to safeguarding and the safety of taxi [and private hire vehicle] passengers in the manner in which licensing issues were addressed”. We are pleased to note that the [report](#) concludes, “The Council have been active at every stage in responding to issues and concerns identified. It has taken steps to address operational issues in the licensing function and has engaged fully with other agencies in so doing. In the light of the above, it is not necessary to make any further recommendations.”
- 3.10 It is hoped that all licensing authorities will have learnt from these mistakes but to prevent a repeat, **local authorities should ensure they have an effective ‘whistleblowing’ policy and that all staff are aware of it.** If a worker is aware of, and has access to, effective internal procedures for raising concerns then ‘whistleblowing’ is unlikely to be needed.
- 3.11 The Public Interest Disclosure Act 1998 (PIDA), commonly referred to as whistleblowing legislation, provides protection for those that have a reasonable belief of serious wrongdoing, including failure to comply with professional standards, council policies or codes of practice/conduct. The PIDA is part of employment law. In the normal course of events, if a worker reveals information that his employer does not want revealed it may be a disciplinary offence. If someone leaked their employer’s confidential information to the press, they might expect to be dismissed for that. The PIDA enables workers who ‘blow the whistle’ about wrongdoing to complain to an employment tribunal if they are dismissed or suffer any other form of detriment for doing so. It is a qualified protection and certain conditions would have to be met for the worker to be protected. More information is available online for [employees](#) and [employers](#).

Consultation at the local level

- 3.12 Licensing authorities should consult on proposed changes in licensing rules that may have significant impacts on passengers and/or the trade. Such consultation should include not only the taxi and private hire vehicle trades but also groups likely to be the trades’ customers. Examples are groups representing disabled people, Chambers of Commerce, organisations with a wider transport interest (e.g. the Campaign for Better Transport and other transport providers), women’s groups, local traders, and the local multi-agency safeguarding arrangements. It may also be helpful to consult with night-time economy groups (such as Pubwatch) if the trade is an important element of dispersal from the local night-time economy’s activities.
- 3.13 Any decision taken to alter the licensing regime is likely to have an impact on the operation of the taxi and private hire vehicle sector in neighbouring areas; and **licensing authorities should engage with these areas to identify any concerns and issues that might arise from a proposed change.** Many areas convene regional officer consultation groups or, more formally, councillor liaison meetings; this should be adopted by all authorities.

Changing licensing policy and requirements

- 3.14 **Any changes in licensing requirements should be followed by a review of the licences already issued.** If the need to change licensing requirements has been identified, this same need is applicable to those already in possession of a licence. That is not however to suggest that licences should be automatically revoked overnight, for example if a vehicle specification is changed it is proportionate to allow those that would not meet the criteria to have the opportunity to adapt or change their vehicle. The same pragmatic approach should be taken to driver licence changes - if requirements are changed to include a training course or qualification, a reasonable time should be allowed for this to be undertaken or gained. The implementation schedule of any changes that affect current licence holders must be transparent and communicated promptly and clearly.
- 3.15 Where a more subjective change has been introduced, for example an amended policy on previous convictions, a licensing authority must consider each case on its own merits. Where there are exceptional, clear and compelling reasons to deviate from a policy, licensing authorities should consider doing so. Licensing authorities should record the reasons for any deviation from the policies in place.

4. Gathering and Sharing Information

- 4.1 Licensing authorities must consider as full a range of information available to them when making a decision whether to grant a licence and to meet their ongoing obligation to ensure a licensee remains suitable to hold a licence.

The Disclosure and Barring Service

- 4.2 The Disclosure and Barring Service (DBS) provides access to criminal record information through its disclosure service for England and Wales. The DBS also maintains the lists of individuals barred from working in regulated activity with children or adults. The DBS makes independent barring decisions about people who have harmed, or where they are considered to pose a risk of harm to a child or vulnerable person within the workplace. The DBS enables organisations in the public, private and voluntary sectors to make safer employment decisions by identifying candidates who may be unsuitable for certain work, especially that which involves vulnerable groups including children.
- 4.3 Enhanced certificates with a check of the barred lists include details of spent and unspent convictions recorded on the Police National Computer (PNC), any additional information which a chief officer of police believes to be relevant and ought to be disclosed, as well as indicating whether the individual is barred from working in regulated activity with children or adults. Spent convictions and cautions are disclosed on standard and enhanced certificates according to rules set out in legislation. Convictions which resulted in a custodial sentence, and convictions or cautions for a specified serious offence such as those involving child sexual abuse will always be disclosed on a standard or enhanced certificate. Full details of the disclosure rules, and those offences which will always be disclosed, are available from the [DBS](#). As well as convictions and cautions, an enhanced certificate may include additional information which a chief police officer reasonably believes is relevant and ought to be disclosed. Chief police officers must have regard to the [statutory guidance](#) issued by the Home Office when considering disclosure. A summary of the information provided at each level of DBS checks is annexed to this document (Annex – Disclosure and Barring Service information).
- 4.4 It should be noted that licensing authorities must not circumvent the DBS process and seek to obtain details of previous criminal convictions and other information that may not otherwise be disclosed on a DBS certificate. Whilst data protection legislation (not just the Data Protection Act 2018 or General Data Protection Regulation (GDPR)) gives individuals (or data subjects) a 'right of access' to the personal data that an organisation holds about them, it is a criminal offence to require an individual to exercise their subject access rights so as to gain information about any convictions and cautions. This could potentially lead to the authority receiving information to which it is not entitled. The appropriate way of accessing an individual's criminal records is through an enhanced DBS and barred lists check.

The Disclosure and Barring Service Update Service

- 4.5 Subscription to the DBS Update Service allows those with standard and enhanced certificates to keep these up to date online and, with the individual's consent, allows nominees to check the status of a certificate online at any time. Subscription to the service removes the need for new certificates to be requested, reduces the administrative burden and mitigates potential delays in relicensing.
- 4.6 The DBS will search regularly to see if any relevant new information has been received since the certificate was issued. The frequency varies depending on the type of information; for criminal conviction and barring information, the DBS will search for updates on a weekly basis. For non-conviction information, the DBS will search for updates every nine months.
- 4.7 Licensing authorities are able to request large numbers of status checks on a daily basis. The DBS has developed a Multiple Status Check Facility (MSCF) that can be accessed via a web service. The MSCF enables organisations to make an almost unlimited number of Status Checks simultaneously. Further information on the MSCF is available from the [DBS](#).
- 4.8 Should the MSCF advise that new information is available the DBS certificate should no longer be relied upon and a new DBS certificate requested.

Common Law Police Disclosure

- 4.9 The DBS is not the only source of information that should be considered as part of a fit and proper assessment for the licensing of taxi and private hire vehicle drivers. Common Law Police Disclosure ensures that where there is a public protection risk, the police will pass information to the employer or regulatory body to allow them to act swiftly to mitigate any danger.
- 4.10 Common Law Police Disclosure replaced the Notifiable Occupations Scheme (NOS) in March 2015 and focuses on providing timely and relevant information which might indicate a public protection risk. Information is passed on at arrest or charge, rather than on conviction which may be some time after, allowing any measures to mitigate risk to be put in place immediately.
- 4.11 This procedure provides robust safeguarding arrangements while ensuring only relevant information is passed on to employers or regulatory bodies. **Licensing authorities should maintain close links with the police to ensure effective and efficient information sharing procedures and protocols are in place and are being used.**

Licensee self-reporting

- 4.12 Licence holders should be required to notify the issuing authority within 48 hours of an arrest and release, charge or conviction of any sexual offence, any offence involving dishonesty or violence and any motoring offence. An arrest for any of the offences within this scope should result in a review by the issuing authority as to whether the licence holder is fit to continue to do so. This must not

however be seen as a direction that a licence should be withdrawn; it is for the licensing authority to consider what, if any, action in terms of the licence should be taken based on the balance of probabilities. Should an authority place an obligation on licensees to notify under these circumstances, authorities should also ensure appropriate procedures are in place to enable them to act in a suitable timeframe if and when needed.

- 4.13 Importantly, a failure by a licence holder to disclose an arrest that the issuing authority is subsequently advised of might be seen as behaviour that questions honesty and therefore the suitability of the licence holder regardless of the outcome of the initial allegation.

Referrals to the Disclosure and Barring Service and the Police

- 4.14 In some circumstances it may be appropriate under the Safeguarding Vulnerable Groups Act 2006 for licensing authorities to make referrals to the DBS. **A decision to refuse or revoke a licence as the individual is thought to present a risk of harm to a child or vulnerable adult, should be referred to the DBS.** The power for the licensing authority to make a referral in this context arises from the undertaking of a safeguarding role. Further guidance has been provided by the [DBS](#).

- 4.15 The Department recommends that licensing authorities should make a referral to the DBS when it is thought that:

- an individual has harmed or poses a risk of harm to a child or vulnerable adult;
- an individual has satisfied the '[harm test](#)'; or
- received a caution or conviction for a relevant offence and;
- the person they are referring is, has or might in future be working in regulated activity;

if the above conditions are satisfied, the DBS may consider it appropriate for the person to be added to a barred list.

- 4.16 These referrals may result in the person being added to a barred list and enable other licensing authorities to consider this should further applications to other authorities be made. Further information on referrals to DBS is [available](#).

Working with the Police

- 4.17 The police are an invaluable source of intelligence when assessing whether a licensing applicant is a 'fit and proper' person. It is vital that licensing authorities have a partnership with the police service to ensure that appropriate information is shared as quickly as possible. As part of building an effective working relationship between the licensing authority and the police, **action taken by the licensing authority as a result of information received should be fed-back to the police.** Increasing the awareness among police forces of the value licensing authorities place on the information received, particularly on non-conviction intelligence, will assist furthering these relationships and reinforce the benefits of greater sharing of information.
- 4.18 This relationship can be mutually beneficial, assisting the police to prevent crime. The police can gain valuable intelligence from drivers and operators, for example, the identification of establishments that are selling alcohol to minors or drunks, or the frequent transportation of substance abusers to premises.
- 4.19 To aid further the quality of the information available to all parties that have a safeguarding duty, a revocation or refusal on public safety grounds should also be advised to the police.

Sharing licensing information with other licensing authorities

- 4.20 As has been stated elsewhere in this document, obtaining the fullest information minimises the doubt as to whether an applicant or licensee is 'fit and proper'. An obvious source of relevant information is any previous licensing history. **Applicants and licensees should be required to disclose if they hold or have previously held a licence with another authority. An applicant should also be required to disclose if they have had an application for a licence refused, or a licence revoked or suspended by any other licensing authority.** Licensing authorities should explicitly advise on their application forms that making a false statement or omitting to provide the information requested may be a criminal offence.
- 4.21 The LGA's Councillors' [Handbook on taxi and private hire vehicle licensing](#) advises that those responsible for licensing should "*communicate regularly with licensing committees and officers in neighbouring councils to ensure critical information is shared and that there is a consistency and robustness in decision-making. By working together, local government can make sure that this vital service is safe, respected, and delivering for local communities.*". While this approach may aid consistency and robustness in decision-making within regions, it has obvious inherent limitations as it is unlikely such protocols could be established between all licensing authorities. The LGA commissioned the National Anti-Fraud Network to develop a national register of taxi and private hire vehicle driver licence refusals and revocations (the register is known as 'NR3'). **Tools such as NR3 should be used by licensing authorities to share information on a more consistent basis to mitigate the risk of non-disclosure of relevant information by applicants.**

- 4.22 For these processes to be beneficial, all licensing authorities must keep a complete and accurate record as to the reasons for refusal, suspension or revocation of a licence in order that this might be shared if requested and appropriate to do so.
- 4.23 Data protection legislation provides exemption from the rights of data subjects for the processing of personal data in connection with regulatory activities. This includes taxi and private hire vehicle licensing. The exemption applies only to information processed for the core regulatory activities of appropriate organisations; it may not be used in a blanket manner. The exemption applies only to the extent that the application of the rights of data subjects to the information in question would be likely to prejudice the proper discharge of the regulatory functions. The Information Commissioner's Office has published [guidance](#) to assist organisations to fully understand their obligations and suggest good practice.
- 4.24 If notification under paragraph 4.20 or 4.21 of a refused or revoked licence is disclosed, the relevant licensing authority should be contacted to establish when the licence was refused, suspended or revoked and the reasons why. In those circumstances, the relevant licensing authority must consider whether it should disclose any information in relation to the previous decision, consistent with its obligations under data protection legislation. If information is disclosed, it can then be taken into account in determining the applicant's fitness to be licensed. The relevance of the reason for refusing/revoking a licence must be considered. For example, if any individual was refused a licence for failing a local knowledge test, it does not have any safeguarding implications. Conversely, a revocation or refusal connected to indecency would. Licensing authorities should not simply replicate a previous decision, authorities must consider each application on its own merits and with regard to its own policies.
- 4.25 Should a licensing authority receive information that a licence holder did not disclose the information referred to in paragraph 4.20, for example by checking the NR3 register, the authority should consider whether the non-disclosure represents dishonesty and should review whether the licence holder remains 'fit and proper'.

Multi-agency Safeguarding Hub (MASH)

- 4.26 Multi-Agency Safeguarding Hubs are a way to improve the safeguarding response for children and vulnerable adults through better information sharing and high quality and timely safeguarding responses. MASHs (or similar models) should operate on three common principles: information sharing, joint decision making and coordinated intervention.
- 4.27 The Home Office report on [Multi Agency Working and Information Sharing](#) recommended that effective multi-agency working still needs to become more widespread. The Children's Commissioner's 2013 [Inquiry into Child Sexual Exploitation in Gangs and Groups](#) found that both police and local authorities still identified the inability to share information as a key barrier to safeguarding children from sexual abuse and exploitation.

4.28 All licensing authorities should operate or establish a means to facilitate the objectives of a MASH (i.e. the sharing of necessary and relevant information between stakeholders). As has been emphasised throughout this document, one of the most effective ways to minimise the risk to children and vulnerable adults when using taxis and private hire vehicles is to ensure that decisions on licensing individuals are made with the fullest knowledge possible.

Complaints against licensees

4.29 Complaints about drivers and operators provide a source of intelligence when considering the renewal of a licence or to identify problems during the period of the licence. Patterns of behaviour such as complaints against drivers, even when they do not result in further action in response to an individual complaint, may be indicative of characteristics that raise doubts over the suitability to hold a licence. **All licensing authorities should have a robust system for recording complaints, including analysing trends across all licensees as well as complaints against individual licensees.** Such a system will help authorities to build a fuller picture of the potential risks an individual may pose and may tip the 'balance of probabilities' assessment that licensing authorities must take.

4.30 Licensees with a high number of complaints made against them should be contacted by the licensing authority and concerns raised with the driver and operator (if appropriate). Further action in terms of the licence holder must be determined by the licensing authority, which could include no further action, the offer of training, a formal review of the licence, or formal enforcement action.

4.31 To ensure that passengers know who to complain to, licensing authorities should produce guidance for passengers on making complaints directly to the licensing authority that should be available on their website. Ways to make complaint to the authority should be displayed in all licensed vehicles. This is likely to result in additional work for the licensing authority but has the advantage of ensuring consistency in the handling of complaints. Currently, it is more likely that a complaint against a taxi driver would be made directly to the licensing authority whereas a complaint against a private hire vehicle driver is more likely to be made to the operator. An effective partnership in which operators can share concerns regarding drivers is also encouraged.

4.32 Importantly, this approach will assist in the directing of complaints and information regarding the behaviour of drivers who may be carrying a passenger outside of the area in which the driver is licensed to the authority that issued the licence. In order for this to be effective licensing authorities must ensure that drivers are aware of a requirement to display information on how to complain and take appropriate sanctions against those that do not comply with this requirement.

4.33 In terms of investigating complaints CCTV footage of an incident can provide an invaluable insight, providing an 'independent witness' to an event. This can assist in the decision whether to suspend or revoke a licence. The potential benefits of mandating CCTV in vehicles is discussed in paragraphs 7.7 - 7.12.

Overseas convictions

- 4.34 The DBS cannot access criminal records held overseas, only foreign convictions that are held on the Police National Computer may, subject to the disclosure rules, be disclosed. Therefore, a DBS check may not provide a complete picture of an individual's criminal record where there have been periods living or working overseas; the same applies when an applicant has previously spent an extended period (three or more continuous months) outside the UK. It should however be noted that some countries will not provide an 'Certificate of Good Character' unless the individual has been resident for six months or more
- 4.35 Licensing authorities should seek or require applicants to provide where possible criminal records information or a 'Certificate of Good Character' from overseas in this circumstance to properly assess risk and support the decision-making process (. It is the character of the applicant as an adult that is of particular interest, therefore an extended period outside the UK before the age of 18 may be less relevant. As with all licensing decisions, each case must be considered on its own merits. For information on applying for overseas criminal record information or 'Certificates of Good Character' please see the Home Office [guidance](#).
- 4.36 Where an individual is aware that they have committed an offence overseas which may be equivalent to those listed in the annex to this document (Annex – Assessment of previous convictions), licensing authorities should advise the applicant to seek independent expert or legal advice to ensure that they provide information that is truthful and accurate.

5. Decision Making

Administration of the licensing framework

- 5.1 A policy is only effective if it is administered properly. The taxi and private hire vehicle licensing functions of local councils are non-executive functions i.e. they are functions of the council rather than the executive (such as the Cabinet). The functions include the determination of licence applications, reviews and renewals, along with the attachment of conditions when considered appropriate. The function may be delegated to a committee, a sub-committee or an officer – which should be set out within a clear scheme of delegation. In London the taxi and private hire vehicle licensing function is undertaken by Transport for London.
- 5.2 Licensing authorities should ensure that all individuals that determine whether a licence is issued or refused are adequately resourced to allow them to discharge the function effectively and correctly.

Training decision makers

- 5.3 **All individuals that determine whether a licence is issued should be required to undertake sufficient training.** As a minimum, training for a member of a licensing committee should include: licensing procedures, natural justice, understanding the risks of CSAE, disability and equality awareness and the making of difficult and potentially controversial decisions. Training should not simply relate to procedures, but should include the use of case study material to provide context and real scenarios. All training should be formally recorded by the licensing authority and require a signature from the person that has received the training. Training is available from a number of organisations including the Institute of Licensing and Lawyers in Local Government; the LGA may also be able to assist in the development of training packages.
- 5.4 Public safety is the paramount consideration but the discharge of licensing functions must be undertaken in accordance with the following general principles:
- policies should be used as internal guidance, and should be supported by a member/officer code of conduct.
 - any implications of the Human Rights Act should be considered.
 - the rules of natural justice should be observed.
 - decisions must be reasonable and proportionate.
 - where a hearing is required it should be fairly conducted and allow for appropriate consideration of all relevant factors.
 - decision makers must avoid bias (or even the appearance of bias) and predetermination.
 - data protection legislation.

5.5 When a decision maker has a prejudicial interest in a case, whether it be financial or a personal relationship with those involved they should declare their interest at the earliest opportunity; this must be prior to any discussions or votes and, once declared, they must leave the room for the duration of the discussion or vote.

The regulatory structure

5.6 It is recommended that councils operate with a Regulatory Committee or Board that is convened at periodic intervals to determine licensing matters, with individual cases being considered by a panel of elected and suitably trained councillors drawn from a larger Regulatory Committee or Board. This model is similar to that frequently adopted in relation to other licensing matters. To facilitate the effective discharge of the functions, less contentious matters can be delegated to appropriately authorised council officers via a transparent scheme of delegation.

5.7 It is considered that this approach also ensures the appropriate level of separation between decision makers and those that investigate complaints against licensees, and is the most effective method in allowing the discharge of the functions in accordance with the general principles referred to in 5.4. In particular, the Committee/Board model allows for:

- Each case to be considered on its own merits. It is rare for the same councillors to be involved in frequent hearings – therefore the councillors involved in the decision making process will have less knowledge of previous decisions and therefore are less likely to be influenced by them. Oversight and scrutiny can be provided in relation to the licensing service generally, which can provide independent and impartial oversight of the way that the functions are being discharged within the authority.
- Clear separation between investigator and the decision maker – this demonstrates independence, and ensures that senior officers can attempt to resolve disputes in relation to service actions without the perception that this involvement will affect their judgement in relation to decisions made at a later date.

5.8 Avoidance of bias or even the appearance of bias is vital to ensuring good decisions are made and instilling and/or maintaining confidence in the licensing regime by passengers and licensees.

5.9 Unlike officers, elected members are not usually involved in the day to day operation of the service and as such do not have relationships with licence holders that may give the impression that the discharge of a function is affected by the relationship between the decision maker and the licence holder.

5.10 Some licensing authorities may decide to operate a system whereby all matters are delegated to a panel of officers; however, this approach is not recommended and caution should be exercised. Decisions must be, and be seen to be, made objectively, avoiding any bias. In addition, it may be more difficult to demonstrate compliance with the principles referred to above due to the close

connection between the officers on the panel, and those involved in the operational discharge of the licensing functions.

- 5.11 Whether the structure proposed is introduced or an alternative model is more appropriate in local circumstances, the objective should remain the same - to separate the investigation of licensing concerns and the management of the licence process. Regardless of which approach is adopted, **all licensing authorities should consider arrangements for dealing with serious matters that may require the immediate revocation of a licence.** It is recommended that this role is delegated to a senior officer/manager with responsibility for the licensing service.

Fit and proper test

- 5.12 Licensing authorities have a duty to ensure that any person to whom they grant a taxi or private hire vehicle driver's licence is a 'fit and proper' person to be a licensee. It may be helpful when considering whether an applicant or licensee is fit and proper to pose oneself the following question:

Without any prejudice, and based on the information before you, would you allow a person for whom you care, regardless of their condition, to travel alone in a vehicle driven by this person at any time of day or night?

- 5.13 If, on the balance of probabilities, the answer to the question is 'no', the individual should not hold a licence.
- 5.14 Licensing authorities have to make difficult decisions but (subject to the points made in paragraph 5.4) the safeguarding of the public is paramount. All decisions on the suitability of an applicant or licensee should be made on the balance of probability. This means that an applicant or licensee should not be 'given the benefit of doubt'. If the committee or delegated officer is only "50/50" as to whether the applicant or licensee is 'fit and proper', they should not hold a licence. The threshold used here is lower than for a criminal conviction (that being beyond reasonable doubt) and can take into consideration conduct that has not resulted in a criminal conviction.

Criminal convictions and rehabilitation

- 5.15 In considering an individual's criminal record, licensing authorities must consider each case on its merits, but they should take a particularly cautious view of any offences against individuals with special needs, children and other vulnerable groups, particularly those involving violence, those of a sexual nature and those linked to organised crime. In order to achieve consistency, and to mitigate the risk of successful legal challenge, licensing authorities should have a clear policy for the consideration of criminal records. This should include, for example, which offences would prevent an applicant from being licenced regardless of the period elapsed in all but truly exceptional circumstances. In the case of lesser offences, a policy should consider the number of years the authority will require to have elapsed since the commission of particular kinds of offences before they will grant a licence.

- 5.16 Annexed to this document are the Department's recommendations on the assessment of previous convictions (Annex – Assessment of previous convictions). This draws on the work of the Institute of Licensing, in partnership with the LGA, the National Association of Licensing Enforcement Officers (NALEO) and Lawyers in Local Government, in publishing its guidance on determining the suitability of taxi and private hire vehicle licensees.
- 5.17 These periods should be taken as a starting point in considering whether a licence should be granted or renewed in all cases. The Department's view is that this places passenger safety as the priority while enabling past offenders to sufficiently evidence that they have been successfully rehabilitated so that they might obtain a licence. Authorities are however reminded that applicants are entitled to a fair and impartial consideration of their application.

6. Driver Licensing

Criminality checks for drivers

- 6.1 Licensing authorities are entitled to request an enhanced criminal record certificate with check of the barred lists from the DBS for all driver licence holders or applicants. The DfT's 2019 [survey of taxi and private hire vehicle licensing authorities](#) shows that all licensing authorities in England and Wales have a requirement that an enhanced DBS check is undertaken at first application or renewal.
- 6.2 All individuals applying for or renewing a taxi or private hire vehicle drivers licence licensing authorities should carry out a check of the children and adult Barred Lists in addition to being subject to an enhanced DBS check (in section x61 of the DBS application 'Other Workforce' should be entered in line 1 and 'Taxi Licensing' should be entered at line 2). All licensed drivers should also be required to evidence continuous registration with the DBS update service to enable the licensing authority to routinely check for new information every six months. Drivers that do not subscribe up to the Update Service should still be subject to a check every six months.
- 6.3 Driving a taxi or private hire vehicle is not, in itself, a regulated activity for the purposes of the barred list. This means that an individual subject to barring would not be legally prevented from being a taxi or private hire vehicle driver but the licensing authority should take an individual's barred status into account alongside other information available. **In the interests of public safety, licensing authorities should not, as part of their policies, issue a licence to any individual that appears on either barred list.** Should a licensing authority consider there to be exceptional circumstances which means that, based on the balance of probabilities they consider an individual named on a barred list to be 'fit and proper', the reasons for reaching this conclusion should be recorded.
- 6.4 Drivers working under an arrangement to transport children may be working in 'regulated activity' as defined by the [Safeguarding Vulnerable Groups Act 2006](#). It is an offence to knowingly allow a barred individual to work in regulated activity. The [guidance on home-to-school travel and transport](#) issued by the Department for Education should be considered alongside this document. Please see [guidance](#) on driver DBS eligibility and how to apply.

Safeguarding awareness

- 6.5 Licensing authorities should consider the role that those in the taxi and private hire vehicle industry can play in spotting and reporting the abuse, exploitation or neglect of children and vulnerable adults. As with any group of people, it is overwhelmingly the case that those within the industry can be an asset in the detection and prevention of abuse or neglect of children and vulnerable adults. However, this is only the case if they are aware of and alert to the signs of potential abuse and know where to turn to if they suspect that a child or vulnerable adult is at risk of harm or is in immediate danger.

6.6 All licensing authorities should provide safeguarding advice and guidance to the trade and should require taxi and private hire vehicle drivers to undertake safeguarding training. This is often produced in conjunction with the police and other agencies. These programmes have been developed to help drivers and operators:

- provide a safe and suitable service to vulnerable passengers of all ages;
- recognise what makes a person vulnerable; and
- understand how to respond, including how to report safeguarding concerns and where to get advice.

6.7 Since 2015, the Department for Education (DfE) has run a nationwide campaign – *‘Together, we can tackle child abuse’* which aims to increase public understanding of how to recognise the signs to spot and encourage them to report child abuse and neglect. The DfE continues to promote and raise awareness of the campaign materials through its [online toolkit](#), for local authorities, charities and organisations for use on their social media channels.

‘County lines’ exploitation

6.8 County lines is a term used to describe gangs and organised criminal networks involved in exporting illegal drugs (primarily crack cocaine and heroin) into one or more importing areas [within the UK], using dedicated mobile phone lines or other form of “deal line”.

6.9 Exploitation is an integral part of the county lines offending model with children and vulnerable adults exploited to transport (and store) drugs and money between locations. Children aged between 15-17 make up the majority of the vulnerable people involved in county lines, but they may also be much younger. We know that both girls and boys are groomed and exploited and offenders will often use coercion, intimidation, violence (including sexual violence) and weapons to ensure compliance of victims. Children exploited by county lines gangs may have vulnerabilities besides their age, such as broader mental health issues, disrupted or chaotic homes, substance misuse issues, being excluded from school or frequently going missing.

6.10 The National Crime Agency’s 2018 county lines threat assessment set out that the national road network is key to the transportation of county lines victims, drugs and cash; with hire vehicles being one of the methods used for transportation between locations.

6.11 Safeguarding awareness training should include the ways in which drivers can help to identify county lines exploitation. Firstly, they should be aware of the following warning signs:

- Children and young people travelling in taxis or private hire vehicles alone;

- travelling at unusual hours (during school time, early in the morning or late at night);
- travelling long distances;
- unfamiliar with the local area or do not have a local accent;
- paying for journeys in cash or prepaid.

6.12 The Home Office is working with partners to raise awareness of county lines and has provided [material](#) to help taxi and private vehicle hire staff to identify victims and report concerns to protect those exploited through this criminal activity.

6.13 Drivers (or any person) should be aware of what to do if they believe a child or vulnerable person is at risk of harm. If the risk is immediate they should contact the police otherwise they should:

- use the local safeguarding process, the first step of which is usually to contact the safeguarding lead within the local authority;
- call Crime Stoppers on 0800 555 111.

Language proficiency

6.14 A lack of language proficiency could impact on a driver's ability to understand written documents, such as policies and guidance, relating to the protection of children and vulnerable adults and applying this to identify and act on signs of exploitation. Oral proficiency will be of relevance in the identification of potential exploitation through communicating with passengers and their interaction with others.

6.15 A licensing authority's test of a driver's proficiency should cover both oral and written English language skills to achieve the objectives stated above.

7. Vehicle Licensing

7.1 As with driver licensing, the objective of vehicle licensing is to protect the public, who trust that the vehicles dispatched are above all else safe. It is important therefore that licensing authorities are assured that those granted a vehicle licence also pose no threat to the public and have no links to serious criminal activity. Although vehicle proprietors may not have direct contact with passengers, they are still entrusted to ensure that the vehicles and drivers used to carry passengers are appropriately licensed and so maintain the safety benefits of the licensing regime.

Criminality checks for vehicle proprietors

7.2 Enhanced DBS and barred list checks are not available for vehicle licensing. **Licensing authorities should require a basic disclosure from the DBS and that a check is undertaken annually.** Any individual may apply for a basic check and the certificate will disclose any unspent convictions recorded on the Police National Computer (PNC). Licensing authorities should consider whether an applicant or licence holder with a conviction for offences provided in the annex to this document (Annex – Assessment of previous convictions), other than those relating to driving, meet the ‘fit and proper’ threshold.

7.3 However, it is important that authorities acknowledge that in many cases individuals that license a vehicle may already be licensed as a driver. An authority which undertakes the biannual DBS checks recommended for its drivers should not require those seeking to licence a vehicle to provide a basic DBS check as part of the application process; a basic DBS would not provide any information in addition to that disclosed under the enhanced DBS and barred lists check used for the driver assessment. In these circumstances, the authority should instead rely on the fact that the applicant is considered as fit and proper to hold a driver licence when considering their suitability to hold a vehicle licence. Should the individual cease to hold a driver licence a basic certificate should be required immediately.

7.4 A refusal to license an individual as a driver or to suspend or revoke a driver licence does not automatically mean that that individual cannot be issued or continue to hold a vehicle or private hire vehicle operator licence; these decisions must be independent of a driver licence refusal and based on the appropriate information i.e. it should not consider information that would only be available via an enhanced DBS check but instead that which would be disclosed on a basic check. DBS certificate information can only be used for the specific purpose for which it was requested and for which the applicant’s full consent has been given.

7.5 Private hire vehicle operator and vehicle licences may be applied for by a company or partnership; licensing authorities should apply the ‘fit and proper’ test to each of the directors or partners in that company or partnership. For this to be effective private hire vehicle operators and those to whom a vehicle licence should be required to advise the licensing authority of any change in directors or partners.

7.6 As explained earlier in the context of driver licensing, the DBS cannot access criminal records held overseas so other checks must be considered where and applicant has lived or worked overseas (see paragraph 4.34 - 4.36).

In-vehicle visual and audio recording – CCTV

7.7 Government has acknowledged the potential risk to public safety when passengers travel in taxis and private hire vehicles. It is unfortunately the case that no matter how complete the information available to licensing authorities is when assessing whether to issue any taxi or private hire vehicle licence, nor how robust the policies in place are and the rigor with which they are applied, it will never completely remove the possibility of harm to passengers by drivers.

7.8 The Department's view is that CCTV can provide additional deterrence to prevent this and investigative value when it does. The use of CCTV can provide a safer environment for the benefit of taxi/private hire vehicle passengers and drivers by:

- deterring and preventing the occurrence of crime;
- reducing the fear of crime;
- assisting the police in investigating incidents of crime;
- assisting insurance companies in investigating motor vehicle accidents.

7.9 All licensing authorities should consult to identify if there are local circumstances which indicate that the installation of CCTV in vehicles would have either a positive or an adverse net effect on the safety of taxi and private hire vehicle users, including children or vulnerable adults, and taking into account potential privacy issues.

7.10 While only a small minority of licensing authorities have so far mandated all vehicles to be fitted with CCTV systems, the experience of those authorities that have has been positive for both passengers and drivers. In addition, the evidential benefits of CCTV may increase the level of reporting of sexual offences. According to the [Crime Survey for England and Wales](#) only 17 percent of victims report their experiences to the police, 28 percent of rape or sexual assault victims indicated that a fear they would not be believed as a factor in them not reporting the crime. The evidential benefits CCTV could provide are therefore an important factor when considering CCTV in vehicles.

7.11 The mandating of CCTV in vehicles may deter people from seeking a taxi or private hire vehicle licence with the intent of causing harm. Those that gain a licence and consider perpetrating an opportunistic attack against a vulnerable unaccompanied passenger may be deterred from doing so. It is however unfortunately the case that offences may still occur even with CCTV operating.

7.12 CCTV systems that are able to record audio as well as visual data may also help the early identification of drivers that exhibit inappropriate behaviour toward passengers. Audio recording should be both overt (i.e. all parties should be aware when recordings are being made) and targeted (i.e. only when passengers (or

drivers) consider it necessary). The recording of audio should be used to provide an objective record of events such as disputes or inappropriate behaviour and must not be continuously active by default and should recognise the need for privacy of passengers' private conversations between themselves. Activation of the audio recording capability of a system might be instigated when either the passenger or driver operates a switch or button.

- 7.13 Imposition of a blanket requirement to attach CCTV as a condition to a licence is likely to give rise to concerns about the proportionality of such an approach and will therefore require an appropriately strong justification and must be kept under regular review. More information and guidance on assessing the impacts of CCTV and on an authority mandating CCTV is annexed to this document (Annex – CCTV guidance).

Stretched Limousines

- 7.14 Licensing authorities are sometimes asked to license small (those constructed or adapted to carry fewer than nine passengers) limousines as private hire vehicles, these vehicles may be used for transport to 'school proms' as well as for adult bookings. It is suggested that licensing authorities should approach such requests on the basis that these vehicles – where they have fewer than nine passenger seats - have a legitimate role to play in the private hire trade, meeting a public demand. It is the Department's view that it is not a legitimate course of action for licensing authorities to adopt policies that exclude limousines as a matter of principle thereby excluding these services from the scope of the private hire vehicle regime and the safety benefits this provides. A blanket policy of excluding limousines may create an unacceptable risk to the travelling public, as it may lead to higher levels of unsupervised operation. Public safety considerations are best supported by policies that allow respectable, safe operators to obtain licences on the same basis as other private hire vehicle operators.
- 7.15 Stretched large limousines which clearly seat more than eight passengers should not be licensed as private hire vehicles because they are outside the licensing regime for private hire vehicles. However, in some circumstances a vehicle with space for more than eight passengers can be licensed as a private hire vehicle where the precise number of passenger seats is hard to determine. In these circumstances, the authority should consider the case on its merits in deciding whether to license the vehicle under the strict condition that the vehicle will not be used to carry more than eight passengers, bearing in mind that refusal may encourage illegal private hire operation.

8. Private Hire Vehicle Operator Licensing

8.1 As with driver licensing, the objective in licensing private hire vehicle operators is to protect the public, who may be using operators' premises and trusting that the drivers and vehicles dispatched are above all else safe. It is important therefore that licensing authorities are assured that those that are granted a private hire vehicle operator also pose no threat to the public and have no links to serious criminal activity. Although private hire vehicle operators may not have direct contact with passengers, they are still entrusted to ensure that the vehicles and drivers used to carry passengers are appropriately licensed and so maintain the safety benefits of the driver licensing regime.

Criminality checks for private hire vehicle operators

8.2 Enhanced DBS and barred list checks are not available for private hire vehicle operator licensing. **Licensing authorities should request a basic disclosure from the DBS and that a check is undertaken annually.** Any individual may apply for a basic check and the certificate will disclose any unspent convictions recorded on the Police National Computer (PNC). Licensing authorities should consider whether an applicant or licence holder with a conviction for offences provided in the annex to this document (Annex – Assessment of previous convictions), other than those relating to driving, meet the 'fit and proper' threshold.

8.3 However, it is important that authorities acknowledge that in many cases individuals that license as a private hire vehicle operator may already be licensed as a driver. An authority which undertakes the biannual DBS checks recommended for its drivers should not require those seeking a private hire vehicle operator licence to provide a basic DBS check as part of the application process; a basic DBS would not provide any information in addition to that disclosed under the enhanced DBS and barred lists check used for the driver assessment. In these circumstances, the authority should instead rely on the fact that the applicant is considered as fit and proper to hold a driver licence when considering their suitability to hold a vehicle licence. Should the individual cease to hold a driver licence a basic certificate should be required immediately

8.4 Refusal to license an individual as a driver or to suspend or revoke a driver licence does not automatically mean that that individual cannot be issued or continue to hold a private hire vehicle operator licence; this decision must be independent of a driver licence refusal and based on the appropriate information i.e. it should not consider information that would only be available via an enhanced DBS check but instead that which would be disclosed on a basic check. DBS certificate information can only be used for the specific purpose for which it was requested and for which the applicant's full consent has been given.

8.5 A private hire vehicle operator licence may be applied for by a company or partnership; licensing authorities should apply the 'fit and proper' test to each of the directors or partners in that company or partnership. For this to be effective

private hire vehicle operators should be required to advise the licensing authority of any change in directors or partners.

- 8.6 As explained earlier in the context of driver licensing, the DBS cannot access criminal records held overseas. Further information on assessing the suitability of those that have spent extended periods in overseas is provided in paragraphs 4.34 - 4.36.

Booking and dispatch staff

- 8.7 Private hire vehicle drivers are not the only direct contact that private hire vehicle users have with private hire vehicle operators' staff, for example a person taking bookings (be it by phone or in person). A vehicle dispatcher decides which driver to send to a user, a position that could be exploited by those seeking to exploit children and vulnerable adults. It is therefore appropriate that all staff that have contact with private hire vehicle users and the dispatching of vehicles should not present an undue risk to the public or the safeguarding of children and vulnerable adults.
- 8.8 Licensing authorities should be satisfied that private hire vehicle operators can demonstrate that all staff that have contact with the public and/or oversee the dispatching of vehicles do not pose a risk to the public. **Licensing authorities should, as a condition of granting an operator licence, require a register of all staff that will take bookings or dispatch vehicles is kept.**
- 8.9 Operators should be required to evidence that they have had sight of a Basic DBS check on all individuals listed on their register of booking and dispatch staff and to ensure that Basic DBS checks are conducted on any individuals added to the register and that this is compatible with their policy on employing ex-offenders. DBS certificates provided by the individual should be recently issued when viewed, alternatively the operator could use a '[responsible organisation](#)' to request the check on their behalf. When individuals start taking bookings and dispatching vehicles for an operator they should be required, as part of their employment contract, to advise the operator of any convictions while they are employed in this role.
- 8.10 The register should be a 'living document' that maintains records of all those in these roles for the same duration as booking records are required to be kept, this will enable cross-referencing between the two records. A record that the operator has had sight of a basic DBS check certificate (although the certificate itself should not be retained) should be retained for the duration that the individual remains on the register. Should an employee cease to be on the register and later re-entered, a new basic DBS certificate should be requested and sight of this recorded.
- 8.11 Operators may outsource booking and dispatch functions but they cannot pass on the obligation to protect children and vulnerable adults. Operators should be required to evidence that comparable protections are applied by the company to which they outsource these functions.

8.12 Licensing authorities should also require operators or applicants for a licence to provide their policy on employing ex-offenders in roles that would be on the register as above. As with the threshold to obtaining a private hire vehicle operators' licence, those with a conviction for offences provided in the annex to this document (Annex – Assessment of previous convictions), other than those relating to driving, may not be suitable to decide who is sent to carry a child or vulnerable adult unaccompanied in a car.

Record keeping

8.13 Section 56 of the [Local Government \(Miscellaneous Provisions\) Act 1976](#) requires private hire vehicle operators to keep records of the particulars of every booking invited or accepted, whether it is from the passenger or at the request of another operator. **Licensing authorities should as a minimum require private hire vehicle operators to record the following information for each booking:**

- the name of the passenger;
- the time of the request;
- the pick-up point;
- the destination;
- the name of the driver;
- the driver's licence number;
- the vehicle registration number of the vehicle;
- the name of any individual that responded to the booking request;
- the name of any individual that dispatched the vehicle.

8.14 This information will enable the passenger to be traced if this becomes necessary and should improve driver security and facilitate enforcement. It is suggested that booking records should be retained for a minimum of six months.

8.15 Private hire vehicle operators have a duty under data protection legislation to protect the information they record. The Information Commissioner's Office provides comprehensive on-line guidance on registering as a data controller and how to meet their obligations.

Use of passenger carrying vehicles (PCV) licensed drivers

8.16 PCV licensed drivers are subject to different checks from taxi and private hire vehicle licensed drivers as the work normally undertaken, i.e. driving a bus, does not present the same risk to passengers. Members of the public are entitled to expect when making a booking with a private hire vehicle operator that they will receive a private hire vehicle licensed vehicle and driver. **The use of a driver who holds a PCV licence and the use of a public service vehicle (PSV) such**

as a minibus to undertake a private hire vehicle booking should not be permitted as a condition of the private hire vehicle operator's licence without the informed consent of the booker.

- 8.17 Where a private hire vehicle is unsuitable, for example where a larger vehicle is needed because more than eight passenger seats required or to accommodate luggage, the booker should be informed that a PSV is necessary, and that a PCV licenced driver will be used who is subject to different checks and not required to have an enhanced DBS check.

9. Enforcing the Licensing Regime

9.1 Implementing an effective framework for licensing authorities to ensure that as full a range of information made available to suitably trained decision makers that are supported by well-resourced officials is essential to a well-functioning taxi and private hire vehicle sector. These steps will help prevent the licensing of those that are not deemed 'fit and proper' but does not ensure that those already licensed continue to display the behaviours and standards expected.

Joint authorisation of enforcement officers

9.2 Licensing authorities should, where the need arises, jointly authorise officers from other authorities so that compliance and enforcement action can be taken against licensees from outside their area. An agreement between licensing authorities to jointly authorise officers enables the use of enforcement powers regardless of which authority within the agreement the officer is employed by and which issued the licence. This will mitigate the opportunities for drivers to evade regulation. Such an agreement will enable those authorities to take action against vehicles and drivers that are licensed by the other authority when they cross over boundaries. A model for agreeing joint authorisation is contained in the [LGA Councillors' handbook](#).

Setting expectations and monitoring

9.3 Licensing authorities should ensure that drivers are aware of the policies that they must adhere and are properly informed of what is expected of them and the repercussions for failing to do so. Some licensing authorities operate a points-based system, which allows minor breaches to be recorded and considered in context while referring those with persistent or serious breaches to the licensing committee. This has the benefit of consistency in enforcement and makes better use of the licensing committee's time.

9.4 The provision of a clear, simple and well-publicised process for the public to make complaints about drivers and operators will enable authorities to target compliance and enforcement activity (see paragraphs 4.29 - 4.33). This will provide a further source of intelligence when considering the renewal of licences and of any additional training that may be required. It is then for the licensing authority to consider if any intelligence indicates a need to suspend or revoke a licence in the interests of public safety.

Suspension and revocation of driver licences

9.5 Section 61 of the Local Government (Miscellaneous Provisions) Act 1976 provides a licensing authority with the ability to suspend or revoke a driver's licence on the following grounds: -

(a) that he has since the grant of the licence—

- (i) been convicted of an offence involving dishonesty, indecency or violence; or
- (ii) been convicted of an offence under or has failed to comply with the provisions of the Act of 1847 or of this Part of this Act;
- (aa) that he has since the grant of the licence been convicted of an immigration offence or required to pay an immigration penalty; or
- (b) any other reasonable cause

9.6 Licensing authorities have the option to suspend or revoke a licence should information be received that causes concern over whether a driver is a fit and proper person. Where the licence holder has been served an immigration penalty or convicted of an immigration offence the licence should be revoked immediately. [Guidance for licensing authorities](#) to prevent illegal working in the taxi and private hire vehicle sector has been issued by the Home Office. As with the initial decision to license a driver, this determination must be reached based on the balance of probabilities, not on the burden of beyond reasonable doubt.

9.7 Before any decision is made, the licensing authority must give full consideration to the available evidence and the driver should be given the opportunity to state his or her case. If a period of suspension is imposed, it cannot be extended or changed to revocation at a later date.

9.8 A decision to revoke a licence does not however prevent the reissuing of a licence should further information be received that alters the balance of probability of a decision previously made. The decision to suspend or revoke was based on the evidence available at the time the determination was made. New evidence may, of course, become available later.

9.9 New evidence may be produced at an appeal hearing that may result in the court reaching a different decision to that reached by the council or an appeal may be settled by agreement between the licensing authority and the driver on terms which, in the light of new evidence, becomes the appropriate course. If, for example, the allegations against a driver were now, on the balance of probability, considered to be unfounded, a suspension could be lifted or, if the licence was revoked, an expedited re-licensing process used.

9.10 A suspension may still be appropriate if it is believed that a minor issue can be addressed through additional training. In this instance the licence would be returned to the driver once the training has been completed without further consideration. This approach is clearly not appropriate where the licensing authority believes that, based on the information available at that time, on the balance of probability it is considered that the driver presents a risk to public safety.

Annex – Assessment of Previous Convictions

Legislation specifically identifies offences involving dishonesty, indecency or violence as a concern when assessing whether an individual is 'fit and proper' to hold a taxi or private hire vehicle licence. The following recommendations to licensing authorities on previous convictions reflect this.

Authorities must consider each case on its own merits, and applicants/licensees are entitled to a fair and impartial consideration of their application. Where a period is given below, it should be taken to be a minimum in considering whether a licence should be granted or renewed in most cases. The Department's view is that this places passenger safety as the priority while enabling past offenders to sufficiently evidence that they have been successfully rehabilitated so that they might obtain or retain a licence.

Crimes resulting in death

Where an applicant or licensee has been convicted of a crime which 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.

Exploitation

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 abuse, exploitation, grooming, psychological, emotional or financial abuse, but this is not an exhaustive list.

Offences involving violence against the person

Where an applicant has a conviction for an offence of violence against the person, or connected with any offence of violence, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

Possession of a weapon

Where an applicant has a conviction for possession of a weapon or any other weapon related offence, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.

Sexual offences

Where an applicant has a conviction for any offence involving or connected with illegal sexual activity, a licence will not be granted.

In addition to the above, the licensing authority will not grant a licence to any applicant who is currently on the Sex Offenders Register or on any barred list.

Dishonesty

Where an applicant has a conviction for any offence where dishonesty is an element of the offence, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.

Drugs

Where an applicant has any conviction for, or related to, the supply of drugs, or possession with intent to supply or connected with possession with intent to supply, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

Where an applicant has a conviction for possession of drugs, or related to the possession of drugs, a licence will not be granted until at least five years have elapsed since the completion of any sentence imposed. In these circumstances, any applicant may also have to undergo drugs testing for a period at their own expense to demonstrate that they are not using controlled drugs.

Discrimination

Where an applicant has a conviction involving or connected with discrimination in any form, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.

Motoring convictions

Hackney carriage and private hire drivers are professional drivers charged with the responsibility of carrying the public. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the granting of a licence. However, applicants with multiple motoring convictions may indicate that an applicant does not exhibit the behaviours of a safe road user and one that is suitable to drive professionally.

Any motoring conviction while a licensed driver demonstrates that the licensee may not take their professional responsibilities seriously. However, it is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence may not necessitate the revocation of a taxi or private hire vehicle driver licence providing the authority considers that the licensee remains a fit and proper person to retain a licence.

Drink driving/driving under the influence of drugs

Where an applicant has a conviction for drink driving or driving under the influence of drugs, a licence will not be granted until at least seven years have elapsed since the completion of any sentence or driving ban imposed. In the case of driving under the influence of drugs, any applicant may also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

Using a hand-held device whilst driving

Where an applicant has a conviction for using a held-hand mobile telephone or a hand-held device whilst driving, a licence will not be granted until at least five years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later.

Annex – Disclosure and Barring Service information

Table 1: Information included in criminal record checks

Information included	Type of check			
	Basic check	Standard DBS check	Enhanced DBS check	Enhanced DBS (including barred list) check
Unspent convictions	Yes	Yes	Yes	Yes
Unspent cautions ¹	Yes	Yes	Yes	Yes
Spent convictions ²	No	Yes	Yes	Yes
Spent cautions ^{1 & 2}	No	Yes	Yes	Yes
Additional police Information ³	No	No	Yes	Yes
Barred list(s) Information ⁴	No	No	No	Yes

1. Does not include fixed penalty notices, penalty notices for disorder or any other police or other out-of-court disposals.
2. Spent convictions and cautions that have become protected under the Rehabilitation of Offenders Act 1974 (Exceptions Order) 1975, as amended, are not automatically disclosed on any level of certificate. Further guidance is available [the DBS filtering guide](#).
3. This is any additional information held by the police which a chief police officer reasonably believes to be relevant and considers ought to be disclosed.
4. This is information as to whether the individual concerned is included in the children's or adults' barred lists maintained by the Disclosure and Barring Service (DBS).

Annex – CCTV Guidance

It is important to note that, in most circumstances, a licensing authority which mandates the installation of CCTV systems in taxis and private hire vehicles will be responsible for the data – the data controller. It is important that data controllers fully consider concerns regarding privacy and licensing authorities should consider how systems are configured, should they mandate CCTV (with or without audio recording). For example, vehicles may not be exclusively used for business, also serving as a car for personal use - it should therefore be possible to manually switch the system off (both audio and visual recording) when not being used for hire. Authorities should consider the Information Commissioner's view on this matter that, in most cases, a requirement for continuous operation is unlikely to be fair and lawful processing of personal data.

The Home Office '[Surveillance Camera Code of Practice](#)' advises that government is fully supportive of the use of overt surveillance cameras in a public place whenever that use is:

- in pursuit of a legitimate aim;
- necessary to meet a pressing need;
- proportionate;
- effective, and;
- compliant with any relevant legal obligations

The Code also sets out 12 guiding principles which, as a 'relevant authority' under section 33(5) of the [Protection of Freedoms Act 2012](#), licensing authorities must have regard to. It must be noted that, where a licence is granted subject to CCTV system conditions, the licensing authority assumes the role and responsibility of 'System Operator'. The role requires consideration of all guiding principles in this code. The failure to comply with these principles may be detrimental to the use of CCTV evidence in court as this may be raised within disclosure to the Crown Prosecution Service and may be taken into account.

The Surveillance Camera Commissioner (SCC) has provided guidance on the Surveillance Camera Code of Practice in its '[Passport to Compliance](#)' which provides guidance on the necessary stages when planning, implementing and operating a surveillance camera system to ensure it complies with the code. The Information Commissioner's Office (ICO) has also published a [code of practice](#) which, in this context, focuses on the data governance requirement associated with the use of CCTV such as data retention and disposal, which it is important to follow in order to comply with the data protection principles. The SCC provides a [self-assessment tool](#) to assist operators to ensure compliance with the principles set out in the Surveillance Camera Code of Practice. The SCC also operate a [certification scheme](#); authorities that obtain this accreditation are able to clearly demonstrate that their systems conform to the SCC's best practice and are fully compliant with the Code and increase public confidence that any risks to their privacy have been fully considered and mitigated.

The [Data Protection Act 2018](#) regulates the use of personal data. Part 2 of the Data Protection Act applies to the general processing of personal data, and references and supplements the General Data Protection Regulation. Licensing authorities, as data controllers, must comply with all relevant aspects of data protection law. Particular attention should be paid to the rights of individuals which include the right to be informed, of access

and to erasure. The ICO has provided detailed [guidance](#) on how data controllers can ensure compliance with these.

It is a further requirement of data protection law that before implementing a proposal that is likely to result in a high risk to the rights and freedoms of people, an impact assessment on the protection of personal data shall be carried out. The ICO recommends in [guidance](#) that if there is any doubt as to whether a Data Protection Impact Assessment (DPIA) is required one should be conducted to ensure compliance and encourage best practice. A DPIA will also help to assess properly the anticipated benefits of installing CCTV (to passengers and drivers) and the associated privacy risks; these risks might be mitigated by having appropriate privacy information and signage, secure storage and access controls, retention policies, training for staff how to use the system, etc.

It is essential to ensure that all recordings made are secure and can only be accessed by those with legitimate grounds to do so. This would normally be the police if investigating an alleged crime or the licensing authority if investigating a complaint or data access request. Encryption of the recording to which the licensing authority, acting as the data controller, holds the key, mitigates this issue and protects against theft of the vehicle or device. It is one of the guiding principles of data protection legislation, that personal data (including in this context, CCTV recordings and other potentially sensitive passenger information) is handled securely in a way that 'ensures appropriate security', including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.

All passengers must be made fully aware if CCTV is operating in a vehicle. Given that audio recording is considered to be more privacy intrusive, it is even more important that individuals are fully aware and limited only to occasions when passengers (or drivers) consider it necessary. The recording of audio should be used to provide an objective record of events such as disputes or inappropriate behaviour and must not be continuously active by default and should recognise the need for privacy of passengers' private conversations between themselves. Activation of the audio recording capability of a system might be instigated when either the passenger or driver operates a switch or button. As well as clear signage in vehicles, information on booking systems should be introduced. This might be text on a website, scripts or automated messages on telephone systems; the Information Commissioner's Office (ICO) has issued guidance on privacy information and the right to be informed on its website.

Annex - Staying Safe: Guidance for Passengers

Licensing authorities should provide guidance to assist passengers in identifying licensed vehicles and the increased risks of using unlicensed vehicles. The guidance might include advice on:

- how to tell if a taxi or private hire vehicle is licensed.

Educate the public in the differences between taxis and private hire vehicles e.g.:

- a taxi can be flagged down or pre-booked.
- a private hire vehicle that has not been pre-booked should not be used as it will not be insured and may not be licensed.
- what a private hire vehicle should look like e.g. colour, signage, licence plates etc.
- the benefit of pre-booking a return vehicle before going out.
- arrange to be picked up from a safe meeting point.
- requesting at the time of booking what the fare is likely to be.

When using a private hire vehicle, passengers should always:

- book with a licensed operator.
- confirm their booking with the driver when s/he arrives.
- note the licence number.
- sit in the back, behind the driver.
- let a third party know details of their journey.

When using a taxi, passengers should where possible:

- use a taxi rank and choose one staffed by taxi marshals if available.



Name of meeting: Licensing and Safety Committee

Date: 20th July 2021

Title of report: Licensing Service Standards

Purpose of report: The purpose of this report is to inform Members of proposed service standards in relation to the processing of private hire and hackney carriage applications and ask that Members endorse the standards.

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 <u>Council's Forward Plan (key decisions and private reports)?</u>	No Private Report/Private Appendix – No
The Decision - Is it eligible for call in by Scrutiny?	Not applicable
Date signed off by <u>Strategic Director</u> & name Is it also signed off by the Service Director for Finance? Is it also signed off by the Service Director for Legal Governance and Commissioning?	Colin Parr – 07th July 2021 Eamonn Croston – 05th July 2021 Julie Muscroft – 06th July 2021
Cabinet member portfolio	Cllr Will Simpson - 7th July 2021

Electoral wards affected: All

Ward councillors consulted: None

Public or private: Public

Has GDPR been considered? Yes – any personal data has been redacted for the purposes of this report.

1. Summary

- 1.1 The purpose of this report is to inform Members of proposed service standards in relation to the processing of private hire and hackney carriage applications and ask that Members approve the standards attached at **appendix 1**

2. Background

- 2.1 The licensing service process applications and enforce against a wide range of range of areas, these are:

- Taxi and Private Hire Licensing,
- Licensing Act – Premises licenses, club premises certificates, personal licences, Temporary Event Notices,
- Gambling Act,
- Street trading, street activities, pavement licensing, A-boards, house to house and street collections, car boots and distribution of free printed matter,
- Scrap Metal,
- Sexual Entertainment Venues and Sex Establishments,

- 2.2 The majority of the general licensing areas are governed by strict statutory timescales within which applications must be processed. Hackney and Private hire licensing do not have those same statutory timescales.

- 2.2 Within the regulatory framework governing the private hire and hackney carriage trades, there are three types of licences

- Driver licenses (Dual badges)
- Vehicle licenses (Hackney Carriage and Private Hire)
- Private hire operator licenses

- 2.3 Within Kirklees we currently licence:

Drivers	2835
Vehicles	2215
Operators	128
Total	5178

- 2.4 Between April 2020 and March 2021 the service processed 4,114 hackney carriage and private hire applications. These figures do not include applications for new drivers which, pre-pandemic, averaged 278 per financial year over the previous 5 years.

- 2.5 Between April 2020 and March 2021, the service processed 4,762 applications in relation to all areas within the licensing service.

- 2.6 Following the Government roadmap out of lockdown the service has seen applications for other licence types increase, and it is anticipated once all restrictions are lifted, levels of applications will be close to or exceeding, pre-

pandemic levels. Pre-pandemic the service received on average 9,234 applications per financial year over the previous 5 years.

- 2.7 It has been reported to members previously that the pandemic has seen the service move away from accepting applications face-to-face to accepting them via email.
- 2.8 As we move out of restrictions, the service need to transition to what will be a new working model, amending processes and procedures to ensure they are more streamlined with open and transparent service standards.
- 2.9 Moving to a new way of working is more important than ever as the service has seen an increase in the number of complaints from both licence holders and Elected Members, in relation to the time it is taking applications to be processed.
- 2.10 As a result of these complaints the Group Leader for Licensing has conducted a review of how applications are processed and has implemented changes that will see applications processed in a timelier manner.
- 2.11 Supporting these changes and to provide clarity not only to licence holders but Elected Members and the public, The Group Leader for Licensing is proposing to implement a set of service standards, that inform licence holders, Elected Members and the public of the expected timescales within which applications should be processed, these expected service standards are attached at **appendix 1**.
- 2.12 While the service accepts the way in which it has been processing applications was causing delays, some of the delays can be attributed to the applicants themselves. Despite issuing guidance, and a number of reminders, applicants continue to submit applications late, submit incomplete applications or send multiple documents on individual emails, not necessarily at the same time.
- 2.13 Given the number of applications being received which, as stated in 2.6 above, is anticipated to increase, operating in this way cannot be sustained without impacting on the proposed service standards. As such, incomplete applications will have to be returned to the applicant with specific information as to why it has been returned, and what steps are required to be completed before it can be accepted, and that a completed application needs to be re-submitted with all required documents in one email.
- 2.14 In addition, further communication will be sent to licence holders reminding them of the timescales in which they should submit their applications, and that the service cannot guarantee a renewal will be processed before a previous licence expires if applications are submitted late.
- 2.15 Members should be aware, another reason for delays relates to the processing of DBS checks by the DBS service, with the timescales within which these are processed largely out of the services control. The service is working with the Council's approved supplier for DBS checks to streamline the process and make it easier for drivers to register for the DBS online update service which, over time, will significantly improve the time it takes to conduct a DBS check.

- 2.16 The service is also looking at improving the current procedure for issuing vehicle identification plates, company door signs and driver badges.

3. Implications 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 private hire and hackney carriage trades in order to protect the travelling public; and ensure people across West Yorkshire are transported safely and protected from harm; and 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 Safeguarding 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

There is no specific impact in the context of this report.

3.4 Climate Change and Air Quality

There is no specific impact in the context of this paper.

3.5 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.

3.6 Other (eg Legal/Financial or Human Resources) Consultees and their opinions

Legal

The principal 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

There are no equality implications in the context of this report

Financial Implications

There are no financial implications to consider in relation to this report.

4. Next steps and timelines

- 4.1 The next steps are for Members to consider the proposed service standards for approval.

5. Officer recommendations and reasons

- 5.1 Members are recommended to approve the proposed service standards. Approving the standards will provide transparency for licence holders, Elected member and the public on the timescales in which applications can be expected to be processed.

6. Cabinet Portfolio Holder's recommendations

Councillor Will Simpson does not have any recommendations to add to this report.

7. Contact officer

Fiona Goldsmith
Group Leader – Licensing
Tel. 01484 221000
fiona.goldsmith@kirklees.gov.uk

8. Background Papers and History of Decisions

Not applicable

9. Service Director responsible

Wendy Blakeley
Service Director – Environment and Climate Change (Interim)
Tel: 01484 221000
Email: wendey.blakeley@kirklees.gov.uk

Process	Expected Timescale (working days)	Comments
New driver application	10 working days *This will be following receipt of the DBS certificate. DBS's can take up to 12 weeks to be returned.	Prior to submission of an application to become a new driver an applicant will be required to complete and pass all of the training modules. An application will be returned to an applicant if they have not produced all of the required documentation to evidence all training requirements have been completed and passed at the time of submission.
Driver renewal application	10 working days *This timescale relates to applications that do not require a DBS and until all applicants have signed up to the online DBS service. The DBS may take up to 12 weeks to be returned	An application will be returned to an applicant if not complete/valid and with the required documents. It is advised that an application be submitted 12 weeks prior to the expiry of the licence.
New vehicle application	5 working days	Prior to submission of an application the vehicle will be required to have a compliance test at one of the council's testing stations. The application is required to be complete/valid and all required documents submitted. Failure to submit a complete application will result in the application being returned to the applicant.
Vehicle renewal application	5 working days	An application will be returned to an applicant if not complete/valid and with the required documents. Prior to renewal the vehicle will be required to pass the council's compliance test at one of the Council's testing stations. The compliance test can be carried out up to a month prior to the expiry of the licence and it is advised that a renewal application be submitted no later the two weeks prior to the expiry of the licence.
Vehicle transfer application	5 working days	The application is required to be complete/valid, and all

		required documents submitted. Failure to submit a complete application will result in the application being returned to the applicant.
New private hire operator application	10 working days *This will be following receipt of the DBS certificate (where required). DBS's can take up to 12 weeks to be returned.	The application is required to be complete/valid, and all required documents submitted. Failure to submit a complete application will result in the application being returned to the applicant.
Private hire operator renewal application	10 working days *This will be following receipt of the DBS certificate (where required). DBS's can take up to 12 weeks to be returned.	The application is required to be complete/valid, and all required documents submitted. Failure to submit a complete application will result in the application being returned to the applicant. It is advised that the renewal application be submitted up to 12 weeks prior to expiry.
Driver Training	2 to 4 weeks	All new driver applicants are required to undertake and pass driver training and testing modules prior to the submission of their application. You can expect to get an appointment within 2 to 4 weeks of contacting the test providers. This timescale will be regularly reviewed to ensure the length of time it takes to get an appointment is not exceeding the expected timescales.
Vehicle Compliance Test	2 Weeks	All new vehicles are required to pass a vehicle compliance test, and once licenced this test is an annual requirement. The average waiting time for an appointment is 1 to 2 weeks. This timescale will be regularly reviewed to ensure the length of time it takes to get an appointment is not exceeding the expected timescales. Although the test cannot be carried out over a month in advance you are advised to contact the Council's transport service in order to book your

		appointment 4 to 6 weeks prior to the expiry of your licence to ensure that your vehicle passes its compliance test and allows enough time for the licensing service to process your application.
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***Renewal Applications only – Failure to submit the application completed with all of the required documents in a timely manner may result in licence’s expiring prior to renewal applications being processed. The applicant will not be licenced at this time and will be unable to work.**

***DBS Applications – The DBS is carried out by the DBS service, any delay in the return of DBS certificates to the applicants will need to be addressed by the applicant directly with the DBS service. The Council has no control over this third-party process.**