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

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Tuesday 22 February 2022

Notice of Meeting

Dear Member

Licensing and Safety Committee

The **Licensing and Safety Committee** will meet in the **Council Chamber - Town Hall, Huddersfield** at **10.00 am** on **Wednesday 2 March 2022**.

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', on a light-colored background.

Julie Muscroft

Service Director – Legal, Governance and Commissioning

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

The 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
C Scott

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 - 6

To approve the minutes of the meeting of the Committee held on the 4th August 2021.

3: Interests

7 - 8

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

4: Admission of the Public

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

5: Deputations/Petitions

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

In accordance with Council Procedure Rule 10 (2), Members of the

Public should provide at least 24 hours' notice of presenting a deputation.

6: Public Question Time

The Committee will hear any questions from the general public.

7: Licensing Service - Update Report

9 - 26

The purpose of the report is to inform members of the activities undertaken to discharge the Council's licensing functions from 1st April 2021.

Contact: Fiona Goldsmith, Group Leader – Licensing, Tel: 01484 221000

8: New HM Revenue and Customs (HMRC) - Requirements for Taxi, Private Hire and Scrap Metal licence holders

27 - 30

The purpose of the report is to inform members of the new HMRC tax requirements for licence holders from April 2022.

Contact: Fiona Goldsmith, Group Leader, Licensing, Tel: 01484 221000

9: Delegated Officer Decisions (Licensing)

31 - 44

The purpose of the report is to provide members with an overview of the decisions taken by the group leader for licensing under delegated authority.

Contact: Fiona Goldsmith, Group Leader, Licensing, Tel: 01484 221000

10: Exclusion of the public

To resolve that under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting during consideration of the following item of business, on the grounds that they involve the likely disclosure of exempt information, as defined in Part 1 of Schedule 12A of the Act.

11: Delegated Officer Decisions (Licensing)

45 - 70

Exempt information relating to Part 1 of Schedule 12A of the Local Government Act 1972, namely that the report contains information relating to individuals, and information which is likely to reveal the identity of an individual. The public interest in maintaining the exemption outweighs the public interest in disclosing the information and providing greater openness in the Council's decision making.

To receive exempt information in relation to Agenda Item 9.

Contact Officer: Jenny Bryce-Chan

KIRKLEES COUNCIL

LICENSING AND SAFETY COMMITTEE

Wednesday 4th August 2021

Present: Councillor Amanda Pinnock (Chair)
Councillor Mahmood Akhtar
Councillor Adam Gregg
Councillor Andrew Marchington
Councillor Carole Pattison

In attendance: Fiona Goldsmith, Public Protection Group Leader
Martin Wood, Acting Head of Public Protection

Apologies: Councillor James Homewood
Councillor Mumtaz Hussain
Councillor Mohan Sokhal
Councillor David Hall
Councillor Kath Taylor
Councillor Michael Watson
Councillor Paola Antonia Davies
Councillor Karen Allison
Councillor Terry Lyons

1 Membership of the Committee

Apologies were received from the following members: Cllrs Watson, Taylor, Hall, Allison, Davies, Sokhal, Lyons, Hussain and Homewood.

No subs were in attendance.

2 Minutes of Previous Meeting

That the minutes of the Committee meetings held on the 17 December 2020 and the 19 May 2021 be approved as a correct record.

3 Interests

No interests were declared.

4 Admission of the Public

All agenda items were considered in public session.

5 Deputations/Petitions

No deputations or petitions were received.

6 Public Question Time

No public questions were asked.

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

Fiona Goldsmith, Public Protection Group Leader, presented a report seeking 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.

At the Committee meeting on the 17th December, the Committee was advised that the Department for Transport (DfT) had published the guidance 'Statutory Taxi and Private Hire Vehicle Standards' and it was agreed that the current hackney carriage and private hire policy be reviewed in accordance with the guidance.

The DfT produces statutory standards which set out a wide range of robust measures to protect taxis and private hire vehicle passengers particularly those who are most vulnerable. The standards cover, driver and vehicle and operator standards.

The Government advises that licensing authorities must work together to ensure that the taxi and private hire vehicle services used by the public are safe and suitable. As a result of the standards, a review of existing policies in relation to the hackney carriage and private hire trades has been undertaken.

The Committee's attention was drawn to appendix one of the appended report which showed a table summarising the changes made to the existing policy and highlighting where the existing policy is already compliant with the guidance that has been issued.

The Committee was advised that in addition to the proposed changes shown at appendix 1 and 2 of the appended report, there are a number of other specific areas that will need further consideration, if the Committee is in agreement for the Licensing Department to go out to consultation on the proposed changes to the policy.

- 1) In vehicle visual and audio recording (CCTV) – currently there is no policy in place that covers CCTV in vehicles, however this has been on the agenda for the work being undertaken by the licensing managers from each of the West Yorkshire Licensing Authorities including York. These authorities have been working to align policies to establish minimum standards in certain areas of the taxi licensing regime. The guidance suggests 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 considering potential privacy issues.
- 2) Stretched Limousines - although the Council accepts and issue licences for these types of vehicles, at this time there is no specific policy in relation to stretched limousines. It is the Department's view that it is not a legitimate

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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. As this is a deviation from the current policy, it was felt that this needed to be considered as a separate entity or more detailed within the consultation.

The Committee was advised that 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.

Although this is not within the DfT guidance, as it will result in a policy change, it is proposed to include this review in the consultation and seek approval from the Committee to either go out to consult now with regard to that or whether the Committee would prefer the Licensing Department look at a more sustainable vehicle policy with regard to air quality.

The Committee was asked to consider the following options:

- 1) 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
- 2) 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

In response to the information presented the Committee asked for further information with regard to the wider piece in relation to vehicle ages limits and vehicle specifications in light of climate change. In response, the Committee was advised that climate change is a high-profile issue at the moment and while there are some specifications within the current policy with regard to air quality a detailed look at vehicle specification and the effect the taxi trade may be having on air quality has not been undertaken. This work could include consultation, a feasibility for the taxi trade and introduce them to a greener way of operating such as electric vehicles.

RESOLVED

The committee resolved that

- a) the report be noted
- b) officers commence a three-month consultation exercise in relation to the proposed changes to the Hackney Carriage and Private Hire Licensing Policy with regard to the guidance issued by the Department for Transport; and
- c) officers consider the trade request in relation to the age limits of vehicles as a wider piece of work in relation to vehicle age limits and vehicle specifications in light of climate change.
- d) the results of the consultation be presented to a future meeting of the Licensing and Safety Committee

8 Licensing Service Standards

The Committee was presented with a report, for information, which outlined proposed service standards in relation to the processing of private hire and hackney carriage applications.

The Committee was advised that the Licensing Department processes applications and enforce against a wide range of range of areas, including:

- 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,

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.

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

- Driver licenses (in Kirklees all drivers have dual badge driving license)
- Vehicle licenses (Hackney Carriage and Private Hire)
- Private hire operator licenses

Kirklees currently licences:

Drivers	2835
Vehicles	2215

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Operators	128
Total	5178

The Committee was informed that 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. The service had to cease accepting applications for new drivers due the restrictions on the training they are required to do. The training providers have been unable to offer the training for them to progress an application.

Following the Government's 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.

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. As the restrictions cease, the service will need to transition to a new working model, amending processes and procedures to ensure a more streamlined application process, with open and transparent standards.

Moving to a new way of working is more important than ever because 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.

In response to 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. This should 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 will inform licence holders, elected members, and the public of the expected timescales within which applications should be processed.

The Committee was informed that while the service accepts the way in which it has been processing applications was causing delays, some of the delays can also 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.

Given the number of applications being received which is anticipated to increase, operating in this way cannot be sustained without impacting on the proposed service standards. Incomplete applications will therefore 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. 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

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cannot guarantee a renewal will be processed before a previous licence expires if applications are submitted late.

The Committee was further informed that another reason for delays relates to the processing of DBS checks by the DBS service. 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.

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

RESOLVED

The Committee resolved that the proposed service standards be approved.

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: Wednesday 2nd March 2022

Title of report: Licensing Service – Update Report

Purpose of report: The purpose of the report is to inform members of the activities undertaken to discharge the Council’s licensing functions from 1st April 2021.

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>	Key Decision –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 – 18.02.22 Eamonn Croston – 17.02.22 Julie Muscroft - 18.02.22
Cabinet member portfolio	Councillor Will Simpson

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 This report is to provide members of the Licensing and Safety Committee with an update on the activities undertaken by the Council's Licensing Service from 1st April 2021.

2. Information required to take a decision

Hackney Carriage and Private Hire Licensing

2.1 The overriding aim of the licensing service, when carrying out its functions relating to the licensing of Hackney Carriage and Private Hire Drivers, Vehicle Proprietors and Operators, is the safety of the travelling public and others who use (or can be affected by) Hackney Carriage and Private Hire Services.

2.2 The legislation provides that any person must satisfy the authority that they are a fit and proper person to hold a licence and this process involves a detailed examination of their entire character to make a judgement as to their fitness and suitability. If an applicant cannot satisfy the Authority that they are a fit and proper person, then legislation dictates a licence must NOT be granted.

2.3 These are the principles that guide officers when making decisions in relation to application for hackney carriage and private hire licences. Each case is decided on its own merits, in line with the Council's hackney carriage and private hire licensing policy and considering all relevant factors. Relevant factors include, previous convictions, cautions, complaints, failures to comply with licence conditions, and time periods that have elapsed since these were committed, this list is not exhaustive.

2.4 The challenges of the changes the pandemic has forced over the last two years have proved that the licensing service is adaptable to change.

2.5 Throughout the pandemic and all the changes to restrictions both nationally and at a local level the team have continued to maintain service delivery. In August 2021 we introduced our service standards, these standards clearly set out what an applicant can expect from the licensing service when applying for a driver's licence, a vehicle licence or an operator's licence. A copy of the standards can be found at appendix 1.

2.6 Monitoring of the standards commenced in October 2021. The following table shows how the service is performing against those standards

	January - February 2022				
	No. Processed	In Target	%	Out of Target	%
Drivers	182	178	98	4	2
Vehicles	244	236	97	8	3
Operators	20	20	100	0	0

	October - December 2021				
	No. Processed	In Target	%	Out of Target	%
Drivers	422	409	97	13	3
Vehicles	585	445	76	140	24
Operators	23	23	100	0	0

2.7 It has been widely publicised that the pandemic has had a negative effect on the taxi and private hire trade due to the restrictions placed on the country, resulting in the need for the services provided to drop, some of the things the council have put in place to aid the licence holders are: -

- Grant scheme – The council offered two grant payments totalling £1000 to all drivers.
- Vehicle Age Limits – Due to the increased cost of purchasing vehicles and the financial effects the pandemic has had under delegated authority vehicles reaching the upper age limits of 10/12 years from first registration have been permitted to renew the licence for a further 12 months. This will apply to all vehicles reaching the upper age limit up to 30th September 2022 or until the new vehicle policy takes effect, whichever date comes first.

2.8 Department for Transport (DfT) Guidance – Policy Consultation

Following the publication of the Statutory Standards issued by the DfT the licensing safety committee on Wednesday 4th August 2021 members agreed to commence a consultation on the changes identified in our current hackney carriage and private hire licensing policy. Appendix 2 reminds Members of what those proposed changes are.

To maximise the opportunity for more people to respond to the survey the decision was taken to extend the consultation for a second time; and the consultation is now due to end on 30th March 2022.

Extending the consultation is also an opportunity to clarify an apparent misconception that the licensing service are consulting on a change to its fitness and suitability policy.

Officers would like to re-assure Members and the trade that this is not the case. The existing fitness and suitability policy, adopted by the Licensing and

Safety Committee in June 2019, already meets the minimum standards set out by the Department of Transport; and therefore, no changes were required.

2.9 HM Revenue and Customs (HMRC)

From 04th April 2022 HMRC have introduced a new legal requirement for all Hackney Carriage / Private Hire Drivers and Licensed Operators to ensure that all new applicants are aware of their tax responsibilities and that licence holders upon renewal have completed a tax check. This is covered in more detail in the second report on this agenda.

2.10 Online DBS and Update Service

From 1st March 2022 the licensing service is changing the way in which DBS applications are completed, with a requirement for all licensees to sign up to the online update service.

Correspondence has been sent to all licenced drivers including a step-by-step guide. The step-by-step guide for the applicants can be found at appendix 3.

2.11 The pandemic caused applications for new driver and vehicles licences to cease, leaving a total of 76 applicants' part of the way through the application process.

2.12 Since July 2021 we have been guiding these 76 people through the process. Out of these 76 we have issued licenses to 33, there are 13 awaiting the DBS certificates to be returned. There are currently 30 applicants who need to book onto the additional sessions theory training and test. All 30 have had the opportunity to book on previous sessions but have either failed the test or have been unable to attend the sessions offered.

2.13 The number of hackney carriage and private hire licences in force as of 19th January 2022 are set out in the table below: -

Type	No.
Hackney Carriage Vehicles	204
Dual Drivers Licence	2502
Private Hire Operators	114
Private Hire Vehicles	1667
Total	4487

2.14 The following table sets out the number of private hire / hackney carriage applications processed by the service between 1st April 2021 and 30th

September 2021, the second and third columns cover the same period from 2019 and 2020.

Licence Type	Application Type	2021	2020	2019
Hackney Carriage Vehicle	Renewal	128	88	95
Dual Drivers Licence	New	59	4	225
	Renewal	1102	886	1076
Private Hire Operator	New	19	7	8
	Renewal	54	36	40
Private Hire Vehicle	New	285	102	236
	Renewal	1108	882	876
Total		2755	2005	2556

2.15 In relation to vehicle testing, Fleet services have continued testing throughout the pandemic to ensure the licensed vehicles within Kirklees are safe for the travelling public. The tables below show the numbers of tests taken from May 2021 to December 2021.

George Street Testing Station								
	May	June	July	Aug	Sept	Oct	Nov	Dec
Number of Tests	153	171	121	86	109	74	129	92
Passed Initial Test 2021	109	115	90	58	73	51	94	64
Failed Initial Test 2021	44	56	31	28	36	23	35	28
% Passed	71%	67%	74%	67%	78%	69%	73%	70%
% Failed	29%	33%	26%	33%	22%	31%	27%	30%

Vine Street Testing Station								
	May	June	July	Aug	Sept	Oct	Nov	Dec
Number of Tests	43	49	78	82	97	100	55	55
Passed Initial Test 2021	39	43	72	77	87	86	51	46
Failed Initial Test 2021	4	6	6	5	10	14	4	9
% Passed	91%	88%	92%	94%	90%	86%	93%	84%
% Failed	9%	12%	8%	6%	10%	14%	7%	16%

Vine Street & George Street Combined

	May	June	July	Aug	Sept	Oct	Nov	Dec
Total No. Tests	196	220	199	168	206	174	184	147
Total Passed 2021	148	158	162	135	106	137	145	110
Total Failed 2021	48	62	37	33	46	37	39	37
Total % Passed	76%	72%	81%	80%	78%	79%	79%	75%
Total % Failed	24%	28%	19%	20%	22%	21%	21%	25%

Licensing Act 2003

2.16 Hospitality businesses throughout the pandemic were faced with the most restrictions being placed upon them, as we now see a full relaxation of measures, we will hopefully see an increase in applications in this area again.

2.17 During the pandemic the Government introduced the Business and Planning Act 2020 to help hospitality businesses continue to operate during the restrictions imposed. The two areas that were relaxed through this were to the pavement licence regime and to allow for all alcohol 'on' sales premises to also operate alcohol 'off' sales. This temporary Act has been extended until 30th September 2022 to aid hospitality businesses in their recovery.

2.18 Despite everything, the service has continued to see applications for new premises licences. The following table sets out the number of applications processed by the service between 1st April 2021 and 30th September 2021 and the other columns are the equivalent for the same periods in 2019 and 2020.

Application Type	2021	2020	2019
New	23	25	39
Full Variation	4	6	3
Minor Variation	9	6	9
Transfer	24	33	47
Review	1	1	10
Temporary Event Notices	220	37	435
Total	281	108	543

2.19 The following application were considered by the Licensing Panel between 1st April 2021 and 31st December 2021 –

Application Type	Premises	Outcome
New	Blue Convenience Store, Dewsbury	Granted with Conditions

New	Three Fiends, Meltham, Holmfirth	Deferred
Review	Polski Sklep, Deswbury	Revoked
New	Three Fiends Meltham, Holmfirth	Granted with Conditions
New	Empire House, Slaithwaite, Huddersfield	Granted with Conditions
New	Cockley Woodland Weddings, Grange Moor	Granted with Conditions Refused – recorded music between 23:00 – 00:00
New	Hooley House LTD, Holmfirth	Granted with conditions
New	Jensens, Crosland Moor, Huddersfield	Granted

2.20 Throughout the difficulties the pandemic has caused the whole of the public protection team have worked hard to maintain the services they provide and working more flexibly can be a positive way to work.

2.21 In the next twelve months we hope to see a steady increase in the numbers of applications we receive when the Country steadily recovers from the effects of the pandemic.

2.22 Ask for Angela

The Licensing Service is currently also working in partnership with the Community Safety team to promote the ‘Ask for Angela’ campaign. Information packs will be distributed to licensed venues throughout Kirklees, its aim is to help people, particularly women, feel safer whilst out socialising.

‘Ask for Angela’ is a very simple, yet effective, scheme to reduce or prevent sexual violence and vulnerability.

Anyone who feels threatened, unsafe or finds themselves in a frightening situation can approach staff within the licensed premises and ask for ‘Angela’, this code word will alert the member of staff that the person needs assistance.

The information packs being distributed offers information and guidance to the venues to share with their staff with examples of what they should do when approached for assistance.

The ‘Ask for Angela’ scheme is supported by local authorities across West Yorkshire, national Pub Watch and West Yorkshire Police.

2.23 Licensing Group Liaison Meeting

The last twelve months has also seen the introduction of the licensing group liaison meetings.

The aim of the meetings is to bring together all the responsible authorities and other key partners with the aim of problem solving and collaborative working on cases that may span over several service areas to identify who should act at the point of contact and who is best placed to take enforcement action where required. This has assisted in relation to the avoidance of unnecessary contact and duplication of work throughout the authority.

Staffing within the Licensing Service

2.24 Over the last twelve months we have seen several staff within the licensing service leave to pursue careers in other areas within the Council.

2.25 This has resulted in the service having to recruit a new Business Support Manager and 2 business support officers. The service is also looking to the future and recruiting an apprentice into the service with a view to offering training and development opportunities for the successful candidate.

2.26 As a result of one licensing officer being successful in obtaining a Senior Licensing Office role, and another officer moving out of the service, we are also recruiting for two Licensing Officers, with those officers expecting to be in position in the coming week. This will enable us to offer a more proactive approach to our licensing enforcement and compliance duties.

3. Implications for the Council

3.1 Working with People

One of the key priorities for the licensing service is to ensure the safety of the public.

3.2 Working with Partners

In developing policies and procedures, the licensing service works with a number of partners, including, Kirklees Safeguarding Children's Board, West Yorkshire Police, Environmental Health, The Community Safety Partnership, West Yorkshire Joint Services, the other West Yorkshire Authorities (including York) and many other partners.

3.3 Place Based Working

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

3.4 Climate Change and Air Quality

There are no specific implications in relation to Climate Change and Air quality in this paper/

3.5 Improving outcomes for children

The Council wants to ensure that 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 in licensed vehicles, and more specifically, for the purposes of home to school transport. We also have a duty under both the Licensing Act 2003 and the Gambling Act 2005 to uphold the licensing objectives, namely the protection of Children from Harm.

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

Legal

The principal legislation that governs the areas within the report are: -

Hackney carriage and private hire -The Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976.

The Statutory Guidance produced by the Department for Transport titled 'Statutory Taxi & Private Hire Vehicle Standards' states –

“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 which involve taxi and private hire drivers.”

“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.”

Taxi and private hire vehicle licensing in England and Wales is undertaken by Licensing Authorities, who 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 trade. Councils who follow the best practice guidance will meet or communicate regularly with licensing committees and officers from neighbouring Council's to ensure critical information is shared and that there are consistent and robust decision-making processes.

Licensing Act 2003

“Section 182 of the 2003 Act provides that the Secretary of State must issue and, from time to time, may revise guidance to licensing authorities on the discharge of their functions under the 2003 Act.”

“The legislation provides a clear focus on the promotion of four statutory objectives which must be addressed when licensing functions are undertaken. The licensing objectives are:

- The prevention of crime and disorder;
- Public safety;
- The prevention of public nuisance; and
- The protection of children from harm.

Each objective is of equal importance. There are no other statutory licensing objectives, so that the promotion of the four objectives is a paramount consideration at all times.

However, the legislation supports a number of other key aims and purposes. They are vitally important and should be principal aims for everyone involved in licensing work. They include:

- protecting the public and local residents from crime, anti-social behaviour and noise nuisance caused by irresponsible licensed premises;
- giving the police and licensing authorities the powers they need to effectively manage and police the night-time economy and take action against those premises that are causing problems;
- recognising the important role which pubs and other licensed premises play in our local communities by minimising the regulatory burden on business, encouraging innovation and supporting responsible premises;
- providing a regulatory framework for alcohol which reflects the needs of local communities and empowers local authorities to make and enforce decisions about the most appropriate licensing strategies for their local area; and
- encouraging greater community involvement in licensing decisions and giving local residents the opportunity to have their say regarding licensing decisions that may affect them.”

4. Next steps and timelines

- 4.1 Not applicable – Information report only

5. Officer recommendations and reasons

- 5.1 Members are asked to note the report

6. Cabinet Portfolio Holder's recommendations

6.1 Not applicable

7. Contact officer

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8. Background Papers and History of Decisions

8.1 Not applicable

9. Service Director responsible

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Appendix 1

Private Hire and Hackney Carriage Licensing Service Standards

When an application is submitted via email or online through the new online application system it may take up to three working days for the email / online form to be allocated to an officer to check the form and documents. The timescales shown below will commence after the third day from the date the email / online application was received.

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 than 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	The application is required to be complete/valid, and all required documents submitted. Failure to submit a

	required). DBS's can take up to 12 weeks to be returned.	complete application will result in the application being returned to the applicant.
Private hire operator renewal application	<p>10 working days</p> <p>*This will be following receipt of the DBS certificate (where required). DBS's can take up to 12 weeks to be returned.</p>	<p>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.</p> <p>It is advised that the renewal application be submitted up to 12 weeks prior to expiry.</p>
Driver Training	2 to 4 weeks	<p>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.</p> <p>This timescale will be regularly reviewed to ensure the length of time it takes to get an appointment is not exceeding the expected timescales.</p>
Vehicle Compliance Test	2 Weeks	<p>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.</p> <p>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.</p>

***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.**

Appendix 2

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
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 ther 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

Appendix 3

Step by Step guide to the DBS application process

Step 1

You apply to the Licensing Service to renew your licence and you require a DBS.

Step 2

Licensing service creates an online application and takes the payment of £56.

Step 3

You receive an email with a username and log in details. You then log into your application, enter in your personal details, and state which forms of ID (Passport, Driving Licence, Utility Bill etc) you will be providing for your ID check and submit your ID information.

Step 4

You receive an email to download your unique barcode.

Also included in the email is a list of which Post Offices you can attend to have your ID documents checked.

Step 5

You attend the post office (must be on the list provided in the email). At the post office you show your barcode and the relevant ID documents and pay the Post Office a one-off fee of £12.75

Step 6

You log back into your application and complete the declaration and consents.

Step 7

Your DBS will be sent to you in the post, once received you produce it to the Licensing service.

Step 8

You then subscribe to the DBS update service; this will be a mandatory requirement.

Failure to sign up to the online update service will result in you having to start the process again at your own cost and may also result in the suspension of your Licence.

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Name of meeting: Licensing and Safety Committee

Date: Wednesday 2nd March 2022

Title of report: New HM Revenue and Customs (HMRC) - Requirements for Taxi, Private Hire and Scrap Metal licence holders

Purpose of report: The purpose of the report is to inform members of the new HMRC tax requirements for licence holders from April 2022

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>	Key Decision –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 – 18.02.22 Eamonn Croston – 17.02.22 Julie Muscroft – 18.02.22
Cabinet member portfolio	Councillor Will Simpson

Electoral wards affected: All

Ward councillors consulted: None

Public or private: Public

Has GDPR been considered? Yes – there is no personal data contained in this report.

1. Summary

1.1 This report is to provide members of the Licensing and Safety Committee information about the up-and-coming HMRC tax requirements that will affect both the Taxi and Private Hire licence holders and the Scrap Metal licence holders. The changes and requirements will take effect on 4th April 2022.

2. Information required to take a decision

2.1 The rules are changing for applications for:

- taxi driver licences
- private hire driver licences
- private hire vehicle operator licences
- scrap metal site licences
- scrap metal collector licences

2.2 From 4th April 2022, licensing authorities will be required to carry out certain checks on applications from individuals, companies, and any type of partnership to make sure they are aware of their tax responsibilities or have completed a tax check.

New applications

2.3 If an individual or partnership is applying for a licence for the first time, they will not need to complete the tax check. However, they will be asked to read the HMRC guidance on what they need to do to be properly registered for tax in the future and they will need to confirm that they have done this when they submit their application.

Renewals or applications for subsequent licences

2.4 Individuals, companies and any type of partnership must complete a HMRC tax check and give their licensing authority a tax check code if they are:

- renewing a licence
- applying for the same type of licence they previously held, that ceased to be valid less than a year ago
- applying for the same type of licence they already hold with another licensing authority

2.5 The licensing authority must then use the tax code to confirm that the tax check has taken place before granting or refusing the application.

2.6 The Licensing Authority cannot grant or refuse any application without completing the Tax check.

Applications from partnerships

2.7 If an application is from a partnership, the Licensing Authority must get confirmation from HMRC that each partner in the application has completed a tax check, for example, if:

- one partner made the application on behalf of the partnership, confirmation must be sought that this single partner has done a tax check
- more than one partner makes the partnership's application, the authority must get separate confirmations that each of the partners has done a tax check.

How the check is completed

Licence holders will need to have, or register for, a 'Government Gateway' account. Once registered the licence holder will need to answer a short questionnaire on how they pay any tax that may be due. Once this is completed the licence holder will be provided with a 'code' that they pass onto licensing.

HMRC advise the check should only take a few minutes, that guidance will be available on the Governments website and extra support from HMRC will be available for licence holders via a HMRC telephone helpline.

3. Implications for the Council

3.1 Working with People

One of the key priorities for the licensing service is to ensure the safety of the public.

The licensing service also must maintain its service standards for those who hold licenses with us. Communication is key to this and the information contained in this report needs to be clearly communicated to those licence holder for whom the requirements will affect.

3.2 Working with Partners

Not applicable

3.3 Place Based Working

There is no specific impact in the context of this report

3.4 Climate Change and Air Quality

There are no implications in relation to Climate Change and air quality in this paper.

3.5 Improving outcomes for children

There are no implications in relation to improving outcomes for children in this report.

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

Legal

The requirements for the HMRC tax check are a legal requirement and the Licensing Authority has no discretion regarding this and must reject any application that does not have the information required.

4. Next steps and timelines

4.1 Correspondence has been sent out to all those licence holders that this new requirement affects, the website has been updated with the guidance and processes have been put in place in readiness for the 4th of April 2022.

5. Officer recommendations and reasons

5.1 Members are asked to note the contents of the report.

6. Cabinet Portfolio Holder's recommendations

6.1 Not applicable

7. Contact officer

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8. Background Papers and History of Decisions

8.1 Not applicable

9. Service Director responsible

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Name of meeting: Licensing and Safety Committee

Date: 2nd March 2022

Title of report: Delegated Officer Decisions (Licensing)

Purpose of report: The purpose of the report is to provide members with an overview of the decisions taken by the group leader for licensing under delegated authority.

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>	Key Decision –No Public Report/Private Appendix – Yes
The Decision - Is it eligible for call in by Scrutiny?	Not Applicable
Date signed off by <u>Strategic Director</u> & name	Colin Parr – 18.02.22
Is it also signed off by the Service Director for Finance?	Eamonn Croston – 17.02.22
Is it also signed off by the Service Director for Legal Governance and Commissioning?	Julie Muscroft – 18.02.22
Cabinet member portfolio	Councillor Will Simpson

Electoral wards affected: All

Ward councillors consulted: None

Public or private: Public and Private

Has GDPR been considered? Yes

Appendix 1 to be heard in private – Exempt information relating to Part 1 of Schedule 12A of the Local Government Act 1972, namely that the report contains information relating to individuals, and information which is likely to reveal the identity of an individual. The public interest in maintaining the exemption outweighs the public interest in disclosing the information and providing greater openness in the Council's decision making.

1. Summary

1.1 This report is to provide members of the Licensing and Safety Committee with an update on officer decision making in relation to hackney carriage and private hire licences since the introduction of the Council's Suitability Policy and Driver Training Policy in August 2019.

2. Information required to take a decision

2.1 The West Yorkshire (Inc. York) harmonisation project was initially set up following a meeting of the Council Leaders within West Yorkshire (Inc. York). It was recognised by the Leaders that there were issues that spanned over local authority borders. A task was set to the Chairs of each of the authority's licensing committee and to the licensing services to harmonise our policies to improve the safety of the travelling public.

2.2 The project is also a way to ensure that the travelling public can be confident that drivers licensed by each authority have been through a consistent approach when applying for a licence.

2.3 The aim of the project, which is still ongoing, is to align several of our policies to ensure that when someone applies for a licence in any of the local authorities within West Yorkshire (Inc. York) that they would have to carry out training and testing to the same level and requirement, that their suitability to hold a licence would be assessed to the same level at each authority and that the standard of enforcement would be mirrored throughout the authorities.

2.4 In April 2018, the Institute of Licensing (IOL) published guidance on assessing the suitability of individuals to hold a hackney carriage or private hire drivers' licence. The guidance covered the issue of individuals who have criminal convictions or whose behaviour presents a risk to passenger safety.

2.5 West Yorkshire and York licensing managers considered the IOL guidance and developed a common policy in accordance with the guidance to provide consistency. This went through a full consultation process in Kirklees and was then adopted by Members of the Licensing and Safety Committee in June 2019, with an implementation date of August 2019.

2.6 The standards in the IOL guidance formed part of the Department for Transport (DfT) statutory guidance published in July 2020. Therefore, our current suitability policy meets the minimum standards as set out in the DfT guidance.

2.2 Appendix 1 provides a table of officer decisions from January 2020 to date and Appendix 2 is a copy of the suitability policy.

3. Implications for the Council

3.1 Working with People

One of the key priorities for the licensing service is to ensure the safety of the public.

3.2 Working with Partners

In developing policies and procedures, the licensing service works with a number of partners, including, Kirklees Safeguarding Children's Board, West Yorkshire Police, Environmental Health, The Community Safety Partnership, West Yorkshire Joint Services, the other West Yorkshire Authorities (including York) and many other partners.

3.3 Place Based Working

There is no impact in the context of this report

3.4 Climate Change and Air Quality

There are no climate change implications in this report

3.5 Improving outcomes for children

The Council wants to ensure that 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 in licensed vehicles, and more specifically, for the purposes of home to school transport

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

No Legal/Financial or Human Resources implications.

4 Next steps and timelines

4.1 Not applicable – Information Report only

5 Officer recommendations and reasons

5.1 Members are asked to note the report

6 Cabinet Portfolio Holder's recommendations

6.1 Not applicable

7 Contact officer

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8 Background Papers and History of Decisions

8.1 Not applicable

9 Service Director responsible

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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 any time, their licence will be revoked.
20. Where a licence would normally be granted after an elapsed period, there may be circumstances where the elapsed period will be extended.
21. Any foreign offence disclosed by the applicant/licence holder or revealed on an enhanced Disclosure & Barring Service Disclosure will be dealt with in line with this Policy.
22. Any concerns, issues, incidents or convictions/offences not covered by this Policy will not prevent the Council from taking them into account.

Disclosure and Barring Service

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

disclosed by the police under the Home Office scheme for reporting offences committed by notifiable occupations.

27. In determining safety and suitability the Council is entitled to take into account all matters concerning that applicant or licensee. This includes not only their behaviour whilst working in the hackney carriage or private hire trade, but also their entire character including, but not limited to, their attitude and temperament.
28. Any applicant who has resided outside the UK for any period longer than 6 months within the preceding 3 years will be required to produce a certificate of good conduct dated in the last 3 months which details any convictions or cautions recorded against the individual. It is the applicant's responsibility to obtain this evidence at his cost. This will be in addition to the Enhanced DBS. Alternatively you may be required to produce a Statutory Declaration dated in the last 3 months.
29. It is the responsibility of the applicant/licence holder to satisfy the Council that they are a "fit and proper person" to hold a licence. Therefore the applicant/licence holder must ensure that all convictions, cautions, warnings, reprimands, fixed penalties, arrests and summonses are disclosed to the Council, including any incurred outside the UK. A failure to report such convictions, cautions, warnings, reprimands, fixed penalties, arrests and summonses will be given significant weighting.
30. Once a licence has been granted there is a continuing requirement on the part of a licensee to maintain their safety and suitability to meet the "fit and proper" test. The Council has the powers to take action against licence holders and any behaviour, incidents, convictions or other actions on the part of the licensee which would have prevented them from being granted a licence will lead to the licence being revoked.
31. Any dishonesty by any applicant or other person acting on the applicant's behalf which occurs in any part of the application process will result in a licence being refused, or if already granted, revoked and may result in prosecution.
32. An applicant must hold a full DVLA driver's licence, have the right to remain and work in the UK and be a "fit and proper" person.
33. Under the Local Government (Miscellaneous Provisions) Act 1976 section 57, the Council has the power to require an applicant to provide:

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

The provision of this information can help to satisfy the Council that a person has the skills and competencies to be a professional driver to hold a licence. However, the concepts of "fit and proper" and "safety and suitability" go

beyond this. There is the character of the person to be considered as well.

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

Criminal and Driving Convictions

38. The Council considers that a period of time must elapse after a crime before a person can no longer be considered to be at risk of re-offending. The timescales set out in Table A are to reduce the risk to the public to an acceptable level.
39. In relation to single convictions Table A sets out the time periods that should elapse following completion of the sentence (or the date of conviction if a fine was imposed) before a licence will be granted.
40. The Council will look at the entirety of the individual and in some cases the suitability will not be determined simply by a specified period of time having elapsed following a conviction or the completion of a sentence. The time periods are a relevant and weighty consideration but they are not the only

determining factor.

41. In addition to the nature of the offence or other behaviour, the Council will also consider the quantity of matters and the period of time over which they were committed. Patterns of repeated unacceptable or criminal behaviour are likely to cause greater concern than isolated occurrences as such patterns can demonstrate a propensity for such behaviour or offending.
42. This policy does not replace the Council's duty to refuse to grant a licence where they are not satisfied that the applicant or licensee is a fit and proper person. Where a situation is not covered by this policy the Council must consider the matter from first principles and determine the fitness of the individual.
43. Once a licence has been granted there is a continuing requirement on the part of the licensee to maintain their safety and suitability to meet the "fit and proper" test.
44. Some offences on their own are serious enough for a licence not to be granted and these identified Table A. In the case of an existing licence "refused" in the Table means "revoked".
45. Applicants and licensees should be aware that where they have been convicted of a crime which has resulted in the death of another person or was intended to cause the death or serious injury of another person they will not be licensed.
46. Where an applicant or licensee has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment of another individual irrespective of whether the victim or victims were adults or children, they will not be licensed. This includes slavery, child sexual exploitation, grooming, psychological or financial abuse.
47. The Council will not grant a licence to any applicant who is currently on the Sex Offenders Register or on any "barred" list. Existing licensees who are placed on the Sex Offenders Register or on any "barred" list will have their licence revoked.
48. Convictions for attempt or conspiracy will be regarded as convictions for the substantive crime. A caution is regarded in exactly the same way as a conviction. Fixed penalties and community resolutions will also be considered in the same way as convictions.
49. Road Safety is a major priority to the Council. A taxi driver has direct responsibility for the safety of their passengers, direct responsibility for the safety of other road users and significant control over passengers who are in their vehicle. As those passengers may be alone, and may also be vulnerable, any driving convictions or unacceptable behaviour whilst driving will weigh heavily against a licence being granted or retained.

50. Taxi drivers are professional drivers charged with the responsibility of carrying the public. Any motoring convictions demonstrate a lack of professionalism and will be considered seriously. Whilst it is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the grant of a licence or may not result in action taken against an existing licence, subsequent convictions would indicate that the licensee does not take their professional responsibilities seriously and is therefore not a safe and suitable person to be granted or retain a licence.

Decision and Right of Appeal

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

TABLE A

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

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

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