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

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Tuesday 11 July 2023

Notice of Meeting

Dear Member

Licensing and Safety Committee

The **Licensing and Safety Committee** will meet in the **Meeting Room 3 Huddersfield Town Hall** at **10.00 am** on **Wednesday 19 July 2023**.

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 Zarina Amin
Councillor Ammar Anwar
Councillor Aafaq Butt
Councillor Moses Crook
Councillor Jo Lawson
Councillor Carole Pattison
Councillor Mohan Sokhal
Councillor Adam Zaman
Councillor Timothy Bamford
Councillor Adam Gregg
Councillor Vivien Lees-Hamilton
Councillor Donna Bellamy
Councillor Andrew Marchington
Councillor Karen Allison

When a Member of the Licensing and Safety Committee member cannot attend the meeting, a member of the Substitutes Panel (below) may attend in their place in accordance with the provisions of Council Procedure Rule 35(7).

Substitutes Panel

Conservative

B Armer
R Smith
M Thompson
J Taylor
D Hall

Green

S Lee-Richards
A Cooper

Labour

S Hall
M Kaushik
B Addy
Moore E Firth
T Hawkins

Liberal Democrat

A Munro
A Pinnock
A Smith

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 1st February 2023.

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/or 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 submit a petition at the meeting relating to a matter on which the body has powers and responsibilities.

In accordance with Council Procedure Rule 10, Members of the Public must submit a deputation in writing, at least three clear working days in advance of the meeting and shall subsequently be notified if the deputation shall be heard. A maximum of four deputations shall be heard at any one meeting.

6: Public Question Time

To receive any public questions.

In accordance with Council Procedure Rule 11, the period for the asking and answering of public questions shall not exceed 15 minutes.

Any questions must be submitted in writing at least three clear working days in advance of the meeting.

7: Licensing Services Update Report

9 - 22

The purpose of the report is to inform members of the activities undertaken to discharge the Council's licensing functions from 1st October 2022 to 31st March 2023.

Contact: Fiona Goldsmith, Public Protection, Group Leader, Licensing

8: Geographical Knowledge Test Report

23 - 32

For members to consider the removal of the requirement for all new hackney carriage / private hire driver applicants to complete and pass a geographical knowledge test.

Contact: Fiona Goldsmith, Public Protection, Group Leader, Licensing

9: Vehicle Policy Review Report

33 - 64

The purpose of the report is to seek approval to consult on the review of the hackney carriage and private hire vehicle policy.

Contact: Fiona Goldsmith, Public Protection, Group Leader, Licensing

10: Fitness and Suitability consultation response report 65 - 288

The purpose of the report is to inform member of the results of the consultation for the proposed changes to the Council current Hackney Carriage and Private Hire Fitness and Suitability Policy.

Contact: Fiona Goldsmith, Public Protection Group Leader,
Licensing

11: Cumulative Impact Policy Report 289 -
298

The purpose of the report to inform Members of proposals, and to seek approval, to consult on the need for a Cumulative Impact Assessment in Huddersfield and Dewsbury town centres.

Contact: Fiona Goldsmith, Public Protection Group Leader,
Licensing

Contact Officer: Jenny Bryce-Chan

KIRKLEES COUNCIL

LICENSING AND SAFETY COMMITTEE

Wednesday 1st February 2023

Present: Councillor Amanda Pinnock (Chair)
Councillor Carole Pattison
Councillor Moses Crook
Councillor James Homewood
Councillor Jo Lawson
Councillor Mohan Sokhal
Councillor Adam Gregg
Councillor Karen Allison
Councillor John Lawson

In attendance: Fiona Goldsmith, Public Protection Group Leader
Russell Williams, Operational Manager, Public Protection
David Stickley, Senior Legal Officer

Apologies: Councillor Melanie Stephen
Councillor Adam Zaman
Councillor Paola Antonia Davies
Councillor Andrew Marchington

22 Membership of the Committee

Apologies were received from Councillor Melanie Stephen, Councillor Adam Zaman, Councillor Paola Davies, and Councillor Andrew Marchington.

Councillor John Lawson substituted for Councillor Paola Davies.

2 Minutes of Previous Meeting

RESOLVED: That the minutes of the meeting held on 5th October 2022 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

Question from a Trade representative for Kirklees Hackney Carriage, Huddersfield

“Can Hackney Carriage taxi’s use bus lanes in Kirklees, and how quickly could this be processed?”

A response was provided by Fiona Goldsmith, Public Protection Group Leader.

7 Licensing Services Update

The Committee received a report which provided an update on the activities undertaken by the Council’s Licensing Service from 1st April 2022 to 30th September 2022, along with a general service update.

Fiona Goldsmith, Public Protection Group Leader, advised the Committee that 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, was the safety of the travelling public and others who used hackney carriage and private hire services.

The number of hackney carriage and private hire licences in force as of 13th December 2022, was 4,948, with the number of applications processed by the service between 1st April 2022 and 30th September 2022, being 2,032.

Vehicle testing between April 2022 to September 2022, had been carried out between George Street testing station and Vine Street testing station, with a higher percentage of failures at George Street testing station. The Panel noted that the reason for a higher percentage of failures at George Street testing station could be due to the higher numbers of vehicles that the station tested.

In November 2022, the service commenced a three-month consultation following the review of the Fitness and Suitability Policy. The consultation is due to end on 15th February 2023, and a report will be presented to a future Committee meeting for a decision.

The Committee was reminded that at the Licensing and Safety Committee meeting held on 2nd March 2022, Members were presented, in a private session, with details in relation to the decisions that had been taken since the adoption of the Fitness and Suitability Policy in August 2019. The Committee requested that Officers bring back a report with decisions that had been made under the policy that could be considered in public.

Ms Goldsmith advised that in response to the Committees request, preparing information for the public domain, whilst giving due regard to General Data Protection Regulations (GDPR) was more challenging than first anticipated. The service has now found an acceptable way to present the information without compromising its duties under GDPR.

Licensing and Safety Committee - 1 February 2023

The information being presented, outlines the decisions and licensing activities that had taken place between 1st April 2022 and 30th September 2022. The Committee was presented with the following:

- that the Licensing Panel had heard five applications between 1st April 2022 and 30th September 2022, with a total of 2,906 applications being received by the service
- In the previous 6-month period, between 1st October 2021 and 31st March 2022, the service received a total of 2,836 applications
- the Licensing Team and the Police Licensing Officers based with the service worked closely with Trading Standards. Visits to premises were conducted when intelligence was gathered by Trading Standards to suggest there had been the sale of illicit tobacco at a premises. While every premises visited was licensed, it was important that Members were aware that trading standards did work in partnership with the service and enforcement action was taken
- In July 2022, visits were carried out at three premises in Huddersfield and South Kirklees and three visits to premises in Dewsbury
- Licensing Officers undertook proactive enforcement activities outside normal working hours which varied from licensed vehicle checks, licensed operator-based checks, licensed driver checks, premises licence compliance checks and gambling premises compliance checks
- Officers carried out 29 out of hours proactive enforcement duties, as part of the service role to keep the public safe. They had also worked with the Police in an undercover test purchase operation relating to Child sexual Exploitation.

RESOLVED:

That the Licensing Service update report be noted.

8 Decision Making - Hackney Carriage and Private Hire

The Committee received a report on the consultation for the Department for Transport's Statutory Standards, specifically relating to decision making for the hackney carriage and private hire service.

Fiona Goldsmith, advised the Committee that the current decision making for hackney carriage and private hire licensing was delegated to the Group Leader, Licensing, however, the guidance issued by the Department for Transport, recommended that decision making should be the responsibility of a panel of suitably trained elected members.

The results of the consultation showed that many respondents agreed that the decision making should not be the sole responsibility of one person, with a number

Licensing and Safety Committee - 1 February 2023

of comments suggesting that other persons, such as trade representatives, a group of leaders, DVLA, and the private hire operator the driver worked for should be part of the decision-making process.

The Committee was informed that involvement of other the persons suggested, would not be an option due to sensitive and personal information disclosed and would be a breach of General Data Protection Rules.

The Committee was reminded that, at a previous Licensing and Safety Committee, Officers were instructed to investigate possible options relating to decision making and the implications for those options and present a more detailed report at a future meeting. At the meeting, the following options for decision making were presented to Committee:

- A Members Panel
- An Officer Panel
- Decisions to remain with the Group Leader for Licensing

The Committee resolved that decisions should for the time being, remain with the Group Leader for Licensing while officers undertake further work to investigate the following options:

- A Members Panel
- An Officer Panel
- Decisions to remain with the Group Leader for Licensing
- A hybrid panel with both Officer and Member involvement

Ms Goldsmith advised that Governance had been consulted regarding the proposed hybrid option, due to the possibility of Member involvement in decision making and confirmed that governance support would be provided to a committee where Members were the decision makers.

The Chair of the Committee read an email from GMB Trade Union which advocated that that it was essential that Kirklees adopted the Department for Transport recommendations, as checks and balances were needed to be put in place to ensure that decision were fair from a driver and the general public's perspective.

During the discussion, the Committee raised concerns with regard to the potential costs to taxi drivers, potential costs to the Council, resource implications, complaints when the applications were previously considered by a Members Panel. In addition, concerns were raised regarding, identifying officers and Members to sit on the Panels, making decisions against the DfT guidance, scrutinising the decisions, and delays in processing the applications.

Councillor Mohan Sokhal proposed, and Councillor James Homewood seconded that the meeting be adjourned to allow officers to undertake further work on the concerns raised and to bring back their findings for consideration at a future meeting.

RESOLVED:

That:

- (i) the decision regarding the decision-making process relating to hackney carriage and private hire be deferred to allow officers to undertake further work and bring this back for consideration at a future meeting of the Licensing and Safety Committee,
- (ii) Officers liaise with other West Yorkshire Local Authorities to explore the reason and rationale for deviating from the Department for Transport guidance on hackney carriage and private hire decision making responsibilities,
- (iii) further information be provided on the process that would be undertaken for an officer panel and a hybrid panel,
- (iv) an estimate of the cost and timescale on each of the four options be produced,
- (v) information on the resource implications, including the workload for members and officers be produced for each of the four options.

9 Terms of Reference for Hackney Carriage and Private Hire Association Meetings

The Committee received a report which requested approval of the proposed terms of reference for hackney carriage and private hire association meetings.

Fiona Goldsmith, advised that a Licensing and Safety Committee meeting took place on 17th December 2020, informing Members that the Licensing Service would introduce more formal and structured association meetings with the trade.

The Licensing Service had successfully established regular hackney carriage working group meetings, however, previous take up from the private hire trade was low. Work had been ongoing to encourage the private hire trade to engage with the meetings. The Service worked with the hackney carriage association to produce the proposed terms of reference which goes into detail about what the Council expects from the trade but also what the trade can expect from the Council. Members were asked to consider the decision about the status of a trade representative in the event their behaviour was deemed unacceptable, or whether more detail was required.

It was noted that the terms of reference had been circulated to the newly established private hire association members and trade unions, namely, GMB, Unison and Unite for comments. GMB had responded by stating that they had for some time now been promoting the GMB charter and this should be considered in line with any terms of reference to ensure there was no conflict. GMB had also been working on a constitution for private hire drivers and had provided a draft document for consideration.

The Committee was asked to clarify the level of Member involvement within the association meetings, and Cllr Amanda Pinnock confirmed that she did attend the meetings in her capacity as Chair of the Licensing and Safety Committee. Ms Goldsmith advised that officers had received requests from Ward Councillors who

Licensing and Safety Committee - 1 February 2023

did not sit on the Licensing and Safety Committee to also attend the meetings. The Committee deemed that it would not be appropriate for ward councillors to attend the meetings unless requested to do so by the trade and for observatory purposes only.

RESOLVED:

That:

- (i) the report be noted by the Committee,
- (ii) the proposed terms of reference be approved with the addition of section 2.7 as set out in the report,
- (iii) the charter provided by the GMB union shows that there is no conflict with the proposed terms of reference,
- (iv) officers liaise with the GMB union, Leeds, and other West Yorkshire authorities to try and standardise across the region,
- (v) the responsibility for making any changes to the Terms of Reference in future, be delegated to officers in conjunction with the Chair of the Licensing and Safety Committee,
- (vi) Members, other than the Chair of Licensing and Safety Committee only being permitted to attend the association meetings at the explicit request of the trade and for observatory purposes only.

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 19th July 2023

Title of report: Licensing Services – 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 October 2022 to 31st March 2023

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? Decisions having a particularly significant effect on a single ward may also be treated as if they were key decisions.	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	Colin Parr – 19.06.2023
Is it also signed off by the Service Director for Finance?	Dean Langton – 08.06.2023
Is it also signed off by the Service Director for Legal Governance and Commissioning?	Julie Muscroft – 09.06.2023
Cabinet member	Councillor Naheed Mather

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 October 2022 to 31st March 2023.

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.

Current Licence Numbers

2.2 The number of current hackney carriage and private hire licences in force as of 24th May 2023 are set out in the table below: -

Type	No.
Hackney Carriage Vehicles	212
Dual Drivers Licence	2,850
Private Hire Operators	162
Private Hire Vehicles	2,098
Total	5,322

2.3 The following table sets out the number of private hire / hackney carriage applications processed by the service between 1st October 2022 and 31st March 2023, and the number comparable during the same months in previous years: -

Licence Type	Application Type	2022/2023	2021/2022	2020/2021
Hackney Carriage Vehicle	New/Renewal	115	132	132
Dual Drivers Licence	New	188	80	14
	Renewal	654	806	754
Private Hire Operator	New	24	22	29
	Renewal	42	40	26
	New	274	327	190

Private Hire Vehicle	Renewal	758	801	887
Total		2,055	2,208	2,032

Vehicle Testing

2.4 The tables below show the numbers of compliance tests carried out by the transport team between 1st October 2022 and 31st March 2023.

George Street Testing Station						
	Oct 2022	Nov 2022	Dec 2022	Jan 2023	Feb 2023	March 2023
Number of Tests	106	130	74	134	119	108
Passed Initial Test	75	74	43	88	72	56
Failed Initial Test	31	46	31	46	47	52
% Passed	71%	65%	58%	66%	61%	52%
% Failed	29%	35%	42%	34%	39%	48%

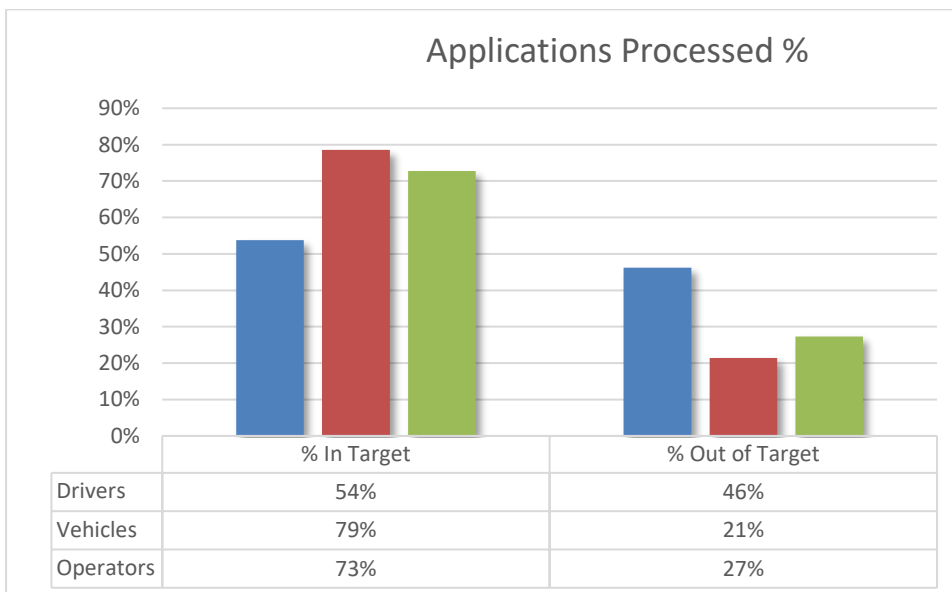
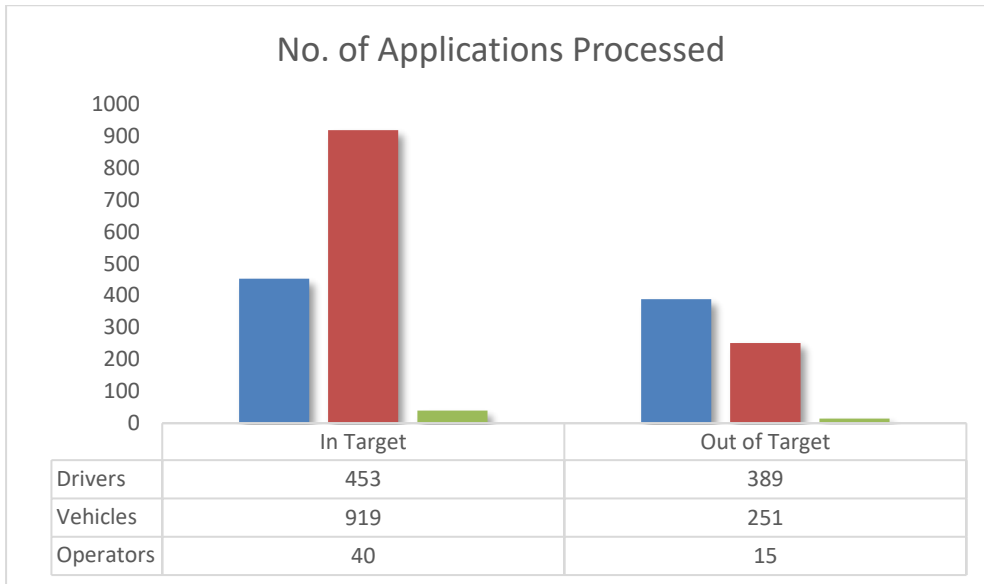
Vine Street Testing Station						
	Oct 2022	Nov 2022	Dec 2022	Jan 2023	Feb 2023	March 2023
Number of Tests	94	88	65	84	89	75
Passed Initial Test	81	71	42	71	66	56
Failed Initial Test	13	17	23	13	23	19
% Passed	86%	81%	65%	85%	74%	75%
% Failed	14%	19%	35%	15%	26%	25%

Vine Street & George Street Combined						
	Oct 2022	Nov 2022	Dec 2022	Jan 2023	Feb 2023	March 2023
Total No. Tests	200	218	139	168	208	183
Total Passed	156	145	85	71	138	112
Total Failed	44	63	54	13	70	71
Total % Passed	78%	71%	61%	73%	66%	61%
Total % Failed	22%	29%	39%	27%	34%	39%

Service Standards

2.5 In August 2021, we introduced our service standards and monitoring of these standards commenced in October 2021. The following tables show how the service has been performing against those standards:

	October 2022 – March 2023				
	No. Processed	In Target	%	Out of Target	%
Drivers	842	453	54%	389	46%
Vehicles	1170	919	79%	251	21%
Operators	55	40	73%	15	27%



2.6 Below are the previous 6 months service standards figures for comparison:

	April - September 2022				
	No. Processed	In Target	%	Out of Target	%
Drivers	755	755	100%	0	0%

Vehicles	1291	1270	98%	21	2%
Operators	55	53	96%	2	4%

Delegated Decisions

2.7 The table below shows the decisions taken by the Group Leader for Licensing between 1st October 2022 and 31st March 2023.

<u>Offence/Issue</u>	<u>Decisions and Reasons</u>
1. Crimes resulting in death of another person or was intended to cause the death or serious injury to another person.	N/A
2. 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.	N/A
3. Offences involving violence (including arson, riot, terrorism offences, harassment, common assault & criminal damage) or connected with any offence of violence.	1. New driver: - Previously revoked due to conviction for s.39 – common assault. Decision – Licence issued with warning due to length of time since conviction, evidence of attending courses to improve and honesty throughout process.
4. Possession of a weapon or any other weapon related offence.	N/A
5. Sex and indecency offences – any offence involving or connected with illegal sexual activity or any form of indecency.	1. Existing Driver: - Alleged sexual assault. Decision – immediate suspension pending investigation. 2. Existing Driver: - Alleged sexual assault.

	<p>Decision – immediate suspension pending investigation.</p> <p>3. Existing Driver Alleged attempting to engage in sexual communication with a child. Decision – immediate suspension pending investigation.</p>
<p>6. Dishonesty – any offence of dishonesty, or any offence where dishonesty is an element of the offence.</p>	<p>1. Existing Driver: - Perverting course of justice. No negative history recorded against driver and no history of points on licence. Driver was honest throughout the investigation process. Decision – Warning letter</p>
<p>7. 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.</p>	N/A
<p>8. Drugs use – any conviction for possession of drugs or related to possession of drugs.</p>	N/A
<p>9. Discrimination – any conviction involving or connected with discrimination in any form.</p>	N/A
<p>10. Drink driving/driving under the influence of drugs.</p>	N/A
<p>11. Driving whilst using a hand-held telephone or other device.</p>	<p>1. Existing Driver: - 6 points on DVLA licence for mobile phone usage 3 points speeding Failure to notify. Decision maker met with driver due to reasons given in interview with officer – consideration for exceptional circumstances. Decision – Formal warning letter issued</p>
<p>12. Minor traffic or vehicle related offences – offences which <u>do not involve</u> loss of life, driving under the influence of</p>	<p>1. Existing Driver: - 8 points on DVLA licence Notified authority, honesty throughout and clear history. Decision – Formal Warning letter issued</p>

drink or drugs, driving whilst using a handheld telephone or other device and has not resulted in injury to any person or damage to any property (including vehicles) resulting in 7 or more points on a DVLA licence	
13. 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.	1. Existing Driver 6 points for driving a vehicle without the correct insurance. Explanation and reason given, was insured but wrong type of insurance. Decision – warning letter issued.
14. Hackney carriage and private hire offences.	N/A
15. Vehicle use offences, for example being carried in vehicle without the owner's consent.	N/A
16. General standard of behaviour/repeat complaints regarding attitude/driving standard and any other reason they may be deemed not 'fit and proper' to hold/continue to hold a hackney carriage/private hire driver's licence and not resulting in conviction.	N/A

Hackney Carriage and Private Hire Fee's review

2.8 Hackney carriage / private hire fees in Kirklees have not been reviewed since 2015. Following the decision regarding decision making the fees for hackney carriage and private hire licences will be reviewed and consulted upon in accordance with the requirements as set out in the Local Government

(Miscellaneous Provisions) Act 1976. A report will be brought back for members to consider regarding the fees at the next meeting of the Licensing and Safety Committee.

School Contract – Restricted Licences

2.9 Due to the demand for the requirement of home to school transport drivers increasing the licensing service is working with school transport on the creation of a new licences to be issued for new driver and new vehicle applicants which results in the applicant gaining a licence specifically to undertake school contract jobs but will restrict them from being able to complete the usual private hire advanced bookings. Further details regarding the process will be presented to members at a later meeting.

Licensing Act 2003 and General Licensing

2.10 The following table sets out the number of Licensing Act application processed by the service between 1st October 2022 and 31st March 2023, and the other columns are the equivalent for the same periods in 2021/2022 and 2020/2021.

Application Type	2022/2023	2021/2022	2020/2021
New	29	31	38
Full Variation	6	11	5
Minor Variation	7	10	6
Transfer	42	43	39
Temporary Event Notices	282	272	55
Total	366	367	143

2.11 The following applications were considered by the licensing panel between 1st October 2022 and 31st March 2023.

Application Type	Premises	Outcome
Grant of Premises Licence	Londis 28-30 Leeds Road Birstall	Granted with Conditions
Grant of Premises Licence	Morrisons Store and petrol filling station 17 Union Street, Heckmondwike	Granted
Grant of Premises Licence	Moll Spring Brewery, Netherton	Granted

Grant of Premises Licence	Sun News 178 Healey Lane, Batley	Granted
Personal Licence		Refused
Regulatory Panel – Sexual Entertainment Venue Application	Cleopatras Lounge 48 Kirkgate Huddersfield	Granted

Total number of applications

2.12 The licensing service deals with a wide range of applications:

- Licensing Act 2003
- Gambling Act 2005
- Hackney Carriage and Private Hire
- Street Trading
- Street Activities
- Charitable Collections
- Sex Shops and Sexual Entertainment Venues
- Hypnotists
- Scrap Metal Site and Collections
- Pavement Licences
- Literature Distribution

2.13 In the period between 1st October 2022 and 31st March 2023, the service received a total of 2,854 applications. In the previous 6-month period between 1st April 2022 and 30th September 2022 the service received a total of 2,836 applications.

West Yorkshire Joint Service – Trading Standards

2.14 the licensing team and the police licensing officers based with the service work closely with Trading Standards. Visits to premises are conducted when intelligence has been gathered by Trading Standards to suggest there is the sale of illicit tobacco at a premises.

2.15 While not every premises visited is licensed, it is important that members are aware that trading standards do work in partnership with the service and enforcement action is taken.

2.16 In December 2022 4 premises in South Kirklees were visited during this a total of 1,040 x 20 packets of cigarettes, 96 x 50g pouches of hand rolling tobacco, 1,519 oversized vapes and 18 x 500g (9kg) pouches of shisha tobacco were seized.

2.17 In January 2023 4 premises in both North and South Kirklees were visited during this a total of 3,407 x 20 packets of cigarettes, 243 x 50g pouches of hand

rolling tobacco, 439 oversized vapes, 4 pouches of shisha tobacco, 218 electrical items and a quantity of perfumes.

Staffing within the Licensing Service and Enforcement Activity

2.18 Licensing Officers undertake proactive enforcement activity outside their normal working house. This can vary from, licensed vehicle checks, licensed operator base checks, licensed driver checks, premises licence compliance checks, gambling premises compliance checks, and so on.

2.19 Between 1st October 2022 and 31st March 2023 officers carried out 16 out of hours proactive enforcement duties which averages out to approximately 3 per month.

2.20 Between 1st October 2022 and 31st March 2023 licensing officers have worked with the police and DVSA (Driver and Vehicle Standards Agency) on 3 occasions on joint operations in regards to safer roads conducting vehicle checks on vehicles, specifically licensed vehicles for the licensing officers:

- 24th October 2022 – 25 licensed vehicles checked, 15 had no defects -
 - Private hire driver not wearing seatbelt – fixed penalty notice issued by the police.
 - Hackney Carriage Vehicle given prohibition notice and suspended due to tyre. Driver returned with MOT and new tyres; licence unsuspended.
 - Private hire vehicle given prohibition notice due to tyre. Driver returned with MOT and new tyres; licence unsuspended.
 - Private hire vehicle given a rectification notice – needed a new number plate, fire extinguisher, there was accident damage, and the interior of the vehicle was dirty.
 - Private Hire vehicle suspended due to offside front indicator not working and bumper needed clipping back on. Driver returned with issues fixed and unsuspended.
 - Private hire vehicle had accident damage and needed new number plate.
 - Hackney carriage vehicle given advise about getting new tyres.
 - Private hire vehicle received a rectification notice as required a door sign.
 - Hackney carriage vehicle received a rectification notice as fire extinguisher was missing.
 - Private hire vehicle was suspended as headlight was out, driver came back with a new light and vehicle licence was unsuspended.

- 24th November 2022 – 18 licensed vehicles checked, 5 had no defects –
 - Private hire vehicle received a rectification notice as wind mirror indicator inoperable.
 - Private hire vehicle (Leeds Licence), number plate lights inoperable, tyre pressure warning light on.
 - Private hire vehicle number plate light inoperable rectification notice issued. Driver returned with the light repaired.
 - Private hire vehicle near side headlamp inoperable rectification notice issued.

- Private hire vehicle had no fire extinguisher in vehicle, driver returned with fire extinguisher.
 - Private hire vehicle's door sign in poor condition and number plate light inoperable rectification notice issued.
 - Private hire vehicle's number plate light inoperable; rectification notice issued.
 - Hackney carriage vehicle drove by officers noted number plate lights inoperable.
 - Private hire vehicle's number plate light inoperable; rectification notice issued.
 - Private hire vehicle had plate in the rear window, vehicle licence suspended.
 - Private hire vehicle number plate light inoperable; rectification notice issued.
 - Private hire vehicle, fire extinguisher missing, no badge, tyre pressure warning light on; rectification notice issued.
 - Private hire vehicle had engine management light on; vehicle licence suspended.
- 15th December 2022 – Issue with the location so only 9 vehicles were checked, 7 had no defects –
 - Two licensed vehicles issued with rectification notices for minor lighting defects.
 - Two drivers were verbally warned for not wearing badges.
 - 2 Leeds licensed vehicles were checked, both had no defects, however, one driver initially refused to allow officers to check the vehicle as they were not Leeds licensing enforcement officers, was strongly advised he was required to remain until all relevant checks had been completed.

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 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 in Kirklees 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 both under the Licensing Act 2003 and the Gambling Act 2005 to uphold the licensing objectives, namely the protection of children from harm.

3.6 Financial Implications for the people living or working in Kirklees

There are no financial implications for people living or working in Kirklees contained in this report.

3.7 Other (eg Integrated Impact Assessment (IIA)/Legal/Financial or Human Resources) Consultees and their opinions

Integrated Impact Assessment

All licensing policies for the service are accompanied with an Integrated Impact Assessment.

Legal

No legal issues.

Financial

There are no financial implications for the Council arising from the recommendations in this report.

Human Resources

There are no human resource implications contained in this report.

4. Consultation

3.1 This is an information only report and no consultation has been undertaken.

5. Engagement

4.1 This is an information only report and no engagement has been undertaken.

6. Next steps and timelines

6.1 Not applicable – Information only report.

7. Officer recommendations and reasons

7.1 Members are asked to note the report.

8. Cabinet Portfolio Holder's recommendations

Councillor Naheed Mather agrees with the information contained in the update report.

9. Contact officer

Fiona Goldsmith – Group Leader Licensing
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Email: Fiona.goldsmith@kirklees.gov.uk

10. Background Papers and History of Decisions

[Licensing Services update report.pdf \(kirklees.gov.uk\)](#)

11. Service Director responsible

Katherine Armitage
Service Director – Environment and Climate Change
Tel: 01484 221000
Email: Katherine.armitage@kirklees.gov.uk

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Name of meeting: Licensing and Safety Committee

Date: Wednesday 19th July 2023

Title of report: Driver Training Policy – Geographical Knowledge Test

Purpose of report: For members to consider the removal of the requirement for all new hackney carriage / private hire driver applicants to complete and pass a geographical knowledge test.

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? Decisions having a particularly significant effect on a single ward may also be treated as if they were key decisions.	Not Applicable
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	Colin Parr – 19.06.2023
Is it also signed off by the Service Director for Finance?	Dean Langton – 08.06.2023
Is it also signed off by the Service Director for Legal Governance and Commissioning?	Julie Muscroft – 09.06.2023
Cabinet member:	Councillor Naheed Mather

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 for members to consider the removal of the requirement for all new hackney carriage / private hire driver applicants to complete and pass a local geographical knowledge test.

2. Information required to take a decision

2.1 The Driver training policy, shown at **Appendix 1**, was adopted on 1st August 2019 following the resolution of members to agree the policy at the meeting of the Licensing and Safety Committee on Tuesday 11th June 2019.

2.2 In August 2022 the Department for Transport carried out a consultation on the Taxi and Private Hire Vehicle Licensing Best Practice Guidance for Licensing Authorities in England between 28th March 2022 and 20th June 2022.

2.3 Sections 6.23 and 6.24 of the draft guidance relate to Topographical knowledge and they state:

6.23 Taxi drivers need a good working knowledge of the area for which they are licensed because taxis can be hired immediately, directly with the driver, at ranks or on the street and so drivers are not able to prepare a route. Licensing authorities should therefore require prospective taxi drivers to pass a test of local topographical knowledge as a pre-requisite to the first grant of a licence. The Department's view is that the stringency of the test should reflect the complexity or otherwise of the local geography. In accordance with the principle of ensuring that barriers to entry are not unnecessarily high.

6.24 Private hire vehicles are not legally available for immediate hiring. To hire private hire a private hire vehicle the prospective passenger must go through an operator, so the driver will have an opportunity to check the details of a route before starting a journey and plan or enter it in a navigation system. Licensing authorities may set private hire vehicle drivers a topographical test but are not required to do so.

2.4 In Kirklees we do not differentiate between a hackney carriage driver and a private hire driver, the licensing service issues dual licences for both hackney carriage and private hire. This means anyone who holds a licence (badge) can drive either a private hire vehicle or a hackney carriage vehicle.

2.5 Although the driver training policy was adopted in August 2019 the local knowledge test aspect of the requirements did not come into effect until the licensing service re-opened to new driver licence applicants following the pandemic in August 2021 with the initial knowledge test and theory training and test bookings being taken from September 2021.

- 2.6 At the meeting of the Licensing and Safety Committee on 5th October 2022 members resolved agree to make permanent the temporary change in policy that if an applicant produced evidence that they have undertaken a qualification at Entry 3 level or above, in the form of a certificate, and that the qualification has been achieved in the UK then they would be permitted to pass to the next stage of the theory and knowledge training and test. The reason for this easement in the policy was to ease the bottleneck for new applicants unable to book onto the course and to streamline the process for new applicants.
- 2.7 The licensing service is continuously monitoring and reviewing the way in which it works to achieve the highest levels of customer service. Therefore, to pre-empt the new statutory taxi and private hire best practice guidance and to continue to strive to offer the best service to our applicants it is proposed that we remove the requirement for the geographical knowledge test for all new driver applicants. It will, however, remain an option to require any licensed driver to undertake a geographical knowledge test where multiple complaints of a similar nature indicate there may be issues with a driver's knowledge of the local area.

3. Implications for the Council

3.1 Working with People

One of the licensing services key priorities is to ensure the standards across the private hire and hackney carriage trade in Kirklees are high to protect the travelling public. We want both Kirklees residents and visitors to our beautiful area to be transported safely to their destination by professional and competent drivers, to know they are protected from harm and that they experience a good service and customer experience.

Another key priority for the service is to ensure the standards of service to the applicants for licenses are high and that we are providing a prompt and efficient service to ensure that all applicants are able to carry out their roles effectively and to do so we are required to continuously review our own processes and procedures.

3.2 Working with Partners

In developing our policies and delivering our service the team works with several partners including (and not exclusively) Kirklees Safeguarding Children and Adults boards, West Yorkshire Police, Public Health, Environmental Health, Overview and Scrutiny Committee, the Community Safety Partnership, other West Yorkshire Licensing Authorities (inc. York) as well as being mindful of statutory guidance requirements.

3.3 Place Based Working

There is no specific impact in the context of this report. However, the continuous review of policies and procedures enable the service to examine the way in which it interacts and engages with its licence holder, local residents and communities.

3.4 Climate Change and Air Quality

There is no impact in relation to climate change and air quality in this report.

3.5 Improving outcomes for children

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

3.6 Financial Implications for the people living or working in Kirklees

There are no financial implications for the people living/working in Kirklees in this report.

3.7 Other (eg Integrated Impact Assessment (IIA)/Legal/Financial or Human Resources) Consultees and their opinions

IIA

There is no requirement for an IIA in this report.

Legal

No legal issues.

Human Resources

There are no human resources issues contained in this report.

Financial

There are no financial implications for the Council arising from the recommendations in this report.

4. Consultation

4.1 The removal of the requirement for the new driver applicants to complete a geographical knowledge test prior to gaining their licence does not require full consultation as it is only a minor amendment to the existing overarching hackney carriage and private hire policy.

5. Engagement

4.2 The matter has been discussed at both Hackney Carriage and Private Hire trade association meetings with representatives from GMB union in attendance. No concerns were raised.

6. Next steps and timelines

6.1 Members are asked to make a decision about the removal of the requirement for all new driver applicants to undertake and pass a geographical knowledge test.

6.2 If members resolve to remove the requirement for the geographical knowledge test this will come into effect immediately.

6.3 If members resolve to maintain the policy requirement for the geographical knowledge test, this will continue in its current format.

6.4 If members resolve to remove the requirement for the knowledge test for new applicants for private hire drivers only further work will be required for the service to amend its procedures due to all drivers holding both hackney carriage and private hire badges within Kirklees.

7. Officer recommendations and reasons

7.1 Members are recommended to remove the requirement for the local geographical knowledge test for all new licensed driver applicants.

7.2 The reason for the recommendation is that the proposed Taxi and Private Hire Vehicle Licensing Best Practice Guidance for Licensing Authorities recommends that all local authorities should remove the requirement for all Private Hire Driver applicants, and as Kirklees drivers all hold both hackney carriage and private hire driver licences. Within Kirklees we currently licence around 2,850 licensed drivers and we have a cap of 224 licensed Hackney Carriage Vehicles within the authority. This amounts to approximately 8% of the licensed trade within the authority.

7.3 Therefore, members are asked to resolve to either:

- i. Remove the requirement to undertake and pass the geographical knowledge test for all new driver applicants.
- ii. Remove the requirement to undertake and pass the geographical knowledge test for all new hackney carriage / private hire driver applicants.
- iii. Keep the requirement for all new hackney carriage / private hire drivers to undertake and pass the geographical knowledge test.

8 Cabinet Portfolio Holder's recommendations

Councillor Naheed Mather agrees with the officer recommendation.

9 Contact officer

Fiona Goldsmith
Public Protection Group Leader – Licensing
01484 221000(ext 79921) or Fiona.goldsmith@kirklees.gov.uk

10 Background Papers and History of Decisions

[Agenda for Licensing and Safety Committee on Tuesday 11th June 2019, 10.00 am | Kirklees Council](#)

[Agenda for Licensing and Safety Committee on Wednesday 5th October 2022, 10.00 am | Kirklees Council](#)

11 Service Director responsible

Katherine Armitage
Service Director – Climate Change and Environment
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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 (unless you have an English qualification to the same level or above completed in the UK)
- 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.

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Name of meeting: Licensing and Safety Committee

Date: Wednesday 19th July 2023

Title of report: Hackney Carriage and Private Hire Vehicle policy review

Purpose of report: The purpose of the report is to seek approval to consult on the review of the hackney carriage and private hire vehicle policy.

Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards? Decisions having a particularly significant effect on a single ward may also be treated as if they were key decisions.	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	Colin Parr – 19.06.2023
Is it also signed off by the Service Director for Finance?	Dean Langton – 08.06.2023
Is it also signed off by the Service Director for Legal Governance and Commissioning?	Julie Muscroft – 12.06.2023
Cabinet member:	Councillor Naheed Mather

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 Following a review of the hackney carriage and private hire vehicle policy officers are seeking permission from Members to consult on the proposed amendments

2. Information required to take a decision

2.1 The current vehicle specification, shown at **Appendix 1**, has not been reviewed/amended since July 2008.

2.2 Following discussions with the Hackney Carriage and Private Hire associations and engagement meetings with the trade several matters were raised regarding the vehicle policy. Some of the issues raised were:

- Vehicle age limits
- Window Tints
- Door Signs
- Vehicle Testing
- Cost

2.3 A review of the policy has been undertaken, including consideration of the matters raised by the hackney carriage and private hire trade. The draft policy can be found at **Appendix 2, deletions are in red with a strike through and amendments are in blue.**

2.4 All of the issues raised by the trade regarding the vehicle specification policy have been considered other than cost. The cost of a licence is calculated in accordance with the cost of the administration of the applications and ongoing compliance of the licence. Licence costs will be addressed separately during the review of all the hackney carriage and private hire fees.

2.4 A copy of the proposed consultation questions are shown at **Appendix 3.**

3. Implications for the Council

3.1 Working with People

One of the licensing services key priorities is to ensure the standards across the private hire and hackney carriage trade in Kirklees are high to protect the travelling public, this includes the standards of the vehicles used to transport passengers to and from their destinations.

We want the residents of Kirklees and any visitors to the area to be transported safely, feel protected from harm, and experience a high quality, clean, sustainable, and green environment, as well as a good customer experience.

3.2 Working with Partners

In developing its policies and delivering its service the licensing team works with several partners including (and not exclusively) Kirklees Safeguarding Children and Adults boards, West Yorkshire Police, Public Health, Environmental Health, Overview and Scrutiny Committee, the Community Safety Partnership and the other West Yorkshire Licensing Authorities (Inc. York).

3.3 Place Based Working

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

3.4 Climate Change and Air Quality

Climate change is one of the biggest issues we face, increased carbon emissions, cause by human activity, such as driving vehicles, are causing the rise in global temperatures. Kirklees Council's vision is to make Kirklees completely carbon neutral by 2038. The draft policy considers this, and it proposes the cleaner the engine the longer the licence.

The Climate Change and Air Quality team have been involved in pre-consultation discussions in respect of the draft vehicle specification and will be a formal consultee.

3.5 Improving outcomes for children

The Council has a duty to protect the travelling public and safeguard the vulnerable, including the transportation of children travelling in licensed vehicles.

3.6 Financial Implications for the people living or working in Kirklees

There are no financial implications for people living or working in Kirklees contained in this report.

3.7 Other (eg Integrated Impact Assessment (IIA)/Legal/Financial or Human Resources) Consultees and their opinions

IIA

There is no requirement for an IIA in this report.

Legal

There are no concerns from legal regarding this report.

Human Resources

There are no human resource implications contained in this report other than the officer time that will be required in order to undertake the consultation.

Financial

There are no financial implications other than the cost of carrying out the consultation which will be met by the service.

4. Consultation

4.1 The purpose of the report is to request that members of the Licensing and Safety Committee resolve to agree to commence a 12-week consultation on the draft vehicle policy.

4.2 Those who will be consulted will include (this list is not exhaustive):

- West Yorkshire Police
- Kirklees Public Health
- Safer Kirlees
- All Ward Councillors
- MP's
- All holders of vehicle licences
- Members of the public via Council Comms
- National Private Hire and Taxi Association

- Neighbouring Authorities
- Trade Unions
- Climate and Air Quality Service

5. Engagement

5.1 Prior to the policy being amended the Licensing service offered 4 drop-in sessions for the hackney carriage and private hire trade to attend to discuss both the previous consultation for the Suitability Policy and also for the trade to discuss and suggestions they may have had regarding the vehicle policy. These sessions were held:

- Tuesday 6th December – Cleckheaton Town Hall
- Wednesday 14th December - Dewsbury Town Hall
- Tuesday 20th December - Hudawi Centre Huddersfield
- Thursday 2nd February – Batley Town Hall

5.2 The licensing service also held meetings with the Councils Transport service who carry out the vehicle compliance tests and the Councils Climate Change and Air Quality Team.

6. Next steps and timelines

6.1 If members resolved to agree to instruct officers to commence a 12-week consultation, the consultation will be carried out and the findings and results will be brought back to the members of the Licensing and Safety Committee at a future meeting.

7. Officer recommendations and reasons

7.1 Members are recommended to –

- Note the report and appendices; and
- Instruct officers to commence a 12-week consultation regarding the proposed changes to the existing vehicle specification and report back the results for a decision at a future meeting of the Licensing and Safety Committee.
- Agree the proposed consultation questions, shown at **Appendix 3**.

8. Cabinet Portfolio Holder's recommendations

Councillor Naheed Mather agrees with the officer recommendation to commence consultation on the draft policy.

9. Contact officer

Fiona Goldsmith
Public Protection Group Leader – Licensing
01484 221000(ext 79921) or Fiona.goldsmith@kirklees.gov.uk

10. Background Papers and History of Decisions

N/A

11. Service Director responsible

Katherine Armitage
Service Director – Climate Change and Environment
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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

1. 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.
2. 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.
3. The front seat shall not be less than 18 inches in width.
4. The front and rear door entry width measured from the inside of the door seal aperture shall not be less than 24 inches.
5. Rear seat head room shall not be less than 33 inches.
6. The depth of any fixed seat shall not be less than 18 inches
7. 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.
8. 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.

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

- 1.1 Local Authority conditions for licensing.
- 1.2 The whole of the vehicles paint work must be coloured white (two tone paint work, coloured mouldings or insignia will not be permitted).
- 1.3 For Hackney carriage 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

The authority recognises the need for additional wheelchair accessible vehicles (WAV's) within the licensed trade. New licensed WAV's powered by a diesel engine will be allowed to meet the lower euro 5 diesel standards and not euro 6 standards.

Definition of Wheelchair Accessible Vehicles (WAV's)

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

The authority also encourages the use of fully electric vehicles.

- 1.4 The vehicle must have Kirklees ~~Metropolitan~~ Council's official door sign displayed on top panel of the two front doors. *The official door signs for Hackney Carriage vehicles are produced in house by the licensing service, unless otherwise agreed.* 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~~ may result in the failure of the compliance test or suspension of the vehicle licence. It is however accepted that some Hackney Carriage drivers also obtain work through private hire operators. Should this be the case, then a logo displaying the name of the private hire operator can be fixed to the vehicle via a magnetic backing. This logo will be provided by the driver and not the licensing service. Any tampering or cutting up of the signs ~~will be rejected~~ may result in the failure of the compliance test or the suspension of the vehicle licence and new ones required. Any signs that become damaged or defaced will require new ones.
- 1.5 The vehicle must have a roof mounted illuminated taxi sign (~~minimum width 1 metre~~) with the exception of London type cabs. *The roof sign must be clearly visible from both the front and the rear of the vehicle.*

- 1.6 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.
- 1.7 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.
- 1.8 All Hackney carriage vehicles must have a seat belt that meets British safety standards fitted to each seat.
- 1.9 All diesel-powered Hackney Carriage Euro 5 vehicles, with the exception of Wheelchair Accessible Vehicles (WAV's) will cease to be licensed at 10 years old.
- 1.10 All Hackney Carriage vehicles except for WAV's will cease to be licensed at 13 years old.
- 1.11 All wheelchair accessible Hackney Carriage vehicles will cease to be licensed at 16 years old. Between years 13 to 16, the vehicle will be subject to two compliance checks a year at 6 monthly intervals. Failure to take a vehicle for its 6 monthly test will result in the suspension of the vehicle Licence until it has passed the compliance test.
- 1.12 All Hackney Carriage Ultra-low emission vehicles (ULEV's) will cease being licensed at 16 years old. Between years 13 to 16, the vehicle will be subject to two compliance checks a year at 6 monthly intervals.

Definition of Ultra-Low Emission Vehicles (ULEVs)

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

- 1.13 The authority recognises the national and industry wide push for the greater use of environmentally friendly all electric vehicles. This is especially so given that new vehicles fitted with internal combustion engines are due to be banned from sale in the UK from 2030. It is anticipated that within the coming years, all electric vehicles will start to be used within the licensed trade as the charging infrastructure and battery technology improves. Any all-electric Hackney Carriage vehicles used within the licensed trade can remain licensed until 20 years of age, subject to two annual compliance checks from years 13 to 20 at 6 monthly intervals.
- 1.14 There is currently no requirement for CCTV to be installed within Hackney Carriage vehicles. However, the licensing service will allow drivers to install CCTV in their vehicles should they desire. Any installation of CCTV must not interfere with the normal operation of the vehicle and/or visibility out of the vehicle windows. If a driver decides to install CCTV, they must ensure that they are registered with the Information Commissioner's Office and abide by their rules. Further information on this can be found at <https://ico.org.uk>
- 1.15 All licensed Hackney carriage vehicles are tested at the Council's testing stations. Test are conducted at the time of being licensed and upon renewal. The test carried out is a compliance

test and not an MOT. Should Licence holders/vehicle proprietors wish to have an MOT at the time of the compliance test this must be requested prior to the test commencing and will result in an additional charge. Failure to do so will result in the issuing of an MOT certificate not being possible.

- 1.16 48 hours notification of a test cancellation must be given, failure to do so will result in a further payment for a test being charged and no refund will be provided.
- 1.17 Where the Council is not satisfied with the roadworthiness of a Hackney Carriage vehicle, it may request a HPI check at a cost to the licence holder. Should that HPI check reveal that the vehicle is an insurance total loss, then the vehicle may have to undergo an independent inspection and an 'Autolign' report produced at the cost of the licence holder.
- 1.18 Where a Hackney carriage vehicle fails its test and the tester is not satisfied as to the roadworthiness of the vehicle, the vehicle licence may be suspended by an authorised officer of the Council.
- 1.19 Should a Hackney Carriage vehicle licence be suspended, then it cannot lawfully be driven on the public highway without a valid MOT certificate in place.
- 1.20 Any Hackney Carriage vehicle whose licence has been suspended due to accident damage, may have to be taken to the Council's testing stations to be examined. This is to ensure that any repairs have been made satisfactorily and that the vehicle is roadworthy.
- 1.21 The law requires that front vehicle windscreens must permit a minimum of 75% light transmission and front passenger windows 70%. The Council will allow manufacturers standard tints on all other windows, excluding the front vehicle windscreen and the front passenger windows. This must only be the standard level of window tint. Blackout or privacy glass is not permitted. Self-applied material/film is not permitted.
- 1.22 There are three types of Hackney Carriage vehicle licence. These are:
 - A new licence – a licence that is issued when the vehicle is first licensed following an application for a new vehicle licence being submitted.
 - A renewal – a renewal licence is issued annually following an application to renew being submitted.
 - A transfer – A transfer is an application to transfer the vehicle and its current licence to a new proprietor (owner).

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 Seating capacity to be no more than six passengers (maximum).

~~2.11 The vehicle must carry a legal spare wheel and tyre and a means for changing a wheel.~~

~~2.12 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.~~

~~2.13 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 MPV's (Multi-purpose vehicles) are not acceptable and will not be licensed, any existing MPV's will be permitted to remain licensed to their upper age limit.
- 3.17 SUV's (Sports Utility Vehicles or 4x4's) will not be licensed.
- ~~3.18 No jeep type vehicles to be allowed.~~
- ~~3.19 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

- ~~4.6 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~~

~~4.7 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.~~

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

4.2 The London Cab on some models is equipped with a vinyl roof which will be accepted.

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

ADDITIONAL

~~5.5 Above the annual test vehicles can be subject to 3 checks per year for safety and condition when required.~~

~~5.6 The London Cab on some models is equipped with a vinyl roof which will be accepted.~~

~~5.7 All accident damage must be repaired before test/checks can be carried out.~~

5.1 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 licensing service understands the importance that members of the public can differentiate between Hackney Carriage Vehicles and Private Hire vehicles. Within Kirklees all Hackney Carriage vehicles are white in colour and display a 'taxi' roof sign. No 'new' vehicle licences will be issued to Private Hire vehicles that are white in colour. Any existing Private Hire vehicles that are white in colour will be allowed to remain licensed and renewed until they reach the upper age limit of a licensed Private Hire vehicle.
- 1.3. The vehicle must have Kirklees ~~Metropolitan~~ Council's official door sign displayed on the top panel of the two front doors. ~~The official door signs for Private Hire vehicles are produced in house by the licensing service, unless otherwise agreed.~~ 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~~ may result in the failure of the compliance test or suspension of the vehicle licence. Any tampering or cutting up of the signs ~~will be rejected~~ may result in the failure of the compliance test or the suspension of the vehicle licence and new ones required. Any signs that become damaged or defaced will require new ones. It is acknowledged however, that many Private Hire drivers obtain work through more than one Private Hire Operator. The licensing service will allow drivers to utilise the logo of the Private Hire Operator for whom they are working through at the time and attach it to the vehicle via a magnetic backing. The word 'taxi' is not permitted to be used on the logo. The logo will be provided by the driver and not the licensing service.
- ~~1.4. 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~~
- ~~1.5. 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.~~
- 1.6. 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 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.

1.7. All private hire vehicles must have a seat belt that meets British safety standards fitted to each seat.

1.8. For 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.

The authority recognizes the need for additional wheelchair accessible vehicles (WAV's) within the licensed trade. New licensed WAV's powered by a diesel engine will be allowed to meet the lower Euro 5 diesel standards and not Euro 6 standards.

Definition of Wheelchair Accessible Vehicles

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

The authority also encourages the use of fully electric vehicles.

1.9. All diesel powered Private Hire Euro 5 vehicles, with the exception of WAV's will cease to be licensed at 10 years old.

1.10. All Private Hire vehicles except for WAV's will cease to be licensed at 13 years old.

1.11. All wheelchair accessible private Hire vehicles will cease to be licensed at 16 years old. Between years 13 to 16, the vehicle will be subject to two compliance checks a year at 6 monthly intervals.

1.12. All Private Hire Ultra Low Emission vehicles (ULEV's) will cease to be licensed at 16 years old. Between years 13 to 16, the vehicle will be subject to two compliance checks a year at 6 monthly intervals.

Definition of Ultra-Low Emission Vehicles (ULEVs)

ULEVs are currently defined as having less than 75 grams of CO2 per kilometer (g/km) from the tail pipe. The CO2 count can be ascertained using the following website -

<https://www.gov.uk/get-vehicle-information-from-dvla>

1.13. The authority recognises the national and industry wide push for the greater use of environmentally friendly all electric vehicles. This is especially so given that new vehicles fitted with internal combustion engines are to be banned from sale in the UK from 2030. It is anticipated that within the coming years, all electric vehicles will start to be used within the licensed trade as the charging infrastructure and battery technology improves. Any all-electric Private Hire vehicles used within the licensed trade can remain licensed until 20 years of age, subject to two annual compliance checks from years 13 to 20 at 6 monthly intervals.

1.14. There is currently no requirement for CCTV to be installed in private Hire vehicles. However,

the licensing service will allow drivers to install CCTV in their vehicles should they desire. Any installation of CCTV must not interfere with the normal operation of the vehicle and/or visibility out of the vehicle windows. If a driver decides to install CCTV, they must ensure they are registered with the Information Commissioner's Office and abide by their rules. Further information can be found at <https://ico.org.uk>.

- 1.15. All licensed Private Hire vehicles are tested at the Council's testing stations. Tests are conducted at the time of being licensed and upon renewal. The test carried out is a compliance test and not an MOT. Should Licence holders/vehicle proprietors wish to have an MOT at the time of the compliance test this must be requested prior to the test commencing and will result in an additional charge. Failure to do so will result in the issuing of an MOT certificate not being possible.
- 1.16. 48 hours notification of a test cancellation must be given, failure to do so may result in a further payment for a test being charged.
- 1.17. Where the Council is not satisfied with the roadworthiness of a Private Hire vehicle, it may request a HPI check at a cost to the licence holder. Should that HPI check reveal that the vehicle is an insurance total loss, then the vehicle may have to undergo an independent inspection and an 'Autolign' report produced at the cost of the licence holder.
- 1.18. Where a Private Hire vehicle fails its test and the tester is not satisfied as to the roadworthiness of the vehicle, the vehicle licence may be suspended by an authorised officer of the Council.
- 1.19. Should a Private Hire vehicle licence be suspended, then it cannot lawfully be driven on the public highway without a valid MOT certificate in place.

Any Private Hire vehicle whose licence has been suspended due to accident damage, may have to be taken to the Council's testing stations to be examined. This is to ensure any repairs have been made satisfactorily and that the vehicle is roadworthy.

- 1.20. The law requires that front vehicle windscreens must permit a minimum of 75% light transmission and front passenger windows 70%. The Council will allow manufacturers standard tints on all other windows, excluding the front vehicle windscreen and the front passenger windows. This must only be of the standard level of window tint/ Blackout or privacy glass is not permitted. Self-applied material/film is not permitted.
- 1.21. There are three types of Private Hire vehicle licence, these are:
 - A new licence – a licence that is issued when the vehicle is first licensed following an application for a new vehicle licence being submitted.
 - A renewal – a renewal licence is issued annually following an application to renew being submitted.
 - A transfer – A transfer is an application to transfer the vehicle and its current licence to a new proprietor (owner).

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 (maximum).
- 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 MPV's (Multi-purpose vehicles) will not be licensed, any existing MPV's will be permitted to remain licensed to their upper age limit.
- 3.17 SUV's (Sports Utility Vehicles or 4x4's) will not be licensed.

~~3.18 No jeep type vehicles~~

~~allowed TRAILERS~~

~~4.10 Trailers must be of an all metal construction with a secure lockable hardtop cover.~~

~~4.11 Trailer weight not to exceed 750kg gross vehicle weight.~~

~~4.12 Must have all relevant lights fitted and working.~~

~~4.13 Trailer must be licensed to one specific vehicle only (no multi vehicle use allowed).~~

~~4.14 Trailer to be tested annually with relevant vehicle.~~

~~4.15 Towing vehicle must have two side entry doors for ease of escape in the event of~~

~~an emergency.~~

~~4.16 National speed limits apply when towing trailer.~~

~~4.17 Trailers to be used by MPV type vehicles only.~~

~~MPV~~

~~5.3 Trailers to be used by MPV type vehicles only.~~

~~5.4 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

~~6.5 Trailers to be used by MPV type vehicles only.~~

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

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

~~6.6 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

1. 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.
2. 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.
3. The front seat shall not be less than 18 inches in width.
4. The front and rear door entry width measured from the inside of the door seal aperture shall not be less than 24 inches.
5. Rear seat head room shall not be less than 33 inches.
6. The depth of any fixed seat shall not be less than 18 inches
7. 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.
8. 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

1. Internal floor to roof height 52 inches
2. Seat bases 16.5 x 16.5 inches
3. Wheelchair access door height 46 inches
4. Wheelchair access door width 27 inches
5. Wheelchair floor space and method of securing to comply with all relevant legislation
6. Luggage space compatible with seating capacity
7. Taxi hire sign to be mounted at the centre of the roof in the front position (as with a London cab)
8. A fire extinguisher to be a minimum 1kg accessible from driver's seat
9. 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.

Proposed Consultation Questions

1. Do you agree that hackney carriage vehicles should be white and private hire can be any colour other than white?
2. Do you agree Wheelchair accessible vehicles should be licensed if they are Euro 5 standard?
3. Do you agree that door signs for displaying operator details should be magnetic?
4. Do you agree that all existing licensed Euro 5 (or lower) standard Diesel vehicles, except for wheelchair accessible vehicles should cease to be licensed at 10 years old?
5. Do you agree that all existing licensed Euro 4 (or lower) standard petrol vehicles, except for wheelchair accessible vehicles should cease to be licensed at 10 years old?
6. Do you agree that all vehicles that meet the euro 6 diesel and euro 5 petrol standards should cease to be licensed at 13 years old?
7. Do you agree that all wheelchair accessible vehicles should cease to be licensed at 16 years old?
8. Do you agree that all Ultra-low emission vehicles should cease to be licensed at 16 years old from date of first registration?
9. Do you agree that vehicles licenced to 16 should be subject to 2 compliance tests a year between years 13 to 16?
10. Do you agree that electric vehicles should cease to be licensed at 20 years old?
11. Do you agree that electric vehicles should be subject to 2 compliance tests a year between year 13 and 20?
12. Do you agree that CCTV should be the choice and responsibility of the vehicle owner?
13. Do you agree that windows (other than the front windscreen and front passenger windows) should be manufacturers standard tints?
14. Do you agree that blackout/privacy glass and self-applied material/film should not be permitted on licensed vehicles?
15. Do you agree that MPV's (multi-purpose vehicles) and SUV's (Sports Utility Vehicles or 4x4s) should not be licensed.

16. Currently Kirklees Council licence Category S (Structurally damaged) insurance write off vehicles if the vehicle passes an 'Autolign' inspection, do you agree that the council continues to licence Category S vehicles?
17. Do you have any other comments regarding any of the other proposed amendments to the existing vehicle specification?

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Name of meeting: Licensing and Safety Committee

Date: Wednesday 19th July 2023

Title of report: Review of the Policy on Determining the Suitability of Applicants and Licensees as Drivers in Taxi and Private Hire Licensing (The Fitness and Suitability policy)

Purpose of report: The purpose of the report is to inform member of the results of the consultation for the proposed changes to the Council current Hackney Carriage and Private Hire Fitness and Suitability Policy

Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards? Decisions having a particularly significant effect on a single ward may also be treated as if they were key decisions.	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 – 19.06.2023 Dean Langton – 08.06.2023 Julie Muscroft - 13.06.2023
Cabinet member:	Councillor Naheed Mather

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 details the outcome of the consultation process in respect of the review of the current policy on determining the suitability of applicants and licensees as drivers in hackney carriage and private hire licensing and members are asked to make a decision regarding the proposed changes to the policy following a review of the results of the consultation.

2. Information required to take a decision

2.1 At the meeting of the Licensing and Safety Committee on 6th July 2022, officers presented a report to members outlining concerns being raised about the Council's statement of fitness and suitability in relation to the licensing of hackney carriage / private hire drivers.

2.2 Officers informed members that it was normal practice for a policy to be reviewed every three to five years, and as the current fitness and suitability policy had been in place since August 2019, it would be an appropriate time to carry out a review of it.

2.3 Members agreed and instructed officers to look at the concerns raised and review the policy. Officers then worked closely with the Council's corporate policy team to review the policy and what, if any, changes can / needed to be made.

2.4 The proposed draft policy, **Shown at Appendix 1**, was presented to members of the Licensing and Safety Committee at their meeting on Wednesday 5th October 2023. At this meeting members resolved for officers to carry out a three-month consultation in relation to the proposed changes to the existing policy and that the results of the consultation be presented to Members of the Licensing and Safety Committee at a date following the conclusion of the consultation.

2.5 The consultation closed on Wednesday 15th February 2023.

2.6 The list of those consulted is as follows:

- All licence holders
- Public Health
- LADO inc Kirklees Safeguarding Children and Adults Boards
- Safer Kirklees Council
- All Ward Councillors
- All MP's
- Susie Lamplugh Trust
- National PH and Taxi Association
- All Neighbouring Authorities
- All Unions (GMB, Unison, Unite)
- West Yorkshire Police
- Members of the public via Council comms

2.7 In addition to this several drop-in sessions were offered to the hackney carriage and private hire trade to attend; these were:

- Tuesday 6th December – Cleckheaton Town Hall.
- Wednesday 14th December – Dewsbury Town Hall.
- Tuesday 20th December – Hudawi Centre Huddersfield.
- An additional session was added in Batley after a request for the ward members and this occurred on Thursday 2nd February – Batley Town Hall.

2.8 The survey resulted in 333 people responding. The breakdown of respondents are as follows:

- 184 members of the public
- 122 licensed drivers
- 12 Ward Councillors
- 5 licensed vehicle proprietors (owners)
- 3 licensed operators
- 6 others, 5 of which specified who they were:
 - A volunteer for a local sight loss charity and also for a charity that works with vulnerable adults and children.
 - Kirklees staff member.
 - A person who works for the council who use taxi for service users.
 - Trade representative.
 - Police officer.

2.9 A breakdown of the questions asked in the survey and responses can be seen at **Appendix 2**, this also includes comments against relevant additional comments added by respondents.

2.10 In addition to the survey members of the trade (i.e. licence holders) were given the opportunity to provide comments in relation to the draft policy via email and post without having to complete the survey. No responses were received.

2.11 A trade representative for both hackney carriage drivers and private hire drivers provided a written response to the consultation, which can be found at **Appendix 3**.

2.12 GMB union also provided a response to the consultation in the form of a proposed alternative fitness and suitability policy which can be found at **Appendix 4**.

2.13 A copy of the full survey responses can be seen at **Appendix 5**.

2.14 In July 2020 the Department for Transport published the Statutory Taxi & Private Hire Vehicle Standards. These standards can be found at **Appendix 6**, members will note the Council's current fitness and suitability policy meets the requirements of the statutory standards. Deviation from the standards will require considered reasons for the deviation.

2.15 **Appendix 8** shows the current policies for fitness and suitability of applicants and licensees as drivers in taxi and private hire licensing in the West Yorkshire Region, including York. In Summary:

- Leeds have carried out a review of their policy, and the current policy has been in effect since October 2022.
- Bradford will be reviewing their current policy in the next 6 months and their current policy has been in effect since March 2019.
- Wakefield have carried out a review of their policy, and the current policy has been in effect since January 2023.
- Calderdale have carried out a full review of their policy, and the current policy has been in effect since October 2022.
- York will be commencing a consultation in relation to their whole taxi and private hire policy at the end of this month.

3. Implications for the Council

3.1 Working with People

The residents of Kirklees need to be confident that the policies and procedures relating to the licensing of the private hire and hackney carriage trade are robust and that the protection of the travelling public is at the heart of all policy matters and decision making.

Having a suitability policy that sets a high standard is part of the process to ensure that public confidence can be achieved. It is also important for the licence holders themselves have a clear policy to ensure matters are dealt with in a clear, consistent and fair manner.

3.2 Working with Partners

The licensing service work closely with partners both within the Authority, such as Environmental Health, Planning, Public Health, etc, and also external partners such as other West Yorkshire Authorities, Trade Representatives, West Yorkshire Police and so on and ensure that all views are taken into account.

3.3 Place Based Working

There is no impact in the context of this report.

3.4 Climate Change and Air Quality

There is no impact in the context of 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 that travel in licensed vehicles, and more specifically, for the purposes of home to school transport.

3.6 Financial Implications for the people living or working in Kirklees

There are no financial implications for people living or working in Kirklees.

3.7 Other (eg Integrated Impact Assessment (IIA)/Legal/Financial or Human Resources) Consultees and their opinions

Legal

No significant concerns.

Finance

There are no financial implications for the Council arising from the recommendations in this report.

Human Resource

There are no human resource implications relating to this report.

Integrated Impact Assessment

The updated integrated impact assessment can be found at **Appendix 7**.

4. Consultation

4.1 A full consultation has been carried out as noted in the body of this report.

5. Engagement

5.1 Engagement prior to the consultation occurred prior to the review of the policy by way of hackney carriage and private hire association meetings and via the drop-in sessions held for the consultation for the change in the policy relating to the Department for Transport Statutory Standards.

6. Next steps and timelines

6.1 Members are asked to make a decision in relation to the draft policy following consideration of all responses to the consultation.

6.2 If members resolve to adopt the draft policy the new policy will be effective immediately.

6.3 If members resolve to keep the policy as existing this will be effective immediately and there will be no change.

6.4 Should members consider the proposed alternative policy as provided by GMB union, shown at **appendix 4** as a preferred option, members will be required to resolve to instruct officers to carry out a full consultation in relation to this policy.

7. Officer recommendations and reasons

It is recommended that members resolve to adopt the proposed draft fitness and suitability policy, as shown at **appendix 1**.

Options: -

- i. Resolve to adopt the proposed draft fitness and suitability policy as shown at appendix 1.
- ii. Resolve to keep the existing fitness and suitability policy.
- iii. Resolve to instruct officers to carry out a full consultation in relation to the alternative policy produced by GMB union as shown at appendix 4.

8. Cabinet Portfolio Holder's recommendations

Councillor Naheed Mather is satisfied with the outcome of the consultation, has noted the alternative policy submitted by GMB union appended to the report and agrees with the officer recommendation to adopt the draft policy following consideration of the positive consultation responses from the public and to maintain our high standards.

9. Contact officer

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

10. Background Papers and History of Decisions

[Report 3 Review of Fitness and Suitability Policy - Final.pdf \(kirklees.gov.uk\)](#)

[Agenda for Licensing and Safety Committee on Wednesday 13th March 2019, 10.00 am | Kirklees Council](#)

11. Service Director responsible

Katherine Armitage
Service Director – Climate Change and Environment
Tel: 01484 221000
Email: Katherine.armitage@kirklees.gov.uk

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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.~~
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 are suitable for this role and vehicles licensed are fit for purpose. Where possible, policies will be consistent throughout West Yorkshire and York, but subject to specific conditions of each authority.
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. **The impact on a person's family of losing/not obtaining a licence is not a relevant consideration and is therefore not part of the fit and proper 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. **Other agencies may include (this list is not exhaustive), other licensing authorities, DVSA (Driver and Vehicle Standards Agency), other Local Authority/Government departments or agencies.**
 10. Reference to convictions in this policy also includes **official** cautions, warnings, **and** 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. **The reason for this is so that the Licensing authority has as much information as possible in order for an informed decision to be taken.**
 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, **this will not automatically result in action being taken against the driver should the complaint be found to be vexatious, false or lacking in evidence.**
 12. In the case of a new applicant who has been charged with any offences and is awaiting trial, the determination will be deferred until the trial has been completed or the charges withdrawn.
 13. In all cases, the Council will consider a conviction or behaviour and what weight should be attached to it, and each case will be decided on its own merits and in line with this policy.
 14. The licensing process places a duty on the Council to protect the public. Therefore, it is essential that those seeking a living as a driver meet the

required standards. As previous offending and other behaviour can be considered as a predictor in determining future behaviour, it is important that the Council considers all relevant factors including previous convictions, cautions, complaints, failures to comply with licence conditions, and the time elapsed since these were committed.

Applying the Guidance

15. One of the purposes of this policy is to provide guidance to an applicant or existing licence holder on the criteria to be taken into account by the Council when determining whether or not an applicant, or an existing licensee on renewal, is fit & proper to hold a hackney carriage or private hire driver's licence. **There are an extremely wide set of circumstances that the policy must cover so may not cover every specific circumstance but can be used as a guideline for both prospective applicants and existing licence holders as well as the officers who are making a decision. All officers involved in the decision-making process are suitably trained and deemed competent by the Authority and have a duty to ensure that the travelling public can be confident that the drivers licensed by the authority are suitable.**
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.~~
17. **There must be clear and compelling reasons to depart from this policy and the reasons for departure must be justified. As each case is decided on its own individual merits, it is difficult to outline circumstances where a departure from the policy would meet that justification. However, the following are examples of what would not, under normal circumstances be classed as exceptional circumstances, albeit they are still relevant factors and will therefore be taking into account: -**
 - **The otherwise good character of a driver / applicant**
 - **A clean driving record**
 - **Absence of knowledge of wrongdoing**
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, **at any time during the duration of a licence**, an existing licence holder's conduct **is found to be such that they no longer meet** ~~falls short of~~ the "fit and proper" standard of behaviour ~~at any time~~, their licence will be revoked. **Each case will be considered on its own merits and any licence holder who is aggrieved by a decision to refuse, suspend or revoke a licence has the right of appeal to the Magistrates Court.**
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. **Every circumstance is different, and each case will be considered on its own merits and any decision taken is taken by an officer who is suitably trained and deemed competent by the Authority.**

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 **all** fixed penalty notices) must be declared. The Secretary of State made this exemption because it is necessary to put public safety as the first consideration and to enable the Councils to take a wider view of the applicant over a longer timescale.
24. The Council conducts enhanced disclosures from the Disclosure and Barring Service ("DBS") of any applicant for a driver's licence. Applicants will be required to obtain an enhanced disclosure at their expense and to subscribe to the Disclosure and Barring Update Service.
25. Any information contained in the Enhanced DBS Certificate that identifies an individual as not suitable to work with children or vulnerable adults will normally be refused.
26. The Council is also entitled to use other records and information including any complaints history that may be available to it in determining

applications or an entitlement to continue holding a licence. This may include information held by the Council or other Councils and information disclosed by the police under the Home Office scheme for reporting offences committed by notifiable occupations. **All complaints are recorded on the Council's database and document management systems and will remain on file for the duration the licence holder keeps their licence and will be disposed of in line with the council's retention schedule.**

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. **Any person aggrieved by a decision taken has the right of appeal to the Magistrates Court.**
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, **all** 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. **All persons aggrieved by the decision of the council have the right of appeal to the Magistrates Court.**
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. **Each case will be considered on its own merits.**
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 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. **Table B sets out the Council's position in relation to minor motoring offences.**
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 are identified in 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.

Driving Convictions

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. **The representative is able to ask for the meeting to be adjourned if they feel the applicant or existing licence holder is in need of a break, further clarification, a legal representative or an interpreter.**
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	5 years

drugs or related to possession of drugs.	
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. See Table B for amendments	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. This relates specifically to any offence listed in the Local Government (Miscellaneous Provisions) Act 1976, the Town Police Clauses Act 1847 and any other legislation that may be brought in relating to Hackney Carriage and Private Hire Licensing.	7 years
Vehicle use offences, for example being carried in vehicle without the owner's consent.	7 years.

Table B

<u>Minor Traffic Offences</u>
<p>Minor traffic or vehicle offences do not include offences involving: -</p> <ul style="list-style-type: none"> • Loss of life • Driving whilst under the influence of drink or drugs

- Driving whilst using a handheld telephone or device
- No insurance
- Offences which have resulted in injury to any person or damage to any property (including vehicles)

1. A licence will not normally be granted for new applicants where the minor motoring offences have resulted in 9 or more points being endorsed on their DVLA driving licence. Where an applicant has 7 or 8 current points on their DVLA driving licence, in exceptional circumstances, an application may be granted subject to the applicant completing an additional driver safety assessment as deemed appropriate by the Licensing Authority.
2. For existing licensed drivers where the minor motoring offence(s) has resulted in 6 or less penalty points being endorsed on their DVLA driving licence and fail to notify the licensing authority a warning and advise letter will be issued.
3. Where, as a result of minor traffic or vehicle offences, an existing driver has 7 or 8 penalty points endorsed on their DVLA driving licence they will be required to pass a practical 'hackney carriage / private hire' driving test using one of the Council's approved testers and at their own cost. The driver will be given 3 opportunities to pass the test, failure to pass on the third attempt will result in a review of their hackney carriage / private hire drivers licence and it is likely that they will no longer be considered a 'fit and proper' person to hold a licence.
4. Where as a result of minor traffic or vehicle offences an existing driver obtains 9 or more penalty points on their DVLA driving licence, and has (this list is not exhaustive): -
 - Previously been required to attend and pass a 'hackney carriage / private hire' practical driving test, or
 - There are other compounding factors such as failure to declare any of the minor traffic convictions in question, in accordance with the conditions attached to the licence, or
 - Has received a warning for minor motoring convictions, or
 - Any other convictions, or
 - Any other detrimental information recorded against them, i.e. complaints from members of the public about their standard or driving or attitude, etc.

Consideration will be given for the revocation of their licence unless there are any exceptional circumstances as to why revocation should not take place. Each case will be considered on its own merits.

In all other cases where a driver obtains 9 or more penalty points on their DVLA driving licence, and none of the above applies, consideration will be given to send the driver on a 'hackney carriage / private hire' practical driving test, at the cost of the driver and they will receive a final written

warning that will remain on their file. Failure to pass the driven test first time, will normally result in the licence being revoked.

5. MS90 Offences – Offences under Section 172 of the Road Traffic Act 1988 – Failure to give information as to identity of driver, will be classed as a minor traffic offence, unless of the balance of probabilities, there is evidence to show the failure to give information was an intentional act to evade points being endorsed on the licence. Where such evidence exists, the offence will be classed as a major traffic offence.

When making the decision on the suitability of a driver who has committed an MS90 offence, the licensing authority will also take into account the underlying offence for which the MS90 was triggered.

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Breakdown of Survey Questions, Responses and Comments

Question 1

Paragraph 2 currently states:

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.

The proposed paragraph 2 is:

The reason for this policy is to ensure that the travelling public in West Yorkshire and York can be confident that the drivers licensed are suitable for this role and vehicles license are fit for purpose. Where possible, policies will be consistent throughout West Yorkshire and York, but subject to specific conditions of each authority.

Do you agree with the proposed change?

217 (66%) Yes

113 (34%) No

Summary of the reasons why for those who answered yes:

- Bad driving by the licensed drivers.
- Need good vetting.
- Both Driver and vehicle should be fit for purpose.
- The public have a right to be safe in a taxi.
- It makes consistency across authorities.
- People's/passenger safety is paramount.
- Confidence for those who are travelling.
- Clearer wording

Summary of the reasons why for those who answered no:

- Should remain consistent across the authorities and UK wide.
- Keep in "are" and do not replace with "where possible".
- Why is this only for taxi drivers and not all other public transport drivers. Should also be the same for licensing officers and all front line staff.
- Discriminatory policy/against drivers.
- Too complicated.
- Too Vague.
- Too strict.
- Will increase lack of drivers and livelihoods being lost.
- Policy already good enough.
- Not fair.
- Policy is racist.

Question 2

Paragraph 7 currently states:

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.

The proposed paragraph 7 is:

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. The impact on a person's family of losing/not obtaining a licence is not a relevant consideration and therefore is not part of the fit and proper consideration.

Do you agree with the proposed change?

233 (71%) Yes

97 (29%) No

Summary of the reasons why for those who answered yes:

- Licence holder should always be fit for purpose – in terms of skills, safe driving and DBS checks.
- Public safety should come first.
- Citizens should abide by rules in given professions.
- Public reassurance/confidence
- Clearer guidelines and not open to misinterpretation.
- Impact on family isn't relevant.
- Drivers are in a position of control.

Summary of the reasons why for those who answered no:

- Minimum standards would be more useful, making it clear what taxis must do and would be fairer.
- Impact of driver's income is important.
- Policy worse than that of a court.
- Doesn't consider driver's safety.
- Passive aggressive wording.
- Council frontline staff should be subject to the same standards.
- Safe and suitable has no legal basis, should be changed to fit and proper for consistency and to avoid confusion.
- Existing policy is sufficient.
- Too strict.
- Racist policy/discriminatory.
- Vague.

Question 3

Paragraph 9 currently states:

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.

The proposed paragraph 9 is:

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. Other agencies may include (this list is not exhaustive), other licensing authorities, DVSA (Driver and Vehicle Standards Agency), other Local Authority/Government departments or agencies.

Do you agree with the proposed change?

243 (74%) Yes

87 (26%) No

Summary of the reasons why for those who answered yes:

- People need to know they are safe/safety first/protection of the public.
- All relevant information should be considered.
- Anything that increases safety of people should be done.
- Provides clarity/is clearer about minimal standards.
- more explicit about other agencies involvement.
- Agree with widening scope beyond convictions.
- Considering age range and vulnerabilities assessment of driver suitability must be comprehensive.
- Removes grey area.

Summary of the reasons why for those who answered no:

- No business of licensing authority about what happens in a person's private life/civil matters are personal to a driver.
- No fair and goes too far because of false allegations.
- Could explore having a fit to be a taxi interview similar to a fit manager interview for CQC.
- Current policy has no flaws.
- People make mistakes in life/deserve a second chance and other people working in public have convictions can still work in public places.
- List of agencies should be absolutely explicit and listed accordingly and should be in line with all other authorities in UK.
- Unfair/discrimination/racist.

Question 4

Paragraph 10 currently states:

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.

The proposed paragraph 10 is:

Reference to convictions in this policy also includes official cautions, warnings, and 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. The reason for this is so that the Licensing authority has as much information as possible in order for an informed decision to be taken.

Do you agree with the proposed change?

241 (73%) Yes

91 (27%) No

Summary of the reasons why for those who answered yes:

- Clearer.
- Rules need tightening.
- To give a fair and reasonable approach.
- The authority should be privy to info about a potential/existing driver when it comes to public safety.
- Information is needed to make the correct decision.

Summary of the reasons why for those who answered no:

- Not necessary to include the additional explanation.
- Breach of privacy by Council.
- Personal items not criminal and have no bearing on fitness and propriety. Confused by if relevant and is relevant.
- Discriminating/racist.
- Wasting time.
- Should be applied to all public jobs including council officers.
- Full clarification needed about fixed penalties and reprimands or needs removing.
- Poor grammar. Change circumstances to circumstance or pluralise the rest of the sentence.

Question 5

Paragraph 11 currently states:

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.

The proposed paragraph 11 is:

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, this will not automatically result in action being taken against the driver should the complaint be found to be vexatious, false or lacking in evidence.

Do you agree with the proposed change?

225 (69%) Yes

103 (31%) No

Summary of the reasons why for those who answered yes:

- Clearer for drivers/provides more clarification.
- Good reason to change and takes account of public issues.
- Risk assessment with full and fair consideration for safeguarding of public.
- Relevant as some people are malicious.
- Discourages vexatious complaints.
- All information should be considered before making decisions to revoke/grant licences.
- The last sentence protects those falsely accused.
- Safety of customers is priority.

Summary of the reasons why for those who answered no:

- False allegations are made regularly.
- Until found guilty the Council shouldn't act.
- It's a backwards step and more relaxed policy.
- Everyone deserves a second chance.
- Policy is targeting ethnic minorities and nothing else/discrimination/Racism.
- The policy was good enough.

Question 6

Paragraph 15 currently states:

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.

The proposed paragraph 15 is:

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. There are an extremely wide set of circumstances that the policy must cover so may not cover ever specific circumstance but can be used as a guideline for both prospective applicants and existing licence holders as well as the officers are making a decision. All officers involved in the decision-making process are suitably trained and deemed competent by the Authority and have a duty to ensure that the travelling public can be confident that the drivers licensed by the authority are suitable.

Do you agree with the proposed change?

238 (73%) Yes

88 (27%) No

Summary of the reasons why for those who answered yes:

- More detailed/comprehensive/needed the addition.
- Public Safety/confidence Paramount.
- Ever specific circumstance should say "every".
- If council doesn't make checks they are leaving themselves open to accusations, need tougher legislation to protect the public.

Summary of the reasons why for those who answered no:

- Guidelines are important but this kind of formal document is not a good way to communicate with the drivers.
- Should say as well as the officers who are making a decision.
- Too much power for licensing/decisions should be made by councillors.
- Should be applied to all public jobs.
- Racist policy/officers

Question 7

Paragraph 17 currently states:

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.

The proposed paragraph 17 is:

There must be clear and compelling reasons to depart from this policy and the reasons for departure must be justified. As each case is decided on its own individual merits, it is difficult to outline circumstances where a departure from the policy would meet that justification. However, the following are examples of what would not, under normal circumstances be classed as exceptional circumstances, albeit they are still relevant factors and will therefore be taking into account: -

The otherwise good character of a driver / applicant

A clean driving record

Absence of knowledge of wrongdoing

Do you agree with the proposed change?

226 (69%) Yes

103 (31%) No

Summary of the reasons why for those who answered yes:

- More detailed/fair
- If a driver has exceptional record this should also be considered.
- Removes outdated sexist language – as if only drivers are male.
- Many professions require people to be of good character.

Summary of the reasons why for those who answered no:

- Proposed rewording – “The person circumstances of individual drivers will be taken into account in licensing decisions. However, drivers’ circumstances are only part of what is considered. All licensed drivers are expected to show good character and conduct.”
- Proposed change creates more negative “loophole”.
- When determining whether a licence should be issued for a one off issue that could happen to anyone, judgemental decision.
- Confusing for drivers.
- Ignorance is not an excuse for not obeying the law/drivers should know the law.
- A persons track records should be taken into account.
- People reform.
- Should apply to all public jobs.
- Racist/discriminatory policy.

Question 8

Paragraph 19 currently states:

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.

The proposed paragraph 19 is:

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, at any time during the duration of a licence, an existing licence holder's conduct is found to be such that they no longer meet the "fit and proper" standard of behaviour, their licence will be revoked. Each case will be considered on its own merits and any licence holder who is aggrieved by a decision to refuse, suspend or revoke a licence has the right of appeal to the Magistrates Court.

Do you agree with the proposed change?

234 (72%) Yes

92 (28%) No

Summary of the reasons why for those who answered yes:

- Fair/clear/concise/more comprehensive.
- Clarity about appeal procedure/Magistrate independent and transparent.
- Customer safety.
- There should always be a process to appeal because of malicious allegations.

Summary of the reasons why for those who answered no:

- Should be no appeal/appeal should only be made available for grey areas.
- Racist/discriminatory.
- Decision should be taken by Councillors/MPs.
- Should be applied to all public jobs.
- Right of appeal should be with committee.

Question 9

Paragraph 22 currently states:

Any concerns, issues, incidents, or convictions/offences not covered by this Policy will not prevent the Council from taking them into account.

The proposed paragraph 22 is:

Any concerns, issues, incidents or convictions/offences not covered by this policy will not prevent the Council from taking them into account. Every circumstance is different, and each case will be considered on its own merits and any decision taken is taken by an officer who is suitably trained and deemed competent by the Authority.

Do you agree with the proposed change?

235 (72%) Yes

91 (28%) No

Summary of the reasons why for those who answered yes:

- Fair/more specific/better explanation/reasonable/more clarity
- Fills loopholes.
- Customer safety.

Summary of the reasons why for those who answered no:

- Decisions should be made by independent body/committee.
- Suitably trained does not interpret as properly trained.
- Should be applied to all public jobs.
- Vague loose terms used.
- Creating loop hole.
- Not fair
- Racist.

Question 10

Paragraph 23 currently states:

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.

The proposed paragraph 23 is:

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 all 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.

Do you agree with the proposed change?

242 (75%) Yes

83 (26%) No

Summary of the reasons why for those who answered yes:

- Safety is priority.
- Very sensible and necessary.
- More explanatory.
- Reasonable.

Summary of the reasons why for those who answered no:

- Can't see the change.
- Should be applied to all public jobs.
- Racist/Discrimination

Question 11

Paragraph 26 currently states:

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.

The proposed paragraph 26 is:

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. All complaints are recorded on the Council's database and document management systems and will remain on file for the duration the licence holder keeps their licence and will be disposed of in line with the council's retention schedule.

Do you agree with the proposed change?

248 (75%) Yes

81 (25%) No

Summary of the reasons why for those who answered yes:

- Public Safety
- Further clarity on GDPR and data retention.

Summary of the reasons why for those who answered no:

- Why do you want to penalise an individual after year and years of an offence taking place.
- Leave it to Court.
- Should be applied to all public jobs.
- Needs clear complaint policy and criteria which is in language understandable to everyone.
- Should clear after a certain time period three suggestions were 3 years/2 years/1 year
- Racist.

Question 12

Paragraph 27 currently states:

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.

The proposed paragraph 27 is:

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. Any person aggrieved by a decision taken has the right of appeal to the Magistrates Court.

Do you agree with the proposed change?

230 (71%) Yes

95 (29%) No

Summary of the reasons why for those who answered yes:

- Needed the change/fairer/impartiality/clearer
- Essential for safety of public.
- Needs a better explanation.

Summary of the reasons why for those who answered no:

- Character, attitude and temperament are not things Council officers can reliably judge.
- There should be no right of appeal as rules are clear.
- Appeal will cost the council thousands if every decision is appealed.
- Intrusion into private life
- Should be decision by committee.
- Way to target taxi drivers.
- Should apply to all public workers.
- Existing policy fine should not be changed.
- Not fair.
- Racist.
- What about drivers being abused by customers.

Question 13

Paragraph 29 currently states:

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.

The proposed paragraph 29 states:

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, all fixed penalties, arrests, and summonses will be given significant weighting.

Do you agree with the proposed change?

231 (72%) Yes

89 (28%) No

Summary of the reasons why for those who answered yes:

- Cannot see the change.
- Absolutely/agree with council.
- Safety reasons/safety of public is vital/
- Makes sense/better explanation.

Summary of the reasons why for those who answered No:

- Can't see the change.
- Why does Kirklees want to know what happens abroad.
- Failure to disclose should be instant revocation of the licence.
- Should be applied to all public roles.
- Not fair.
- Racist.

Question 14

Paragraph 30 currently states:

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.

The proposed paragraph 30 states:

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. All persons aggrieved by the decision of the council have the right of appeal to the Magistrates Court.

Do you agree with the proposed change?

218 (73%) Yes

80 (27%) No

Summary of the reasons why for those who answered yes:

- Fairer
- Everyone should have the right to appeal/
- Safety of public is paramount.
- Reasonable

Summary of the reasons why for those who answered No:

- There should be no right of appeal as rules are clear/don't agree with the right to appeal.
- Should be applied to all public jobs.
- Should be appeal to committee.
- Discriminatory and racist.

Question 15

Paragraph 35 currently states:

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.

The proposed paragraph 35 states:

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. Each case will be considered on its own merits.

Do you agree with the proposed change?

223 (69%) Yes

101 (31%) No

Summary of the reasons why for those who answered yes:

- Reduces risk to the public.
- Fairer/clearer/reasonable.
- As a taxi user if provides greater confidence in passenger safety/vulnerable passengers have a right to know they are safe.
- Remove “each case will be considered on its own merits”.

Summary of the reasons why for those who answered No:

- Unclear and confusing paragraph.
- No need to change it/waters down the importance of the paragraph.
- Ambiguous and doesn't make sense.
- Should include grooming and child abuse.
- Licence holder can be the victim.
- Should be applied to all public services.
- Should be immediately revoked not on own merits.
- Discriminatory and racist.
- Can't compare bald tyres to sexual offences.

Question 16

Paragraph 39 currently states:

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.

The proposed paragraph 39 is:

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. Table B sets out the Councils position in relation to minor motoring offences.

Do you agree with the proposed change?

225 (70%) Yes

98 (30%) No

Summary of the reasons why for those who answered yes:

- Clearer/for clarity/transparency is important.
- Public Safety.
- Would have liked to have seen the tables.

Summary of the reasons why for those who answered no:

- Need to see tables A and B to be able to comment.
- Council disregards one-time mistakes or offences.
- Time frame for offences needs to be looked at.
- Should be applied to all public facing jobs.
- Racist/Discriminatory.
- Original is clear enough.

Question 17

Paragraph 52 currently states:

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.

The proposed paragraph 52 states:

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. The representative is able to ask for the meeting to be adjourned if they feel the applicant or existing licence holder is in need of a break, further clarification, a legal representative or an interpreter.

Do you agree with the proposed change?

223 (68%) Yes

105 (32%) No

Summary of the reasons why for those who answered yes:

- Fair/reasonable
- In line with investigation codes/
- Applicant may need someone in a professional capacity to accompany them.

Summary of the reasons why for those who answered no:

- The additional sentence contradicts the one before.
- Someone who needs an interpreter shouldn't hold a licence.
- Don't agree with the not permitted to speak rule.
- The paragraph needs deleting in its entirety.
- Should be applied to all public jobs.
- Unless it is PACE the representative should be able to comment.
- Existing policy is fine.
- Not fair.
- Racist/discriminatory.

Question 18

Within Table A of the current policy relating to Minor Traffic or vehicle related offences it currently states:

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.

The proposal is to move minor traffic or vehicle related offences to Table B, and it is proposed Table B will state:

Minor Traffic Offences

Minor traffic or vehicle offences do not include offences involving: -

Loss of life

Driving whilst under the influence of drink or drugs

Driving whilst using a handheld telephone or device

No insurance

Offences which have resulted in injury to any person or damage to any property (including vehicles)

1. A licence will not normally be granted for new applicants where the minor motoring offences have resulted in 9 or more points being endorsed on their DVLA driving licence. Where an applicant has 7 or 8 current points on their DVLA driving licence, in exceptional circumstances, an application may be granted subject to the applicant completing an additional driver safety assessment as deemed appropriate by the Licensing Authority.

2. For existing licensed drivers where the minor motoring offence(s) has resulted in 6 or less penalty points being endorsed on their DVLA driving licence and fail to notify the licensing authority a warning and advise letter will be issued.

3. Where, as a result of minor traffic or vehicle offences, an existing driver has 7 or 8 penalty points endorsed on their DVLA driving licence they will be required to pass a practical 'hackney carriage / private hire' driving test using one of the Council's approved testers and at their own cost. The driver will be given 3 opportunities to pass the test, failure to pass on the third attempt will result in a review of their hackney carriage / private hire drivers licence and it is likely that they will no longer be considered a 'fit and proper' person to hold a licence.

4. Where as a result of minor traffic or vehicle offences an existing driver obtains 9 or more penalty points on their DVLA driving licence, and has (this list is not exhaustive): -

Previously been required to attend and pass a 'hackney carriage / private hire' practical driving test, or

There are other compounding factors such as failure to declare any of the minor traffic convictions in question, in accordance with the conditions attached to the licence, or

Has received a warning for minor motoring convictions, or

Any other convictions, or

Any other detrimental information recorded against them, i.e. complaints from members of the public about their standard or driving or attitude, etc.

Consideration will be given for the revocation of their licence unless there are any exceptional circumstances as to why revocation should not take place. Each case will be considered on its own merits.

In all other cases where a driver obtains 9 or more penalty points on their DVLA driving licence, and none of the above applies, consideration will be given to send the driver on a 'hackney carriage / private hire' practical driving test, at the cost of the driver and they will receive a final written warning that will remain on their file. Failure to pass the driven test first time, will normally result in the licence being revoked.

5. MS90 Offences – Offences under Section 172 of the Road Traffic Act 1988 – Failure to give information as to identity of driver, will be classed as a minor traffic offence, unless of the balance of probabilities, there is evidence to show the failure to give information was an intentional act to evade points being endorsed on the licence. Where such evidence exists, the offence will be classed as a major traffic offence.

When making the decision on the suitability of a driver who has committed an MS90 offence, the licensing authority will also take into account the underlying offence for which the MS90 was triggered.

Do you agree with the proposed change?

207 (63%) Yes

121 (37%) No

Summary of the reasons why for those who answered yes:

- Seems comprehensive/clear/more detailed.
- Why is a driver allowed more than 3 points on licence, if they have 9 points they can't understand driving law and shouldn't drive public around.
- Anything over 6 points will stop you being a bus driver.
- Improves safety for passengers.
- Para 2 should say 'and an advice letter will be issued' not 'an advise letter will be issued'.
- Points should be lowered to 5/6.

Summary of the reasons why for those who answered no:

- Zero tolerance should be used.
- Shouldn't be exceptional circumstances.
- Any points should result in additional training.
- Why 9 when you are allowed 12.
- Too harsh/strict.
- Bus drivers/wagon drivers wouldn't be employed with more than 3 points.
- Maximum of 2 chances to pass test if existing driver.
- Racism/discrimination.
- The existing policy is fine.
- Anyone with more than 6 points should suggest driver is unsuitable, 9 points is a lot.
- Racist/discriminatory.

Question 19

Within table A under hackney carriage and private hire offences it currently states:

Hackney carriage and private hire offences.

The proposed wording for this is:

Hackney carriage and private hire offences. This relates specifically to any offence listed in the Local Government (Miscellaneous Provisions) Act 1976, the Town Police Clauses Act 1847, and any other legislation that may be brought in relating to hackney carriage and private hire licensing.

Do you agree with the proposed changes?

238 (74%) Yes

85 (26%) No

Summary of the reasons why for those who answered yes:

- Cannot fault it/clearer/reasonable.

Summary of the reasons why for those who answered no:

- Limited in scope.
- Unnecessarily complex.
- Should be applied to all public jobs.
- Existing policy is fine.
- Racist/discriminatory.

Question 20

Are there any parts of the policy you wish to comment on in addition to those questions already asked?

34(11) Yes

284 (89%) No

Comments and Responses:

<u>Comments</u>	<u>Council Response</u>
The time needed to be spent on mobile phone use needs to be reviewed as time spent is extortionate.	Mobile phone usage whilst driving is a serious offence.
The penalties for drugs use and or supply is far too lenient. As are the penalties for violence, possession of weapons and terrorism offences. All these should mean a life ban.	This is a matter for consideration for the Councillors.
The time elapsed for offences is too long and needs to be reviewed.	This is a matter for consideration for the Councillors.
Its reasonable as it is, the changes make it harder and harder for drivers.	This is a matter for consideration for the Councillors.
The time frame for offences are now unfair and need to be looked at	This is a matter for consideration for the Councillors.
Now that I've read some of the policies I am appalled that drivers can have up to 6/7 points	This is a matter for consideration for the Councillors.
Policy to introduce easier reporting with dashcam footage uploads of bad driving; this to act as deterrent.	Details of how to report drivers can be found on the Councils web page.
The policy also need to look at licences for the vehicles used as taxis, there are too many unsuitable vehicles.	The Council's vehicle policy is under review but does not relate to this consultation.
I think kirklees should do random stop and check on driver's in their cars. I was hit many years ago by a hackney driver who claimed his name was harwinder Singh. It was only years later he was done for drink driving offences in the same taxi it came to my knowledge the driver that hit me was not the person registered to that taxi it was a family member driving his cab for fares on behalf of him. Was he registered to do this? Makes me wonder as why did he give me his correct details. I only found this out when it was in the examiner. This	The Council does carry out random checks on vehicles and drivers.

can be checked as it went through the insurance.	
There should be a barring list shared nationally.	This has been introduced.
Please provide authority for why we need to follow WYCA + York. This is Kirklees council. Regardless of these changes, drivers are moving over to Wolverhampton nationwide.	Wolverhampton Council has its own suitability policy as do all local authorities throughout the UK.
Providing a tax code for new badge renewal is silly....what if we have a badge but don't use it maybe only for a back up plan... like I did I have my badge 2/3 years before I actually started doing taxi.	The requirement for the tax code is the law and not a local requirement. If a driver is not working there is facility to tick a button which says not working as a taxi driver.
Look am all for public safety but this policy is victim targeting and radicalising men and making people feel that they are not welcomed in this job and the council can do what they want	Comment noted.
How can you propose to NOT consider whether a driver's dependant family members should be taken into consideration when taking decisions to potentially take their daily bread away? Do you have family issues yourself which you are projecting onto others? Have you looked at maybe getting professional help?	The law states that this isn't a consideration. It is not a local policy.
A driver should not lose his licence for 6 points.	This is not the policy, there has never been a 6 point rule, unless the points gained have been for a major motoring offence.
Please take a step towards taxi driver safety as well.	Comment noted.
Time elapsed for offences should be reviewed and consulted on as these are harsh and unreasonable.	This is a matter for consideration for the Councillors.
This is not a full consultation of the Suitability policy and many points have been missed by officers.	A full review of the policy has been undertaken and this question and the last question is the respondents opportunity to add any additional responses regarding the policy in its entirety.
*Full policy has not been provide and consulted on *Has the Harmonisation agreement been scrapped, if NOT, then we need the exact same policy as them to try to match some of the points as LEEDS. That can only be done when they have renewed their policy.	West Yorkshire harmonisation has not been scrapped, the Council's have worked together to introduce a minimum standard which is the existing policy.
Passenger safety is the most important	Comment Noted.

thing.	
I believe the policy is too lenient but understand you have rolled back on some areas to come to some agreement for the greater good of the people, we thank you.	Comment Noted.
The policy is discriminatory and racist towards Asian drivers.	Comment Noted.
The policy is draconian it needs to be scrapped.	This is a matter for consideration for the Councillors.
Why you targeting taxi driver why not same rule for police officer, fire fighter, ambulance driver, bus driver complete bias again Asian Community as mostly driver are Asian.	The council do not have any input into other agencies policies and procedures.
Some of the lengths of bans are draconian when it comes to minor offences. More democratic if it goes to sub committee. Table a, in relation to violent offences, why is common assault and terrorism classed the same, these I think should be different offence types and sentences.	This is a matter for consideration for the Councillors.
I do not agree with this as I believe I have been targeted and it is institutionally racist. I feel there is no equality between my transport area and other transportations. I, and the drivers that I represent - have never heard of such a requirements needed in any field. This is a target by the council towards me due to being a taxi driver, I am being tarnished a taxi driver, due to the colour of my skin and targeted due to my religion. This is my bread and butter. I want equality towards the point system. 6 points should not mean a ban, it should be 12 points - equivalent as every other driver.	Comment Noted.
6 points policy not good for drivers lot of risk to lose their living and job and can be unemployed, not in favour of this	There is no 6 point policy.

Question 21

Do you have any other comments in relation to the policy?

71 (22%) Yes

248 (78%) No

Comments and Responses

<u>Comments</u>	<u>Council Response</u>
In the current climate, contactless payment needs to be offered by all drivers	This would be a matter for drivers. There is no licensing requirement for them to offer contactless payments.
U should a policy to make the taxi driver's show there kirklees badge so the passengers know who there are bc I do get taxis and I have not seen one yet oakwell and rex from Dewsbury are bad for that so that would be nice to this implement	The drivers have a condition attached to their licence to have their badge on display when driving.
Making the whole rules me processes more detailed and transparent means the general public should feel safer with their assumptions that the Council have taken all steps necessary to protect the general public and stop making it so easy for anyone to be licensed to drive a taxi.	Comment Noted.
How can Kirklees be sure that every taxi driver carries out their role honestly. My elderly mother used a Kirklees taxi home and the driver did not offer her the full amount of change. My mother was too frightened by the driver to ask for the full amount of change	For specific complaints the council's complaint procedure is on the Council's website. Complain about a taxi driver (kirklees.gov.uk)
This policy is important, and the council's intention to safeguard the public is clear and useful. However, the whole document is written in 'legalese' and I question whether it is fit for purposes: I don't think that the average person would under the protections this offers them, and I think most drivers won't understand it. It would be better rewritten entirely in plain English.	Comment Noted.
The taxi driver of a red Seat taxi in Meltham is a danger on the roads. He drives way too fast. The speedo was on 0 the whole journey. I did not feel safe with the speed he was driving at.	The Council's complaint procedure can be found on the Council's website. Complain about a taxi driver (kirklees.gov.uk)
Please monitor drivers more closely. I frequently see bad driving and it is more often than not a taxi/private hire. Far too many instances of dangerous driving. There also needs to be more oversight of the pricing levels and fixed costs- I have taken the same journey of under 2 miles and been charged anything from £3 to £8 (all at roughly the same time of day) as circuitous routes taken/idling/simply adding additional costs.	Comment Noted, for complaints against drivers the process can be found on the council's website. Complain about a taxi driver (kirklees.gov.uk)

<p>Please ensure the test includes a good knowledge of the local roads. It's so common to experience drivers who are clueless about which roads are where. Think 'the knowledge' test in london hackney cabs. A similar test would be helpful and common sense to apply. Drivers should know the roads and the quickest way around to them.</p>	<p>Comment Noted.</p>
<p>As a regular taxi user I feel at times very unsafe due to erratic driving, speeding, obvious tiredness of the driver (surely shifts should be limited), lack of understanding of simple directions, overcharging and rudeness and in some cases clear misogyny (when travelling with my husband who has been addressed by the driver rather than myself). All drivers should wear photo ID, only be allowed to operate in the authority where they are registered and keep cars smoke free and clean.</p>	<p>These are all requirements of the drivers attached to the conditions of their licences.</p>
<p>Would have been helpful to see the full policy and supporting Tables A and B to be clear on what they included</p>	<p>The draft policy was available at the start of the survey and it stated it would be useful to read this prior to completion.</p>
<p>This ENTIRE POLICY IS FLAWED AND NOT FIT FOR BRINGING INTO IMPLEMENTATION. The Council has a Herendous Track Record for Punishing Drivers for offences which even the Police would not answer to or consider to be even a Minor offence. I do not agree with any of this Policy and I condemn it in its entirety. It is a VERY BIASED and DISCRIMINATORY towards the Drivers ONLY and has nothing of reassurance in it to safeguard the driver either. The Policy should NEVER be brought into practice.</p>	<p>Comment Noted.</p>
<p>Try and protect drivers as well alongside with public safety by having a fair and individual based assessment policy.</p>	<p>Comment Noted.</p>
<p>The time spent on various issues in policy needs a full review.</p>	<p>The policy has had a full review.</p>
<p>This is great and should be about putting safety of passengers first, the Council doesn't have a responsibility to give people a taxi job, they should comply with the standards required</p>	<p>Comment Noted.</p>
<p>Taxi drivers and companies should provide officers with GPS data to investigate any alleged poor driving behaviours. If they don't they should have their licence taken away. When my partner was hit by a taxi in a hit-and-run the company refused to help</p>	<p>Comment Noted.</p>

<p>Kirklees find out which drivers had taken that route by providing GPS data, they should have had their licence revoked for this.</p>	
<p>as an employee pf the council i regularly use taxi`s to transport vulnerable young people (17-25) care leavers. I want to be 100% sure these young people are SAFE, not being put in difficult and often dangerous situations due to their vulnerabilities. It is vital that we take this opportunity to tighten up the requirements and standards now to prevent further grooming, county lines activities and modern day slavery</p>	<p>Comment Noted.</p>
<p>The Policy needs to be in place for Taxi Drivers as they have become a Law unto their own. I have had some really good polite helpful Drivers. Speeding through lights. Skidding round corners cutting up other drivers. Im suprised that some of them still have a licence to Drive. The White Taxis are terrible. The prices are ridiculous also and charge what they want. IE £16 for a mile and half journey</p>	<p>Comment Noted.</p>
<p>I think all taxi vehicles should be easily identifiable i.e. in some countries they are all the same make and colour. The state of some of the door signs are appalling and look to be stuck on with sellotape which is not very reassuring, they should be un-removable once in place, along with the plate, then taxis cannot be impersonated. There should also be set fares across Kirklees and not depending upon who you use.</p>	<p>Comment Noted, the vehicle policy is under review currently.</p>
<p>There needs to be a full check the road worthiness of a drivers vehicle as in MOTs and proof of servicing and maintenance in line with necessary MOT advisory repairs and maintenance should also be a major factor in a drivers criteria for a licence and also random checks on a drivers credentials and vehicle to maintain a licence before and after allowed</p>	<p>All vehicles are subject to an annual compliance check. This compliance check is above that of an MOT.</p>
<p>It's need to go back to the old way</p>	<p>Comment Noted.</p>
<p>i think i will return my badge to you kirklees council with pleasure you horrific people</p>	<p>Comment Noted.</p>
<p>The policy needs to take into consideration the action of the drivers towards not only members of the public but also towards</p>	<p>Comment Noted.</p>

<p>Kirklees Council Licensing Officers, Licensing Staff, Kirklees Staff, Police Officers, PCSO's and professions who they may come into contact with through their work.</p>	
<p>Whilst protecting the public is paramount, I think you will have a hard time enforcing alot of this policy. There are areas of the revised policy which have more than a hint of 'big brother\1984' which will concern many. It is also a policy that in the wrong officer's hands, they could terrorise an applicant or existing driver. Additionally, the wait periods post offence (Table A) are longer than the sentences often handed out by the courts. I don't feel comfortable with this, and whilst a wait time post offence is a good idea, having the council sit as judge and handing out longer time penalties is not.</p>	<p>Comment Noted.</p>
<p>All drivers should have DBS checks every 2 years</p>	<p>Drivers are required to sign up to the online update service which means their DBS status is checked more regularly than the previous 3 years between DBS applications.</p>
<p>Without seeing the policy in full and only amendments it was difficult to answer the questions without full context</p>	<p>The policy was available at the start of the survey.</p>
<p>It should be law that taxis now have to take card payment and have CCTV. Most takeaways are now all cashless to save then being attacked for money, why are taxis not the same?</p>	<p>Comment Noted.</p>
<p>I am not agreeing with someone living abroad more than 6 months you asked police clearance</p>	<p>Comment Noted.</p>
<p>Been a pleasure being a taxi driver since 1990 and taking cars of our community and putting our customers first</p>	<p>Comment Noted.</p>
<p>As above need to be more robust on the vehicles being used as taxis, my concern is small people carriers being used as six seaters where the back two seats are not suitable a for adults.</p>	<p>Comment Noted, not relevant to this consultation. The vehicle policy is currently under review and a consultation will follow.</p>
<p>This entire Policy seems to have been Designed PURELY AND SPECIFICALLY to be deemed as DISCRIMINATIVE AND RACIST, as MAJORITY if not all drivers are of Asian Origin/Background</p>	<p>Comment Noted.</p>

All taxi drivers shouldn't have any endorsement on there licence especially if transporting vulnerable people	This is a matter for consideration for the Councillors.
The driving by a large amount of taxi drivers is atrocious. There should be more checks	Comment Noted.
The fit and proper standards are not applied there are very few fit and proper drivers licensed, and what appears cartels behind the larger firms	Comment Noted.
I trust the various typos will be corrected before the new wording becomes policy.	The document will be fully checked prior to being published.
Why is there no comments about proff of ID / who to complain to	The Council's complaint procedure is on the website. Complain about a taxi driver (kirklees.gov.uk)
When will council think of safety and well being of drivers that get attacked	Comment Noted.
Too strict	Comment Noted.
Council should pay for cctv in taxis Council should give free badges out to get more people in to work. Council should listen to drivers Council should employee more ethnic minority taxi customer representative and managers Victimisation policy's should be stopped . Policy's should apply to everybody in the public from schools to work places to police and army where when you come in to contact with the public not just taxi drivers	Comment Noted.
As a customer who uses taxi's, i am not claiming that evey driver is good. In my experience most are, and i admit that there are a few that aren't nice, but some can just be having a bad day. We are in a recession after all, and people are stressed more in troubling times such as these due to the incompetency of people running the country. For the small amiunt of taxi drivers that aren't nice, sometimes they just need a kick up the backside, equivalent to a quick verbal warning (we have this at my workplace) as opposed to formal written warnings, or gross misconduct. Of course i acknowledge the severity of their misbehaviour should be taken into consideration. We need more people working right now, not more people losing their job and going on the dole. Don't be tedious over the casing of a letter when it doesn't change the meaning and context in relation to the entity. Council & council in one of the propostions is the same thing. Thank you for asking the public's opinion	Comment Noted.

for a change. I wish your councils other department had done this for the bus gates. Nobody asked for them, but some idiots put them there and they've been useless.	
Discrimination is key on everything that you're trying to propose.	Comment Noted.
Customer Data protection for taxi companies and not breaching personal details	Comment Noted.
This consultation seems to be more about rewording than the actual clarification of offences (as above)	Comment Noted.
DfT guidance is being ignored by officers in not proposing that a Sub Committee is set up to make decisions where there is a pending decision to suspend, revoke or refuse to grant a licence	This is a matter being addressed in a separate report and is not relevant to the consultation for the review of the fitness and suitability policy.
*Why are you not proposing to have a Licencing sub committee to all decisions where licences are not being granted, refused or revoked. *Given the length of time and the language used in this survey is very difficult and time consuming for anyone completing the forms. We need to ensure more face to face sessions take place so that we can do justice to this exercise.	This is a matter being addressed in a separate report and is not relevant to the consultation for the review of the fitness and suitability policy.
Racist policy	Comment Noted.
I genuinely think that licencees within the area are extremely hard working conscientious individuals. Putting even more red tape in their path will only put up the costs of hiring them. Kirklees should work with the individuals rather than against them to ensure that rules are put in place for their benefit as well as the public.	Comment Noted.
taxis are high risk enviroments and safeguarding understanding by drivers is often poor in my experieence. county lines, human trafficking and dangerous driving are real risks	Comment Noted.
how come its only west yorkshire having this policy is the rest of uk not concerned about public safty	Every Local Authority will have their own policy.
Vehicles used to be of an appropriate size. I have seen examples of a Toyota Yaris being used. This is hardly the type of vehicle appropriate for eg 4 adults and	This is not relevant to the consultation on the fitness and suitability policy. The vehicle policy is under review and will be consulted on in due course.

suitcases.	
I would like to be included in the policy a maximum age for taxi's, whether it be years or mileage As the safety of the public is paramount, a lot of the taxis currently in our area are very old, therefore not having all the safety requirements of modern cars to protect the travelling public and the older vehicles cannot be meeting Kirklees emissions legislation plus ALL vehicles carrying the fare paying public, whether they be cars, mini-busses etc to be tested by the authority more often (at least twice a year) along with more spot checks.	This is not relevant to the consultation on the fitness and suitability policy. The vehicle policy is under review and will be consulted on in due course.
The existing policy fine	Comment Noted.
I think it is important that the drivers should be articulate and speak english fluently and without a heavy accent.This should be a requirement for a suitable applicant	All new drivers are required to undertake an English assessment or provide evidence they have undertaken a qualification that meets the required standard of English.
Why should the Asian community be any different than any one else ? Racism is a one way street.	Comment Noted.
A great idea the Yorkshire Mayor should impose across her land, well done for putting safety & the public first. I fully believe this will bring back shoppers to areas struggling after the pandemic.great work by all, well done	Comment Noted.
Taxi drivers are professional drivers and have a higher responsibility to drive appropriately. Driving offences are particularly relevant to their appropriateness to hold a licence. I don't want to be driven (or share the road with) by someone who cannot respect motoring laws.	Comment Noted.
We are being subjected to two judicial systems and processes.	Comment noted.
This policy is racist	Comment Noted.
I think its really important to recognise that customers of private hire/hackney vehicles expect to travel safely, we have all been in vehicles where speeding has taken place, running red lights etc. I appreciate the drivers are very vocal but your concern should always be for the safety of passengers and other road users. Vehicles which fail road side tests should have drivers license suspended, drivers with excessive points should lose license.	Comment Noted.
There should be no m.o.t on brand new vehicles	This is not relevant to the consultation on the fitness and suitability policy. The vehicle

	policy is under review and will be consulted on in due course.
These suitability policy's are unfare and discriminatory as higher percentage of drivers are from minority groups. The Council is being racist an greedy as 0er usual.	Comment Noted.
Please please consider all policies Look how many drivers are going to Wolverhampton ashfield Calderdale etc. They are all your ex drivers if they can license them so can you. That is you loosing money not the public. Why are so many out of town licenses here. Because they know it's easier to get in and there council are a lot more easy going. They can do what they want because no one to stop them	Comment Noted.
I do not agree with this as I believe I have been targeted and it is institutionally racist. I feel there is no equality between my transport area and other transportations. I, and the drivers that I represent - have never heard of such a requirements needed in any field. This is a target by the council towards me due to being a taxi driver, I am being tarnished a taxi driver, due to the colour of my skin and targeted due to my religion. This is my bread and butter. I want equality towards the point system. 6 points should not mean a ban, it should be 12 points - equivalent as every other driver.	Comment Noted.
Stop adding ridiculous policy's to hardworking public transport drivers who are just trying to feed their family's. Maybe focus on the real issues such as the education system, the homeless and the drug abuse. The main cost of living and how to increase salary's to match the rise of inflation.	Comment Noted.
public needs to be educate and awareness how to use taxi and should gives respect drivers as drivers give respect to customers and drop them home safely drivers just doing their job but council don't listen drivers and drivers have no support from anyone even even customer lies.	Comment Noted.
This consultation seems to be more about rewording than the actual	Comment Noted.

clarification of offences (as above)	
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Do you agree with the proposed change? NO

You cannot have an in between response. Where possible, policies will be consistent throughout West Yorkshire and York, but subject to specific conditions of each authority. Either get together and have one policy or each authority have their own policy. Biggest issue being vehicle conditions and Private Hire Drivers working for more than one operator.

Paragraph 7 currently states:

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.

The proposed paragraph 7 is:

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. The impact on a person's family of losing/not obtaining a licence is not a relevant consideration and therefore is not part of the fit and proper consideration.

Do you agree with the proposed change? NO

The public are entitled to be protected. Unless there are clear and compelling reasons not to, family and well being of the driver must be taken into consideration and each and every policy must be evidence based and not just the opinion of a Licensing Officer/Authority.

Paragraph 9 currently states:

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.

The proposed paragraph 9 is:

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. Other agencies may include (this list is not exhaustive), other licensing authorities, DVSA (Driver and Vehicle Standards Agency), other Local Authority/Government

Do you agree with the proposed change? No

Someone having issues with childrens services, not paying child support, littering fine etc. It needs to be specific to the issue. Each offence needs to be clearly identified so that drivers know what standards of behaviour are expected from them.

Paragraph 10 currently states:

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.

The proposed paragraph 10 is:

Reference to convictions in this policy also includes official cautions, warnings, and 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. The reason for this is so that the Licensing authority has as much information as possible in order for an informed decision to be taken.

Do you agree with the proposed change? NO

Official cautions are OK, I have concerns about fixed penalties, reprimands etc. Need full clarification on these terms or they need to be removed. Fixed penalties do not determine if a person is fit and proper. Need proper clarification of each point so that drivers fully understand what is expected of them.

Paragraph 11 currently states:

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.

The proposed paragraph 11 is:

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, this will not automatically result in action being taken against the driver should the complaint be found to be vexatious, false or lacking in evidence.

Do you agree with the proposed change? No

This should be brought in front of the licensing panel/Committee for consideration to make the final decision and not the licensing officers.

Paragraph 15 currently states:

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.

The proposed paragraph 15 is:

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. There are an extremely wide set of circumstances that the policy must cover so may not cover ever specific circumstance but can be used as a guideline for both prospective applicants and existing licence holders as well as the officers are making a decision. All officers involved in the decision-making process are suitably trained and deemed competent by the Authority and have a duty to ensure that the travelling public can be confident that the drivers licensed by the authority are suitable.

Do you agree with the proposed change? NO

The drivers need clear guidance that they can clearly understand on what is required of them and any decision to refuse or not grant a license should be made by the Licensing Panel or sub committee.

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. 3

The proposed paragraph 17 is:

There must be clear and compelling reasons to depart from this policy and the reasons for departure must be justified. As each case is decided on its own individual merits, it is difficult to outline circumstances where a departure from the policy would meet that justification. However, the following are examples of what would not, under normal circumstances be classed as exceptional circumstances, albeit they are still relevant factors and will therefore be taking into account: -

The otherwise good character of a driver / applicant
A clean driving record
Absence of knowledge of wrongdoing

Do you agree with the proposed change? NO

Need to be clear on this point as it is contradictory on one hand saying take previous history into consideration, good conduct, driving etc. on other hand saying no. Licensing panel/sub committee need to be making the decision.

Paragraph 19 currently states:

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.

The proposed paragraph 19 is:

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, at any time during the duration of a licence, an existing licence holder's conduct is found to be such that they no longer meet the "fit and proper" standard of behaviour, their licence will be revoked. Each case will be considered on its own merits and any licence holder who is aggrieved by a decision to refuse, suspend or revoke a licence has the right of appeal to the Magistrates Court.

Do you agree with the proposed change? NO

Agree with proposed change but the right of appeal decision should be with the licencing committee/Panel

Paragraph 22 currently states:

Any concerns, issues, incidents, or convictions/offences not covered by this Policy will not prevent the Council from taking them into account.

The proposed paragraph 22 is:

Any concerns, issues, incidents or convictions/offences not covered by this policy will not prevent the Council from taking them into account. Every circumstance is different, and each case will be considered on its own merits and any decision taken is taken by an officer who is suitably trained and deemed competent by the Authority.

Do you agree with the proposed change? NO

Each case should be considered on own merit and by the Licensing panel/committee, NOT the officers

Paragraph 23 currently states:

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. cf

The proposed paragraph 23 is:

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 all 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.

Do you agree with the proposed change? NO

The fixed penalty notice needs to be removed or clarify which fixed penalty notices you are referring to. The final decision for this issues needs to lie with the licencing panel or sub committee.

Paragraph 26 currently states:

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.

The proposed paragraph 26 is:

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. All complaints are recorded on the Council's database and document management systems and will remain on file for the duration the licence holder keeps their licence and will be disposed of in line with the council's retention schedule.

Do you agree with the proposed change? NO

The council needs to have a clear complaints policy and criteria which is in a language understandable to everyone. This information must be shared with the drivers. There must be fixed terms for the time each complaint is going to be held on file and the decision must be made by the licensing panel/sub committee whether to revoke the licence or refuse to renew.

Paragraph 27 currently states:

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.

The proposed paragraph 27 is:

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. Any person aggrieved by a decision taken has the right of appeal to the Magistrates Court.

The decision of right to appeal should be with the Licensing panel/committee and not licensing officers.

5

Paragraph 29 currently states:

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, all fixed penalties, arrests and summonses will be given significant weighting.

The proposed paragraph 29 states:

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, all fixed penalties, arrests, and summonses will be given significant weighting.

Do you agree with the proposed change? NO

I don't agree with the fixed penalties. Need clarification on which fixed penalties you are referring to. If drivers don't understand what offences they need to report how do you expect them to report these offences, if they are reporting totally irrelevant offences then that is a waste of driver and officers time.

Paragraph 30 currently states:

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.

The proposed paragraph 30 states:

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. All persons aggrieved by the decision of the council have the right of appeal to the Magistrates Court.

Do you agree with the proposed change? NO

If a person is aggrieved by the decision of the council they should have a right to be presented their grievance to the Licensing Panel/committee.

Paragraph 35 currently states:

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.

The proposed paragraph 35 states:

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. Each case will be considered on its own merits.

6

Do you agree with the proposed change?

Final decision needs to be made by the licencing panel/committee and not officers. Each case must be assessed on its own merits

Paragraph 39 currently states:

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.

The proposed paragraph 39 is:

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. Table B sets out the Councils position in relation to minor motoring offences.

Do you agree with the proposed change? No

What is Table B? should this not have been set out in this survey so that respondents can compare the two tables so that that they fully understand what they are commenting on?

Paragraph 52 currently states:

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.

The proposed paragraph 52 states:

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. The representative is able to ask for the meeting to be adjourned if they feel the applicant or existing licence holder is in need of a break, further clarification, a legal representative or an interpreter.

Do you agree with the proposed change?

Unless its a PACE interview then your representative or trade representative should be able to comment or make representation to gain clarification and ensure proper legal processes and procedures have been followed.

Within Table A of the current policy relating to Minor Traffic or vehicle related offences it currently states:

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.

The proposal is to move minor traffic or vehicle related offences to Table B, and it is proposed Table B will state:

Minor Traffic Offences

Minor traffic or vehicle offences do not include offences involving: -

No insurance

Offences which have resulted in injury to any person or damage to any property (including vehicles)

7

1. A licence will not normally be granted for new applicants where the minor motoring offences have resulted in 9 or more points being endorsed on their DVLA driving licence. Where an applicant has 7 or 8 current points on their DVLA driving licence, in exceptional circumstances, an application may be granted subject to the applicant completing an additional driver safety assessment as deemed appropriate by the Licensing Authority.
2. For existing licensed drivers where the minor motoring offence(s) has resulted in 6 or less penalty points being endorsed on their DVLA driving licence and fail to notify the licensing authority a warning and advise letter will be issued.
3. Where, as a result of minor traffic or vehicle offences, an existing driver has 7 or 8 penalty points endorsed on their DVLA driving licence they will be required to pass a practical 'hackney carriage / private hire' driving test using one of the Council's approved testers and at their own cost. The driver will be given 3 opportunities to pass the test, failure to pass on the third attempt will result in a review of their hackney carriage / private hire drivers licence and it is likely that they will no longer be considered a 'fit and proper' person to hold a licence.
4. Where as a result of minor traffic or vehicle offences an existing driver obtains 9 or more penalty points on their DVLA driving licence, and has (this list is not exhaustive): -

Previously been required to attend and pass a 'hackney carriage / private hire' practical driving test, or

There are other compounding factors such as failure to declare any of the minor traffic convictions in question, in accordance with the conditions attached to the licence, or

Has received a warning for minor motoring convictions, or

Any other convictions, or

Any other detrimental information recorded against them, i.e. complaints from members of the public about their standard or driving or attitude, etc.

Consideration will be given for the revocation of their licence unless there are any exceptional circumstances as to why revocation should not take place. Each case will be considered on its own merits.

In all other cases where a driver obtains 9 or more penalty points on their DVLA driving licence, and none of the above applies, consideration will be given to send the driver on a 'hackney carriage / private hire' practical driving test, at the cost of the driver and they will receive a final written warning that will remain on their file. Failure to pass the driven test first time, will normally result in the licence being revoked.

5. MS90 Offences – Offences under Section 172 of the Road Traffic Act 1988 – Failure to give information as to identity of driver, will be classed as a minor traffic offence, unless of the balance of probabilities, there is evidence to show the failure to give information was an intentional act to evade points being endorsed on the licence. Where such evidence exists, the offence will be classed as a major traffic offence.

When making the decision on the suitability of a driver who has committed an MS90 offence, the licensing authority will also take into account the underlying offence for which the MS90 was triggered.

Do you agree with the proposed changes? NO

New applicants have 12 or more points then they should not be allowed to have a licence. Anything below 12 they should be allowed providing they pass their advanced driving test. As they are driving around Kirklees anyway.

Point 2 - Need clarification. It doesn't make sense.

Point 3 - Should be 12 points and where they have been banned by the courts. Then this section should apply to the applicant.

Point 4- limit should be 12 points and the decision to suspend, revoke or refuse to renew should be with the licencing panel/committee.

Point 5 - what ever the issues are the final decision needs to lie with the licensing panel or sub committee

Hackney carriage and private hire offences.

8

The proposed wording for this is:

Hackney carriage and private hire offences. This relates specifically to any offence listed in the Local Government (Miscellaneous Provisions) Act 1976, the Town Police Clauses Act 1847, and any other legislation that may be brought in relating to hackney carriage and private hire licensing.

Do you agree with the proposed changes? NO

Need clarification on what offences - some may be serious some minor. This needs to be stated clearly so that drivers fully understand the standards expected from them.

Are there any parts of the policy you wish to comment on in addition to those questions already asked? YES

Do you have any other comments in relation to the policy? YES

*Why are you not proposing to have a Licencing sub committee to make all decisions where licences are not being granted, refused or revoked as recommended by DfT.
*Given the length of time and the language used in this survey it is very difficult and time consuming for anyone completing the forms. I would suggest more face to face sessions take place and that drivers are given full explanations on each point in languages that they speak so that justice can be done to this exercise.



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

GMB LO7 BRANCH SUITABILITY POLICY

Introduction

1. The West Yorkshire, City of York and North Yorkshire licensing authorities, 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 can be confident that the drivers and vehicles 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 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 persons 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 and 59 of the Local Government (Miscellaneous Provisions) Act 1976.
6. The Licensing Authorities objective is to determine that the applicant is "Fit and Proper" before a licence is issued. A points criteria system will be used to ensure that decisions are made on hard criteria and are both consistent and fair in arriving at the decision.
 - a) All applications will be considered on their individual merits however the system incorporates three main criteria:
 - (i) Date of conviction
 - (ii) Type of offence
 - (iii) Sentence imposed
 - b) If you do not have a conviction then the points system will not form part of your application process.
 - c) The criteria uses 9 points as the maximum number of points you can hold in order to obtain a licence. If you demonstrate 10 or more points your application would be refused.

If you are the subject of current criminal investigations and/or currently being prosecuted for criminal offences, your application will be dealt with on the basis that you could be convicted of the offence.

- d) In deciding whether you are fit and proper, the Council may consider any other relevant information provided to it by external agencies. If in those circumstances you would then have 10 or more points, the application would be refused.
- e) A refusal of an application will be given in writing, detailing the reason for the refusal and informing you of your right to appeal against the decision to the Magistrate's Court in accordance with the provisions of the Local Government (Miscellaneous Provisions) Act 1976.
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 an even balance between the driver's right to work and the public's right to protection, both are enshrined in law. 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. However where possible workers rights and welfare will be taken into account.
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 or actions taken by the Police.
10. Reference to convictions in this policy also includes cautions, warnings, reprimands or fixed traffic or driving related penalty notices. These must be reported to the council in the timescales in the relevant policy.
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) may be considered by the council if there is sufficient evidence to deem that the driver may not be a "Fit and Proper" person.
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 relevant behavior and what weight should be attached to it, and each case will be decided on its own merits and in line with this policy. The decision to grant, refuse or revoke a licence will be made by the Licensing Panel or sub-committee.
14. The licensing process places a duty on the council to protect the public. Therefore, it is essential that those seeking a living as a driver meet the required standards. As previous offending and other behavior can be considered as a predictor in determining future behavior, it is important that the Council considers all relevant factors including previous convictions, cautions, complaints, failure to comply with licensing conditions, and the time elapsed since these were committed. The table of offences guide will be used to guide officers and the Licensing Panel or sub-committee as to what action if any needs to be taken.
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 a fit and proper person to hold a hackney carriage

or private hire driver's licence. The criteria used to determine this will be the list of offences table. The final decision to suspend, revoke or not to grant a licence will be made by the Licensing Panel or sub-committee.

16. When determining whether or not a person is "fit and 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. 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 the conduct of the applicant/licence holder will be considered. Appropriate weight will be applied where a series of convictions/incidents have occurred over a period of time the offences table will be used as a guide to make this decision. The final decision will rest with the Licensing Panel or sub-committee.
18. Applicants will have to make a declaration on the application/renewal form regarding any foreign offences. Any foreign offences disclosed by the applicant/licence holder or revealed on an enhanced Disclosure and Barring Service Disclosure will be dealt with in line with the offences table
19. Applicants need to be aware that as a consequence of the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975, they are excluded from the provisions of the Rehabilitation of Offenders Act 1974 in relation to spent convictions and that ALL convictions including motoring convictions 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 council to take a wider view of the applicant over a longer timescale. The table of offences will be used to determine if a licence will be granted, renewed or refused.
20. 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.
21. Any information contained in the Enhanced DBS Certificate that identifies an individual as not suitable to work with children or vulnerable adults will normally result in the application being refused or existing licence being revoked. The table of offences will be used to determine if a licence will be granted, renewed or refused.
22. 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 the notifiable occupations. The table of offences will be used to determine if a licence will be granted, renewed or refused.
23. Any applicant who has resided outside the UK for a period longer than 6 months within the preceding 3 years will be required to make a statutory declaration on their application form to grant or renew a licence to confirm details of any convictions or cautions recorded against the individual in that or any other country.
24. 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, arrests and summonses are disclosed to the council, including any incurred outside the UK. A failure to report such convictions, cautions, warnings, reprimands, arrests and summonsed will be given significant weighting.

25. 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 powers to take action against the licence holders and any behaviour, incidents, convictions or other actions on the part of the licensee which would be likely to have prevented them from being granted a licence are likely to lead to the licence being revoked.
26. Any person convicted of dishonesty or who has deliberately withheld evidence knowing full well that if the evidence is declared it will result in their licence being refused, suspended or revoked may result in prosecution
27. 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.
28. 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.
29. The character of the applicant is relevant 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 to be licensed.
30. The fact that an offence was not committed when the applicant was driving a taxi or private hire vehicle or when passengers were aboard may be irrelevant. Speeding, drink driving and bald tyres are all dangerous, irrespective of the situation. Violence is always serious. A person who has the propensity to violence may have 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. The table of offences will be used to determine what action if any needs to be taken. The decision to grant, suspend or revoke will be made the Licensing Panel/Committee.
31. Licence holders must show their badge to customers or authorised officers when requested to do so. The badge must be either on display in the vehicle, fixed around the chest area onto clothing or placed around the neck on a lanyard.
32. The Council considers that a period of time should elapse after a conviction before a person can no longer be considered to be at risk of reoffending. The table of offences will be used as a guide to determine this.
33. In relation to single convictions, Table of offences 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.
34. The Council will look at the entirety of the individual circumstances 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. The table of offences will be used as a guide to determine if any action needs to be taken or is necessary. The final decision to suspend, revoke or refuse a licence will be taken by the Licensing Panel/Committee.

35. 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 an increased propensity for such behaviour or offending to recur. All non serious complaints will be held on file for one year, drivers will be given a copy of any complaint that will be held on file. The table of offences will be used as a guide to determine if any action needs to be taken or is necessary. The final decision to suspend, revoke or refuse a

licence will be taken by the Licensing Panel/Committee.

36. This policy does not replace the Council's general 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. The table of offences will be used as a guide to determine if any action needs to be taken or is necessary. The final decision to suspend, revoke or refuse a licence will be taken by the Licensing Panel/Committee.

37. 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" person test.

38. The table of offences will be used to determine if a license should be granted, refused or revoked. The final decision to suspend, revoke or refuse a licence will be taken by the Licensing Panel/Committee.

39. 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 almost certainly not be licensed. The table of offences will be used as a guide to determine if any action needs to be taken or is necessary and the length of any ban will be dependent on the guidance from the offences table. The final decision to suspend, revoke or refuse a licence will be taken by the Licensing Panel/Committee.

40. Where an applicant or licensee has been convicted of a crime involving, related to, or which has any connection with abusive, exploitative, use or treatment of another individual irrespective of whether the victim or victims were adults or children, they will almost certainly not be licensed. This includes instances of slavery, child sexual exploitation, grooming, psychological or financial abuse.

41. The Council will almost certainly 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 almost certainly have their licence revoked. See table of offences.

42. Convictions for inciting, attempting or conspiring to commit an offence will be treated in the same way as convictions for the substantive crime. For these purposes, a caution may be regarded in the same way as a conviction.

43. The Taxi or Private Hire drivers are professional and have a direct responsibility for the safety of the customers travelling in their vehicle and also have the responsibility to ensure the safety of other road users. Any failures or offences committed will be dealt with in accordance to the table of offences.
44. 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 in writing of any such decision and will be given an opportunity to provide any additional written evidence in support of their application or retention of their licence. The table of offences will be used as a guide and any final decision to refuse, suspend or revoke a licence will be made by the Licensing Panel/SubCommittee.
45. 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 (Union rep, trade rep or a colleague) at the meeting who may advice and provide guidance where necessary to the applicant or licence holder.
46. The Applicant or existing licence holder will be notified in writing of the Council's final decision within 14 days of completion of the procedures set out in paragraphs 43 and/or 44 above. The applicant will be able to request a hearing by the Licensing Panel/Sub-Committee if they are not satisfied with the decision and will also have a right of appeal at the Magistrates Court.
47. Any person whose application is refused or licence suspended or revoked by the Licensing Panel/SubCommittee has the right of appeal to the Magistrates Court. An appeal must be lodged within 21 days of the decision at the appropriate Magistrates Court. Applicants may wish to obtain professional and independent advice.
48. Warnings – Any warnings whether written or verbal must be recorded and the drivers must be provided a copy of the warning in writing. The date and time and details of the complaint must be noted. These warnings will not be kept on file for more than one year unless they are of a serious nature then they can be kept for a maximum of two years. The driver has a right to challenge any such warnings via the Licensing Panel/Sub-Committee.

Indecency table										
	1 year ago	2 years ago	3 years ago	4 years ago	5 years ago	6 years ago	7 years ago	8 years ago	9 years ago	10 years ago
Category 1 offences										
Rape	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused
Sexual Assault (Section 2 & 3)	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused
Causing sexual activity without consent	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused
Rape- sexual offences – children under 13 (Section 5 – 8 inclusive)	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused
Child sex offences (Section 9 – 15 inclusive)	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused
Abuse of Trust (Section 16 -19 inclusive)	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused
Familial Child sex offences (Section 25 – 27 inclusive)	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused
Sexual activity – persons with mental disorder (Section 30 -37 inclusive)	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused
Careworkers – sexual activity with persons with mental disorder (Section 38 -41 inclusive)	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused
Indecent photographs with children (Section 45)	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused
Indecent photographs of children – take, permit to be taken or make, distribute or show	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused
Abuse of children through prostitution and pornography (Section 47 – 50 inclusive)	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused

Abuse of children through prostitution and pornography (Section 47 – 50 inclusive)	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused
Trafficking for sexual exploitation (Section 57 – 59 inclusive)	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused
Preparatory offences for sexual offending	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused
Sex with adult relative (Section 64 – 66 inclusive)	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused
Voyeurism (Section 67)	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused
Sexual penetration – animal or corpse (Section 69 – 70 inclusive)	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused
Prostitution – causing, inciting, controlling, exploitative conduct (Section 52 – 52A)	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused
Category 2 offences										
Indecent exposure (Section 66)	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	8	6
Possession of extreme pornographic images	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	8	6
Displaying Pornographic images	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	8	6
Category 4										
Sexual activity in a public lavatory (Section 71)	Refused	Refused	Refused	Refused	Refused	8	6	4	2	0
Soliciting for prostitution (Section 51A)	Refused	Refused	Refused	Refused	Refused	8	6	4	2	0
Paying for sexual services – subjected to force (Section 53A)	Refused	Refused	Refused	Refused	Refused	8	6	4	2	0
Sending indecent or obscene articles by post	Refused	Refused	Refused	Refused	Refused	8	6	4	2	0

Violence Table										
	1 year ago	2 years ago	3 years ago	4 years ago	5 years ago	6 years ago	7 years ago	8 years ago	9 years ago	10 years ago
Category 1 offences										
Murder	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused
Manslaughter	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused
Manslaughter or Culpable Homicide while driving	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused
Child abduction (by stranger) or those with aggravating features	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused
Arson	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused
Grievous Bodily Harm/Wounding Section 18	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused
Arson	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused
Possess a firearm with intent	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused
Category 2 offences										
Child abduction (none stranger)	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	8	6
Aggravated burglary	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	8	6
Robbery	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	8	6
Grievous Bodily Harm Section 20	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	8	6
Possess a firearm	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	8	6
Category 3										
Protection from Harassment – Section 4	Refused	Refused	Refused	Refused	Refused	Refused	8	6	4	2
Category 4										

Riot	Refused	Refused	Refused	Refused	Refused	8	6	4	2	0
Child abduction	Refused	Refused	Refused	Refused	Refused	8	6	4	2	0
Assault – Actual Bodily Harm Section 47	Refused	Refused	Refused	Refused	Refused	8	6	4	2	0
Stalking Section 2A	Refused	Refused	Refused	Refused	Refused	8	6	4	2	0
Stalking Section 4 & 4A	Refused	Refused	Refused	Refused	Refused	8	6	4	2	0
Category 5										
Violent disorder	Refused	Refused	Refused	8	6	4	2	0	0	0
Affray	Refused	Refused	Refused	8	6	4	2	0	0	0
Fear of provocation of violence –	Refused	Refused	Refused	8	6	4	2	0	0	0
Intentional harassment, alarm or distress	Refused	Refused	Refused	8	6	4	2	0	0	0
Protection from Harassment Section 1	Refused	Refused	Refused	8	6	4	2	0	0	0
Common Assault	Refused	Refused	Refused	6	4	2	0	0	0	0
Assault Police	Refused	Refused	Refused	8	6	4	2	0	0	0
Obstruct Police	Refused	Refused	Refused	6	4	2	0	0	0	0
Possess offensive weapon	Refused	Refused	Refused	8	6	4	2	0	0	0
Criminal damage	Refused	Refused	Refused	8	6	4	2	0	0	0
Violent Disorder	Refused	Refused	Refused	8	6	4	2	0	0	0
Resist arrest	Refused	Refused	Refused	8	6	4	2	0	0	0
Harassment, alarm or distress Section 5 Public Order Act 1986	6	4	2	0	0	0	0	0	0	0
Breach of the Peace	4	3	2	1	0	0	0	0	0	0
Drunk and disorderly	6	4	2	0	0	0	0	0	0	0

Dishonesty table										
	1 year ago	2 years ago	3 years ago	4 years ago	5 years ago	6 years ago	7 years ago	8 years ago	9 years ago	10 years ago
Category 2 offences										
Robbery	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	8	6
Aggravated Burglary	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	8	6
Aggravated vehicle taking (causing death)	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	8	6
Blackmail	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	6	4
Footnote: And any other offences of dishonesty capable of attracting a term of imprisonment exceeding 10 years										
Category 4 Offences										
Burglary & Theft – Dwelling	Refused	Refused	Refused	Refused	Refused	Refused	8	6	4	2
Perverting the Course of Justice	Refused	Refused	Refused	Refused	Refused	8	6	4	2	1
Money laundering Section 45	Refused	Refused	Refused	Refused	Refused	8	6	4	2	1
Theft – Employee	Refused	Refused	Refused	Refused	Refused	8	6	4	2	0
Theft – Employee	Refused	Refused	Refused	Refused	Refused	8	6	4	2	0
Burglary & Theft – Non Dwelling	Refused	Refused	Refused	Refused	Refused	8	6	4	2	0
Fraudulent Use of Road Traffic documents	Refused	Refused	Refused	Refused	Refused	8	6	4	2	0
Category 5 Offences										
Theft	Refused	Refused	Refused	6	5	3	2	1	0	0
Theft – From vehicle	Refused	Refused	Refused	6	4	2	1	0	0	0
Obtain by deception	Refused	Refused	Refused	6	5	3	2	1	0	0
Evasion of Liability by deception	Refused	Refused	Refused	6	5	3	2	1	0	0
Obtain Services by deception	Refused	Refused	Refused	6	5	3	2	1	0	0
Making off without payment	Refused	Refused	Refused	6	5	3	2	1	0	0
False Statement to obtain Benefit	Refused	Refused	Refused	8	6	4	2	0	0	0
Going Equipped	Refused	Refused	Refused	6	4	3	2	1	0	0
Taking/Driving or Attempt to steal Vehicle	Refused	Refused	Refused	5	3	2	1	0	0	0
Allowed to be Carried in a Stolen Vehicle	Refused	Refused	Refused	5	3	2	1	0	0	0
Use unrebated fuel	Refused	8	6	4	2	0	0	0	0	0

Drugs Table

	1 year ago	2 years ago	3 years ago	4 years ago	5 years ago	6 years ago	7 years ago	8 years ago	9 years ago
Category 2 offences									
Possessing a Controlled Drug with Intent to Supply	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	8
Import Drugs	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	8
Producing Controlled Drug	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	8
Category 4									
Possessing Controlled Drug	Refused	Refused	Refused	Refused	Refused	8	6	4	2

Where there are two convictions for the 'possession of a controlled drug', a medical drugs test is required prior to the approval of an application and at random times during the lifetime of a licence, at the licence holders expense and in a manner prescribe by the Council. This would be not more than three occasions in a rolling 12 month period and would cease after 5 years from the date of the last conviction.

Racially motivated Offences

	1 year ago	2 years ago	3 years ago	4 years ago	5 years ago	6 years ago	7 years ago	8 years ago	9 years ago
Category 2 offences									
Possessing a Controlled Drug with Intent to Supply	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	8
Import Drugs	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	8
Producing Controlled Drug	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	8
Category 4									
Possessing Controlled Drug	Refused	Refused	Refused	Refused	Refused	8	6	4	2

Offences where a licence will automatically be refused or a current licence suspended or revoked

CD40	Causing death through careless driving when unfit through drink
CD50	Causing death by careless driving when unfit through drugs
CD60	Causing death by careless driving with alcohol level above the limit
CD70	Causing death by careless driving then failing to supply a specimen for alcohol analysis
CD80	Causing death by careless, or inconsiderate, driving
CD90	Causing death by driving: unlicensed, disqualified or uninsured drivers
DD10	Causing serious injury by dangerous driving
DD40	Dangerous driving.
DD60	Manslaughter or culpable homicide while driving a vehicle.
DD70	Causing death by dangerous driving.
DD90	Furious driving
When applicable to licensed vehicle	
LC30	Driving after making a false declaration about fitness when applying for a licence
LC40	Driving a vehicle having failed to notify a disability
LC50	Driving after a licence has been revoked or effused on medical ground
MS70	Driving with uncorrected defective eyesight

Offences for driving a motor vehicle under the influence of drink or drugs

DR10	Driving or attempting to drive with alcohol level above limit.
DR20	Driving or attempting to drive while unfit through drink or drugs.
DR30	Driving or attempting to drive then refusing to supply a specimen for analysis.
DR31	Driving or attempting to drive then refusing to give permission for analysis of a blood sample that was taken without consent due to incapacity
DR61	Refusing to give permission for analysis of a blood sample that was taken without consent due to incapacity in circumstances other than driving or attempting to drive
DR40	In charge of a vehicle while alcohol level above limit.
DR50	In charge of a vehicle while unfit through drink or drugs.
DR60	In charge of a vehicle then refusing to supply a specimen for analysis.
DR70	Failing to provide a specimen for breath test
DR80	Driving or attempting to drive when unfit through drugs
DR90	In charge of a vehicle when unfit through drugs

Offences for driving a motor vehicle under the influence of drink or drugs	
DR10	Driving or attempting to drive with alcohol level above limit.
DR20	Driving or attempting to drive while unfit through drink or drugs.
DR30	Driving or attempting to drive then refusing to supply a specimen for analysis.
DR31	Driving or attempting to drive then refusing to give permission for analysis of a blood sample that was taken without consent due to incapacity
DR61	Refusing to give permission for analysis of a blood sample that was taken without consent due to incapacity in circumstances other than driving or attempting to drive
DR40	In charge of a vehicle while alcohol level above limit.
DR50	In charge of a vehicle while unfit through drink or drugs.
DR60	In charge of a vehicle then refusing to supply a specimen for analysis.
DR70	Failing to provide a specimen for breath test
DR80	Driving or attempting to drive when unfit through drugs
DR90	In charge of a vehicle when unfit through drugs

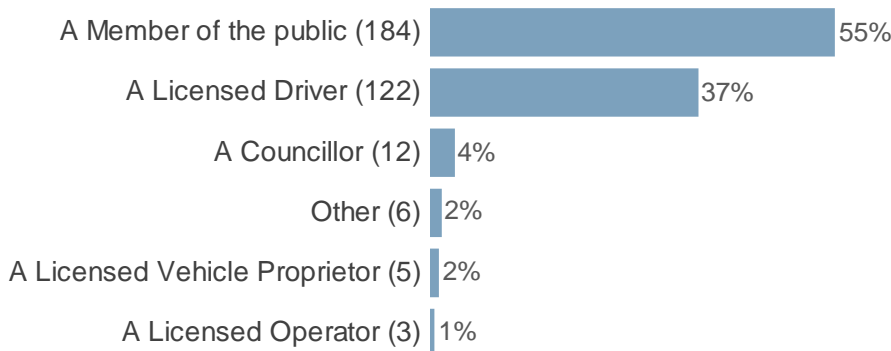
Offences where a licence will automatically be refused or a current licence suspended or revoked	
CD40	Causing death through careless driving when unfit through drink
CD50	Causing death by careless driving when unfit through drugs
CD60	Causing death by careless driving with alcohol level above the limit
CD70	Causing death by careless driving then failing to supply a specimen for alcohol analysis
CD80	Causing death by careless, or inconsiderate, driving
CD90	Causing death by driving: unlicensed, disqualified or uninsured drivers
DD10	Causing serious injury by dangerous driving
DD40	Dangerous driving.
DD60	Manslaughter or culpable homicide while driving a vehicle.
DD70	Causing death by dangerous driving.
DD90	Furious driving
When applicable to licensed vehicle	
LC30	Driving after making a false declaration about fitness when applying for a licence
LC40	Driving a vehicle having failed to notify a disability
LC50	Driving after a licence has been revoked or effused on medical ground
MS70	Driving with uncorrected defective eyesight

Fitness and Suitability Policy Survey

This report was generated on 17/02/23. Overall 333 respondents completed this questionnaire. The report has been filtered to show the responses for 'All Respondents'. A total of 333 cases fall into this category.

The following charts are restricted to the top 12 codes. Lists are restricted to the most recent 100 rows.

I am responding as:



Please specify:

A volunteer for a local sight loss charity and also for a charity that works with vulnerable adults and children.

Kirklees Staff member

i work for council use taxis for service users

Trade representative

Police Officer

Do you agree with the proposed change?



Please provide details about why you agree:

I have had issues with Huddersfield taxis and have reported incidents that have involved me while driving as a paying customer, they have not taken my safety into consideration, they have used foul language to me, I do not feel safe booking with them

Quality can be poor and dangerous at times

90% of all times I see bad driving it is a taxi/private hire. They speed, drive on pavements, overtake unsafely and are generally impatient. I have on several occasions emailed the council with photos (when I have been a passenger in another car) about such driving. One instance was near the Costa coffee on Leeds Road where a taxi drove on the pavement and tried to cut us off when there was heavy match day traffic. Anything to help reduce the entitlement of these drivers and to increase the safety of passengers and other road users is most welcome.

Please provide details about why you agree:

Well I'm not exactly sure what is being changed here. If the change is 'we are ensuring that drivers are suitable for the role' then that has the connotation of youst not have had that rule before. Which just seems daft. But you absolutely need good HR vetting

Because both the driver and vehicle should be fit for purpose

The public have a right to be save in a taxi

Adds vehicles are fit for purpose

Driver & vehicle should be suitable for this role

for safety

The vehicle should be upto standards regardless of which council it belongs to.

They are I honk fair, they look after the public and are not draconian with the driver.

It maintans consistency across authorities, but allows us autonomy to make our own decisions where we need to

People's safety is paramount and at the moment there is no consistency on the drivers requirements

Safety is very important for passengers

Clarity on authority having specific conditions

need to be consistent across the area to ensure you feel safe getting into a taxi, but that there may be additional requirements in an individual LA

So that I feel safe as a customer.

because it now includes a requirement that the vehicles are fit for purpose

All policies should be consistent and if each authority differs then this should be taken into account and should be used so that taxi drivers cannot just use their licence across all authorities

differences of opinion may exist between authorities and the experiences may be different requiring a different approach

i have experienced issues where tax drivers work across Kirklees and Leeds

Fed up of being harassed and approached sexually by taxi drivers

HEALTH AND SAFETY

The new proposed changes make it very clear that drivers and vehicles must be suitable for the role. safety

seems sensible for everyone to have same rules & regulations, make it easier for employing staff if everyone has the same criteria

More suitable for safety of members of the public

I want to know that every taxi I use has been checked and is fit for purpose.

inclusion of the vehicle is good as sometimes these are not

require drivers would be comfortable travelling with and the vehicles suitable to transport vulnerable people

safety reasons

It assures consistency and safety of passengers across the region

For safety purposes and trust

The vehicles need to be safe and roadworthy also

The gules are not currently consistent through all 6, and the terminology used is clearer

Just for the fact they probably be in the situation to do more then just drive

adds in vehicles which is good and allows for variation by authority area to respond to circumstances that are locally specific (such as ULEZ with respect to vehicles for example)

Shows that drivers should follow legal requirements in order to provide correct and honest service's

Please provide details about why you agree:

Safe

I agree with this for safety reasons

I agree with this as drivers need to be suitable for the role

Everyone should feel safe

It's for the safety of the public

We are a professional driver and no need for this suitability policy

I agree because it's safety for passengers and drivers

The policy ensures that travelling can be done more confidently

Because all drivers should be suitable of doing this job

It meets the requirements

I agree with all changes

For safety

Agreed

Citizen and tourists should be assured of their safety when using private hire taxi and Hackney .

it will be suitable to work anywhere in Yorkshire with same rules and regulations

Doesn't mind similar rules in all Council's as long as it's reasonable.

Vehicles should be fit for purpose and conditions should be specific to each authority so there is some flexibility.

Reassuring to know that your driver and his has to meet set standards. However, there should be some sort of passport identification in every cab of the driver. and the driver/can should not be interchangeable. Cabs should also have a tachometer device to record speeds. We were driven back from Manchester Airport (pre-booked Huddersfield taxi service) at 90mph on a very busy M62 3 weeks ago. Very scary and reckless. Not professional at all.

For the safety of passengers as well of drivers

As a female I want to feel safe in a taxi on my own - knowing that a degree of safety policy's are already in place would make ordering a taxi less of a issue for me

I fear for myself if ever I need to use a taxi on my own as a lone female or for any other female travelling alone after a night out for example

Easier to translate where English is not natural language

Because i have often been in a taxi when the driver did not know how to get to a venue. Also I have travelled in taxis which are not as clean as they should be and the smell of tobacco is very obvious.

The public can be ensured that their driver is suitable for the job.

This ensures that drivers are safe and legally licensed for the West Yorkshire and York areas. Its also good because it makes travelling public safer

To ensure each driver is suitable for this role and the vehicles license are fit for purpose

Good to have a more flexible policy for each area.

Safety reasons

The public do not need drivers who have been caught flouting driving rules and breaking the law resulting in points. In recent years I have personally witnessed very poor driving and also numerous taxis with defects. This is a job they choose to do so they should ensure it's done safely.

Need to know the drivers are legal

As each authority may have its own conditions.

Some taxis are in poor condition.

There needs to be the ability to tackle local problems and issues

Please provide details about why you agree:

Passengers must be confident that the vehicles are fit for purpose.

This is a vast geographical area and one size will not fit all. Requirements, needs, local specifics could influence councils decisions for more specific reasons.

It's a good idea to cover vehicles too.

The standards for vehicles hopefully will include MOT of vehicles for roadworthiness. Many I have checked on gov.uk have MOT expired status. I have checked this information because I believe as a part of a harassment campaign by my neighbour/s (one of them who works for Kirklees Council) taxi drivers are taking part in surveillance and monitoring of my whereabouts on her/their behalf. Many I have suspected of watching from their vehicles I have taken their registration and checked gov.uk and many of their MOT's have expired several years ago. In my view taxi drivers should not take part in surveillance or watching people on behalf of someone else be it friends, family associates etc. to monitor/stalk and follow through radio network. If true as I believe it leaves my home vulnerable when out to people knowing this. This is not trustworthy and I wouldn't take a taxi by myself because I believe this to be the case. I would not want this in the report and public domain as I may be identified as my case is unusual. I don't work anymore as a result of being harassed on my way to work not just by drivers watching but others. It is quite extensive and excessive my situation. My family use taxi's, young women and elderly and vulnerable people. I would not want them knowing any of this. The new policies are timely as new guidelines to fit and proper and vehicle road worthiness etc. are being reviewed.

Drivers from outside the borough do this because of problems they have in their own area. The boundaries you state are not wide enough. Recent driver in a cab I used came from Rochdale for the reasons stated above.

Agree with policies being consistent.

Drivers must be suitable for the public's safety

Placing reasonable criteria of driving and personal standards on taxi and other public/intimate vehicle drivers is paramount. The fact that Kirklees is the only council so far to raise the barrier is a credit to its foresight

Taxi drivers are often alone with vulnerable people and women and children. I do not use taxi alone She yo sexual harassment on several occasions with taxi drivers . They should be better dame as any other person working with vulnerable people .like carers and p a.s

Passengers must be confident they are into a vehicle with a driver who is competent as possible and of previous good character

Drivers should be honest upstanding people with strong values and principles...some taxi drivers have a reputation.....

There should be consistency in all areas as there would be for nurses or teachers etc

slightly reworded, same sentiment

The change offers additional flexibility to the authority.

Licensing regularly consult CCTV for Taxi violations, sexual assaults and faulty vehicles

Some vehicles are not fit for purpose eg cars with small boots incapable of carrying suitcases.

The safety of the public is paramount.

Consistency of qualification and suitability over all the area should be required.

The highest standards should be adhered to at all times.

Public safety is paramount

It will provide confidence to the public that they are in a safe place when travelling around the city. It will also improve the standard of driving from professionals such as myself. I also believe photo ID should be visible in the cab with the drivers details easily visible. None of the proposals would harm me or my trade as long as I'm already following the rules so it. An only be a good thing for safety

I expect a legal vehicle and drivers all go through some sort of checks

Please provide details about why you agree:

I want to feel confident that the drivers anywhere across WY have gone through the same standards

It is clearer than the current wording and allows for specific conditions to be applies

Makes sense

More plainly worded.

Safety improvements for passengers.

There needs to be a set standard that everyone feels safe with

Specifically mentions vehicle conditions which is a major problem at the moment

Please provide details about why you do not agree:

Consistency across authorities will hopefully provide a better standard. Why would authorities want to differ in their approach, and offer potentially different levels of leniency?

No need as your local authorities should only check

They should remain consistent across all areas of West Yorkshire and not allow ambiguity. Keep in "are" and do not replace with "where possible"

Standards should be consistent across every local authority and UK wide

Subject to specific conditions of each authority

As it was designed to function as a whole combined Authority

Dont want taxi drivers applying to an authority as it is easier to gain a licence for what ever reason and then not working there.

Why is this new proposed changes for only taxi drivers and not other public transport drivers

Agree that 'vehicles licensed are fit for purpose' should be included. disagree that policies may not be consistent across the LA's

Rules should be the same across the board so as no confusion by the public on a drivers capacity to be a reliable good driver.

Existing policy is safe enough to hold the licence,if you want to implement this for taxi drivers it should be same for licensing officers and all frontline council staff,we believe this policy is racist and will be used to bully the drivers so you guys need to hold your horses and introduce a balance policy ,council are always after taxi or private hire driver even they introduced clean air zones to specially target the private hire or taxi driver specially when cost of living going up and drivers using hybrid cars leasing cost have tripled after brexit why council pushing more policies to stress the driver financially and mentally and little accusation by customer or small offence could make the driver loose licences why Dont you treat your own staff like this which god knows how many offence or public disorder would have done but still restraining their jobs it's absolute nonsense

This is discriminatory policy

Rules on hand held device are too harsh when we rely on device to get jobs, as long as they are attached should be fine. Non fault accidents resulting in major incident

It's to complicated

Licensing is getting way to carried away with its rules and regulations

Holders can travel between authorities so rules should be the same everywhere

Where possible means not all will be same

Alot of things needs to be changed or review

Requirements should be consistent through various authorities

Common standards needed across authorities.

Require more detailed information about the change

Make it consistent across the area, otherwise one area may be more lenient on applications

Please provide details about why you do not agree:

ALL of the Policy is HIGHLY DISCRIMINATIVE AND IN SOME PARTS RACIST, as MAJORITY if not all, drivers are of Asian backgrounds.

I think it should be across the board on every council or not at all. This is were problem occur as it's not consistent.

License conditions should be applicable and the same across all local authorities. If I get a taxi in Manchester it should have the same conditions as here.

The proposal is vague

All drivers in all Authorties should be treated the same

You don't say what the specific requirements would be - would they be more stringent or less stringent in Kirklees

Needs to be more training and checks made.

We need to add something about the trust and safety

Too strict. Will reduce private hire drivers, less service.

Not a devolved power within the combined authority. Individual councils should prioritise local needs.

No need

These changes are draconian and unnecessary

All PHD and HCD are fit for purpose

This policy is against the drivers

Too strict

Taxi drivers have been around for a long time and there have been many policy's . Why suddenly new changes ? Why wasn't this the policy for many years why know ?????

Should be consistent

This draconian and not in line with Dvla regulations. Why can't you stick with what's the law and stop inventing your own draconian laws

The authorities should have no say to what is legislated by DVLA. The fact that increasing this will lead to a lack of drivers and livelihoods being lost at an exponential rate.

It seems like taxi drivers been targeted trying to get as many as possible out of work due to harsh implementation of your new rule to me that's discrimination. Mobile phones are part of our jobs and we professional drivers as we are aware of the safety mechanisms involved.

Full of shit

Its kind of descrimination because people with 12 points driving on the road with regular basis but taxi driver gets point because of unfortunately has to be disqualified, hence not fair on them.

You cannot have an in between response. Where possible, policies will be consistent throughout West Yorkshire and York, but subject to specific conditions of each authority. Either get together and have one policy or each authority have one policy.

No othet council has this policy

Maybe you need to look at the seriousness of the offence rather than the points. Some things are accidental such as a red light by mistake or speed a little above the maximum. You are going to strip away a license over this? No wonder people are flocking to Wolverhampton

There needs to be transparency between authorities. This change would mean that a drover could be banned in one area and simply move to another to drive there

The public will not be aware of differences between authorities.

Policies need to be consistent across all authorities . Taxi drivers carry vulnerable people in their vehicles and should be subject to stringent guidelines . The safeguarding of passengers should be paramount not the opinions of the taxi drivers

Standards must always be consistent and not just 'Where possible' a dangerous precedent

Please provide details about why you do not agree:

The proposed wording is contradictory. You cannot be consistent but but local variations.

The policy, rules and regulations should be consistent with the DVLA / Highway Code rules across the whole of the country not differing by geographical area nor should specific conditions be applied to specific local authorities. Kirklees should be the same as Leeds, Calderdale, Bradford, Wakefield and all other LA's nationwide.

Standards should be consistent throughout West Yorkshire and York

not fair

Because I agreed some of but about points I'm not agreed

dont feel taxi drivers should be cherry picking who to get liscend from

not fair

Policies should be based on local needs and requirements

The policy is already good enough

Why should West Yorkshire be different to the rest of the country irrespective of local communities. Laws are laws and they apply to everyone including me.

nothing wrong with how things stand now

Why Taxi driver and not bus drivers and council drivers who do the same without being licensed

12 points the law says why do council make there own rules up

Standards should be the same across the region and not open to interpretation and change my one authority

Police should deal with it

Is not suitable for drivers

If all W Yorkshire councils had same rule then why not apply to vehicles aswel why pick and choose

We already gp fees for fitnes

It should remain consistent so it doesn't favour some areas more than others.

Complete nonsense why not implement for police officer, fire fighter, ambulance driver

Very unfair

Should first do the vehicles then come on to this

Not really, it should be one policy, not separate policy for each county. We should be free where we work as self employed drivers with no restrictions set at all.

We are targeted because 95% of taxi drivers are of asain community why doesn't this rule apply to bus drivers and ambulance services.

Unfair and discriminatory

Too vague. Open to interpretation and excuse for substandard taxi drivers and condition of taxis. This being said, the original one is not working either as Myself and my daughter have been in taxis where the driver has been smoking weed, made inappropriate comments and some where there are damaged seat belts. Whatever amendments you put in, they must be applied appropriately and spot checks on taxis, especially the ones that have booking apps must be regularly and rigourous applied, because people especially lone women are increasingly feeling unsafe using taxis.

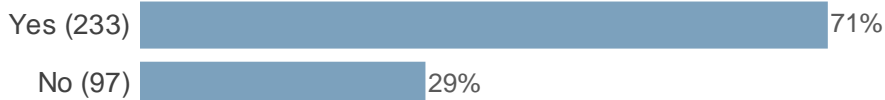
Unclear with a grammatical error? Perhaps say instead "...can be confident that the drivers and vehicles licensed are suitable for this role and fit for purpose..."

I do not agree with this policy as I feel as though it's a form of targeting by the Council and institutionally racist.

This just looks like a racial attack as majorly of cab drivers are Asians. This is just a form of discrimination. People have livelihoods and family's to provide for and when there is uncertainty in the cost of living. Rather then assisting the drivers and helping you are doing the opposite.

Because this is our living

Do you agree with the proposed change?



Please provide details about why you agree:

needs quality ass

The policy needs to be up to date and I have felt unsafe in a particular taxi.

Licence holders should always be fit for purpose- in terms of skills and safe driving as well as DBS checks and criminal records. Getting a criminal record should not be an automatic barrier to holding a licence but this must be assessed carefully- for example any prosecution for driving should be a disqualification.

Because the state shouldn't hold everyone's hand. That goes for workers too.

Public safety should come first, above someone not having a licence. If they loose or are not granted a licence they are obviously not a fit person for the role

Public safety should always come first, anyone applying for, or who currently has, a license should expect to lose it if they don't meet the requirements.

We as citizens must all abide by the rules within our given profession.

The safety of the public and high standards is most important

Rules and the law/ legalities must becadheted to rigidly to protect the public with no exceptions for wrong doing

for public reassurance

We have a duty to the public

It proves the commitment that Public safety is paramount

Protection is paramount

Safety is first priority

Provides clarity on what is not a relevant consideration

it should be about the passenger and the Council should not be made accountable for the taxi driver obtaining a license, they should meet the standards required

If a driver is not competent and safe they shouldn't have a licence.

the priority should be placed on those who use the service, NOT the family of the person driving it

It should be the safety of the public only - this is the only thing that matters not the impact on a persons family of losing/not obtaining a licence. Not obtaining a licence needs addressing as to why not and should be nothing to do with the safety of the public

It is correct that people are kept safe before someone's right to a specific job, they break the rules or not be eligible - they lose that job

Safety of users of taxis is paramount

I should feel safe and not be accosted or harassed when using a taxi. I really worry for my daughter and her friends in the same situation, when they may not feel confident in telling a driver to get lost

Legal and fit and proper person

Enforces fit and proper and also makes the publics safety paramount.

safety

I want to be confident that when I get in a taxi the vehicle and the driver have met with an agreed standard to provide the service safely - in the same way that any medical professional I encounter has been trained to an agreed standard for my safety.

Please provide details about why you agree:

the public should be considered first as they are getting into a vehicle & paying for a service. They should be kept safe as they too may have a family

The taxi driver should be responsible for maintaining standards set by the council, as part of the contract for transporting vulnerable people. Failing that would be the drivers responsibility and the council should have the rights to withdraw the licence if they are deemed unsuitable for the safety of the general public and not just for the drivers right to work. The driver can go work in another industry and should not be able to hold the council to ransom if they fall foul of the standards set.

So that the passenger is confident and safe wherever they are travelling to.

Public safety is paramount

The publics safety is at risk if the driver or vehicle are not up to a required standard. That outweighs anyones right to work, and indeed the driver could find alternative work if not licensed, but a passenger couldn't be 'not dead' or severely injured. A lot of jobs that the public rely on a specific safety standard have to be licensed, the drivers arent being singled out.

A drivers past experience and ability along with a safe vehicle should be a necessity, so I agree with proposed change to this.

Do the right things

It's better

No

The public should be protected at all costs however drivers should also be protected due to the risks sometimes the public can pose as a risk to them if they are intoxicated or under any influence of drugs.

Safety of the public

I agree .if its wrong doing from driver

This is the same for any job.

Public are given assurance that the standards of safety are set high

For the safety of the passengers

It meets the requirements

clearer guidelines and not open to misinterpretation

Protection and safety of public

It is clear from the outset that the impact on a person's family is not a consideration within the decision making.

Am.agreed with policy that role have been.by council

See previous comments about reckless speed and unprofessional driving standards.

For the safety of passengers and drivers

Again as a female I would want to feel safe in a taxi after a night out with friends without the worry of the taxi driver thinking they can charge over the agreed fee for the trip or thinking they "taking advantage" of the situation

Strengthens the statement

The impact can only be down to the individual

Private hire have always been a lower standard of service than taxi

The public should be able to get in a taxi knowing that the driver's expertise, licence and character have all been subject to scrutiny. Standards should be set high to ensure the safety of passengers. I have travelled from Heckmondwike to Wakefield and missed my train because the car i was travelling in was not fit for purpose and could only be driven at a slow pace before it broke down completely.

To make sure individuals rights are protected and to meet the required standards to avoid these outcomes

Please provide details about why you agree:

Public safety must come first over the taxi drivers needs.

Safety reasons

Impact on family isnt relevant

If they drove and followed the driving laws then they wouldn't end up with points, then loss of licence. Why should they think they can use family as an excuse to get round this?

Vulnerable people use taxis so safety is paramount. Many times people are alone and not in a fit state to know what is happening or where they are going. If they loose there licence they will have to chose a different sector to work in. Just like a convicted drink driver.

Because half the drivers are rubbish drivers

The impact of losing or not obtaining a licence may be detrimental to the driver but public safety must override that. Public must be confident that the driver has the licence because they are regarded as safe to have it.

Passenger safety is paramount

If someone abuses their position or puts their license at risk by their actions why would they be allowed to continue just because they had financial pressures - that's a risk they take

Public / passengers should always come first.

Makes sense.

There needs to be the ability to deal with local issues rather than the lowest West Yorkshire denominator

I'm not sure why it needs spelling out that the personal circumstances of the applicant are not relevant when assessing suitability for the role.

Safety of travelling public is paramount and overrides other considerations

It might read very stark, but it has too. People need to realise they can't apply the regs that suit them and ignore those that don't fit their personal circumstances.

Public safety is paramount

Yes if you work in a profession or hold a position of trust for a license then you should abide by certain rules and regulations and if not you would expect not to be licensed or registered as being safe.

Passenger safety should always be a priority

Public safety must be the absolute determining factor.

The reason taxi drivers operate is to provide a service. The first priority of that service must be public safety. An unsafe service is not a service.

The public has the right to be protected

Passengers must be confident that taxi driers are of the highest quality

Job loss should not be a consideration in fact compliance is more likely because of it.

Totally agree the protection of the public is paramount

Public safety can not be compromised

Its important

The publics safety should be considered ie fully insured, and able drivers

The public's safety is absolutely paramount at all times & under all circumstances.

If drivers abide to reasonable standards, then they have nothing to worry about

Impact on family is the same if you are disqualified.

Totally agree. Anyone dealing with the public, children or vulnerable people should be vetted and checked to the highest levels regulary; i.e. at least annually

Just because the majority of taxi drivers are Asians why should they be treated differently. Driving a taxi is not mandatory if your Asian.

Please provide details about why you agree:

Same as before it's a great idea & will only affect those not providing a safe environment already. Many other companies have similar programs where points mean you can no longer work there & even enhanced CRB's so it's not unheard of. As professional drivers I believe we should also have the new style digital tacograph in every vehicle. Safety comes first in my book

I expect to be safeguarded when using a taxi

Safety of the public especially young and vulnerable adults has to be the main criteria

Drivers have a position of control, often over vulnerable individuals, so the highest standard should be applied

I don't know

I don't want to get in a taxi and be driven by someone who can transport me and I feel safe

Inconsiderate and racist

This presumably closes an argument that is frequently used by drivers

Makes sense

Clearly sets out the public protection issue.

The safety of the public is more important. Drivers not obtaining a licence can find alternate employment.

Public safety.

Because it's the safety of the user that is paramount. If a driver is not prepared to meet that standard then their attitude is wrong

Public safety should be the utmost concern. If a driver acts against public interest either in their own behaviour or through a defective vehicle then there should be no excuses.

Please provide details about why you do not agree:

Minimum standards for public protection would be more useful, making it clearer what taxis MUST do. They would also be fairer, since taxis compete against buses etc that work to minimum standards. Higher standards we're more appropriate when taxis were a luxury form of transport, but that is no longer the case. Higher standards also drive up costs, and discourage use, which is against the best interests of the environment and the public.

No need

The impact on the driver's income is very important

You are stating that, if a person and their family were to be affected, then this will NOT be considered nor their mitigating circumstances, due to ONE MISTAKE the driver made ??? Therefore, this policy of yours, is actually WORSE than that of a Court !!! So, NO I don't agree with this policy.

More consideration should be given to driver as regarding the fine line of keeping the job or losing.

What about the driver's safety?

Not really sure but the wording appears to be passive aggressive - why is the driver's right to work relevant here ?

Driver safety and livelihood is equally important as public safety, Don't make it an excuse to bully the driver on little things if you want to do it there must be a balance and all council frontline staff should be subject to same standards so stop taking the mick out of the drivers as it's absolute racism

You have mixed the IOL document with the legislative wording. Safe and suitable has no legal basis at all, but to them change it to the correct legal term of fit and proper within the same paragraph is confusing at best

Existing policy is sufficient as we struggle to get a taxi or private hire on time these days as a result of shortage of driver we will always be struggling to get from A to B in time

Please provide details about why you do not agree:

I do not agree, if the accident happens on personal car and not driving taxi it should be kept separate. The balance should be struck depending on what type of incident it was, if accident was not caused by handheld device that should be voided. Only the serious accidents should be counted. Need look at the family of the driver as well when the badge is lost. Some drivers have been in the taxi service for years and would find it difficult to adjust in another job. Need to have a proper fair balance. Stuff such as drugs and drink driving and exploitation should remain at high standard but some leniency should be put in place.

It's to Complication

public safety is priority at all time however the driver safety is considerable too, recently the drivers have been most victims and intimated while doing their jobs.in a safe environment where we all can provide best service of their

Alots of things against driver about driver safety

Wants the licensing authority to think about both sides, including drivers circumstances.

Its too strict

The council needs to also distinguish the difference between taxis and PH's. PH's are not taxis. Equal consideration should be given to driver applicants.

Not fair

What about the safety of the drivers

During the pandemic families are struggling. Losing their livelihood in some cases drivers have been in the trade for 15+ years. They will become unemployed. This will impact their family life leading to depression and suicide.

It's a racist policy

For some drivers taxi is the only job they have and rely on the income through driving. If the driver was to have his badge suspended or revoked whilst a customer complaint is investigated the driver would be out of work and there is no guarantee they will get another job straight away. When a customer complaint is made the driver should be questioned and a decision should be made to revoke or suspend a license when the complaint has been investigated.

Too strict

Agree with safety for the public but this is penalising the innocent as there will be times where member of public's can make any allegations and you won't have a job or licence because of that. This is unfair to the licence holder as their word never has any weight.

What does fit and proper mean . Does these rules apply to police officers bus drivers and other drivers that pick up the public Or is it just taxi drivers because there majority from ethnic background ... this policy isn't about the public safety your just using it as an excuse to target the minority who pay in to a system that still sees them a threat

How can you be so cold hearted of not considering impact on a person's family? My God, you sound like Priti Patel. What's next, send em to Rwanda!?! By golly, no wonder the town centre is dying a dead. We've got Henry VII spirit lingering in our council. It seems like we have people with no empath and humanity in our council.

Same as prev

Please stop discriminating taxi drivers.

Full of shit

What parameters have been taken to protect drivers, ir has to be given equal rights to drivers and customers. No support from police and council for driver being abused on regular basis at work. Plus council should provide driver a health and safety training for free and compulsory also all customers data should be held by council as well like drivers.

Please provide details about why you do not agree:

It has to be applied to all public dealing jobs including council offices, revoking the license power should be to local councilor or MP, plus council license officer or decision maker has to be experienced taxi driver not an ordinary person, what actions has been taken to keep taxi driver safe as criminal freely travel on taxi on regular basis, there is no customer data hold by council to keep driver safe, if 9 points taxi driver not safe on road then no other driver should be on the road as he should be consider unsafe, we apy hafty amount to insurance for this reason, council should take steps to insure drivers safety as well as we are human and we are more venerable then normal customers. Council should provide free customer service courses if they not happy with driver services.

There is plenty of cases where the courts have

So public has to be protected but don't care about drivers safety

Is the safety of taxi drivers not equally important? Yes, strip the rapists and kiddy fiddlers off their badges to protect the public but don't paint every taxi driver with the same brush. What are the current statistics of serial attacks from KIRKLEES licensed drivers in the last 5 years?

Kirklees appear to be putting even more red tape and bureaucracy in the way of common sense.

not fair

No comments

their livelihood is a consideration just not a paramount one.

driver amd family is also part of public

Who determines the standards

The policy is good enough

This should also apply to bus drivers.

It is not council job to do this

Not fair

Council should also take into account the effect this decision will have on the family of the driver

Complete rubbish

Never heard the council protecting drivers

Think it should be taken into consideration

It should be done on the light of the evidence and not more to his word against mine.

Why does this apply to only taxi trade but not bus drivers and ambulance service when we are in similar field

What does the last sentence mean? It is not clear who it refers to and this is yet again vague.

There must be a balance between a driver working and the public, why should you not take into account that a driver will loose his job and unable to provide for there family. Would you like the driver to go onto benefits and claim of the government

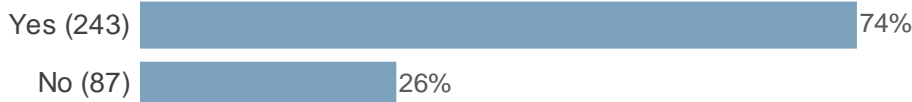
exclude the word relevant

I do not agree with this as I believe I have been targeted and it is institutionally racist.

This just looks like a racial attack as majorly of cab drivers are Asians. This is just a form of discrimination. People have livelihoods and family's to provide for and when there is uncertainty in the cost of living. Rather then assisting the drivers and helping you are doing the opposite.

who will give protection from nasty customers and customers are not right each time

Do you agree with the proposed change?



Please provide details about why you agree:

Makes sense to be more specific

Safety first

People need to know they are safe when using a taxi.

This shouldn't be a 'change' as it should have always been a mandatory rule

Any agency information about a potential/existing driver should be considered, if it protects the passengers

We must safeguard for all taxi users (public), especially in light of the many cases of abuse and convictions that have been perpetrated by taxi drivers as reported over the past few years.

All relevant information should be considered

Yes all checks need to be done

This change will standardise the requirements of all relevant professional bodies and allow sharing of information to protect users/ customers

for safety

They have to prove there fitness it's a condition . We must protect the public

Safety is important for passengers

Clarity on types of other agencies

it needs to be thorough and explicit to ensure safety

As before, passengers need to be safe

Clarifies the other agencies and authorities that will be involved.

All convictions and cautions need to be considered and taken into account

more comprehensive

safety is paramount for our service users as they are vulnerable

Unless there are convictions, there may be no record of allegations, whereas most local authorities and linked agencies will have an awareness of allegations & complaints, and the reputation of drivers

Legal

Makes it more specific of the agencies involved and stops any loop holes

safety

anything that increases safety of people needs to be done

the addition of detail is positive

As vulnerable members of the community regularly travel in taxis I think it is sensible that other outcomes of action are taken into account for example DBS

consideration to a wider field of agencies ensures safety of the public using the service

For the public safety

Any issues involving a taxi driver's conduct should be assessed

for transparency, so the drivers know which agencies are being consulted.

I also this information should be held on a shared database, to cut loopholes.

I like the change

Please provide details about why you agree:

additional clarity

No

I agree with the law

A DBS should be completed to ensure drivers don't have convictions in which puts the public at risk however if there is a conviction related to debt for example this should not mean a driver is unsuitable and unsafe to become a taxi driver.

Agree with the council

I agree

Provides clarity

It meets the requirements

all agencies need to be involved

I agree with all proposed changes

Safety

It explains that the information supplied by other agencies, and gives examples of these agencies, is taken into consideration so drivers are clear that information is shared and can be used.

Everything should be considered to ensure public safety against rogue taxi drivers.

Safety of passengers and drivers

Drivers should be good drivers and not reckless in their actions

Emphasises

All/any should be taken into consideration - a full clean history only

It is clearer about minimum standards, but personal observations and road experience would like to see previous complaints included. Some taxi drivers have no value to road safety and the present system isn't interested.

ABSOLUTELY YES. TAXI DRIVERS SHOULD NOT RETAIN THEIR LICENCE IF THEY HAVE RECEIVED CONVICTIONS, CAUTIONS BY THE POLICE, OTHER AGENCIES, THE CIVIL COURTS, LICENSING AUTHORITIES ETC. THEY SHOULD NOT BE ABLE TO SLIP THROUGH VETTING WHEN THEY ARE RESPONSIBLE FOR ENSURING THE SAFETY OF ALL THEIR PASSENGERS.

A fair agreement and serious action needed to others who committed these actions as it protects other drivers and people from harm, this is why it's good.

More explicit about the other agencies involved.

Safety reasons

Everything relevant should be taken into account

I worked in a role where I had to be honest and properly licenced. If I was found doing things that could jeopardise this then I would expect repercussions. Why should anyone else not be given the same rules? Standards may improve if there is a risk

Safety or people is paramount vulnerable people in a taxi alone can be subject to anything.

Actually defining what the other agencies are is valuable rather than leaving it to interpretation.

Agree in widening the scope to beyond criminal convictions

I would not want to get into a taxi with a driver who had speeding, reckless driving or other criminal convictions

Should also consider intelligence that would be disclosed as part of DBS and public complaints

I assume this means a more thorough background check?

Sensible and necessary including all agencies who hold/have relevant and pertinent information which could affect decision making.

Please provide details about why you agree:

Clarification is always good.

May have a licence elsewhere

Yes a thorough check should be needed including vehicle checks for MOT, road tax, driving licence, insurance etc. The taxi firm should not employ anyone who does not have this minimum and a taxi firm should be made liable for their employees if standards are not met. Most of the ones I checked in this area I have found expired MOT working for Huddersfield Taxi's, Premier taxi's and Crown taxi's.

Broader checks

As stated in first comments above

Considering the age range of members of the public that are carried and their possible vulnerabilities, the assessment of driver suitability must be comprehensive.

Safety of the public is important

Safety it is important u feel safe getting in a car with a stramger

No one would willingly get into a vehicle with someone who is not a competent driver

Taxi drovers are in a unique position of having passengers in their care. It is important that strict vetting procedures remain in place

More explanatory

All agencies should be checked

There should be no ignoring of convictions of any type , all have to be taken into consideration

Seems logical considering the job role

Convictions and cautions should be the same for any driver

clearer

The authority must have access to any & all information that may or not be relevant.

Too many drivers have criminal records so need checking for not just children , vul adults but also any member of the public to feel safe

Closes some loopholes

All actions by any relevant agencies should be taken on board for any assessments, as in a lot of professions.

Other details of your behaviour should influence what your allowed to do, especially if you have convictions which may make you unsuitable. For example The Sex Offenders Register.

other agencies should be involved

No one should be above the law

This will ensure we have correct and proper people providing safe transport options to our residents, building up confidence to travel & spend money around the area. How can anyone object to this?

Safety is paramount

Drivers should have clean licenses

The more checks the better

Fair enough

You should be able to check with any relevant agent, failure to do so could allow someone not suitable being given a license

This provides clearer direction for enhanced checks to be carried out

Makes sense

Explains more clearly.

Better. Well done. Perhaps include customer complaints too, in that they also trigger an investigation

Wider checks on suitability are a good thing.

Please provide details about why you agree:

- Ensuring drivers are fit and proper for the job
- Because it should be a full check of all agencies available
- Clarifies the matter and remove "grey areas"
- Checks with DVLA and HMRC to ensure compliance

Please provide details about why you do not agree:

- Why does it have to include a list of other agencies. It states other agencies but that should be enough
- Why
- It is of NO CONCERN or BUSINESS to you as a Licencing Authority as to what happens in a Person's PRIVATE and INDIVIDUAL LIFE. Those matters have NO BEARING on his or hers ability to perform and fulfil there duty as a Private/Hackney Licence Holder.
- 'other outcomes of actions' - this is a ridiculously ambiguous clause and could be used to bar genuine safe and able taxi drivers'
- Civil matters are personal to driver and it has nothing to do with council as it's intrusion into private life also the minor caution should not be taken into consideration unless it's a conviction ,it's absolute nonsense ,if council wants to implant it they should start from their own frontline officers based in all environment and stop bullying the drivers by introducing these silly laws in the name of public protection
- It implies that if someone is hit with a ccj, or any other civil matter, then this can be considered against his or her license since it vaguely states civil courts If someone becomes divorced, or is unlucky enough to get a ccj, not sure of the relevance to being fit and proper
- It's not fair
- am agree with most of policies but some of could be leads the driver jobless and lake of confident while working
- This goes too far because of false allegations
- Should not be allowed to drive the public with any police record.
- Could you explore having a fit to be a taxi interview similar to a fit manager interview for CQC registered services
- Why change something which is already effective and working. Does the council adopt similar policies in other departments as part of recruitment?
- No right
- The current policy has no flaws. Driving convictions has an impact on a drivers insurance which is more then a suitable punishment for a error whilst driving. Driving on the road for that much time you are surely bound to make mistakes. Drivers will leave
- Everyone deserves a second chance
- Issue here is people make mistakes in life and many once given a chance do reform . Not everybody wants to be a taxi driver those that do apply apply because of personal reasons one being a family man . Many other people working in public have convictions but still can work in public places
- Other government department having not to do woth driving a customer around. What if a person is trying to change for the better? Surely people deserve to get a second chance. People DO change you know.
- Same as previous
- .
- Full of shit

Please provide details about why you do not agree:

Criminal shouldnt be allowed to work with public. So similarly they shouldnt be allowed to work in council offices as well.

Someone having issues with childrens services, not paying child support, littering fine etc. It needs to be specific to the issue.

What if the individual has reformed their character and stayed out of trouble since? They have the correct professionalism for the job?

The list of Agencies should be absolutely explicit and listed accordingly. It should be in line with other Local Authorities across West Yorkshire, and preferably local authorities across the UK. Kirklees should not make their own rules up but should keep in line with national standard.

unfair all of it discrimination

Yes comments

Why should non relevant agencies be part of the decision

The policy is good enough

Not your job to do this

Licensing sub committee should make the decision to revoke a drivers license not the officers
N.

Still the same wording spun in favour of the council

DVLA is ok, CAFCAS is good, but only relvant things, not parking for example

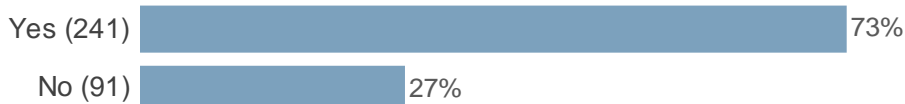
Other licensing authorities have nothing to do with kirklees, just because a driver was not right to work in Kirklees does not mean they cannot work elsewhere. Every council has different rules. As long as background checks such as DBS are done

I do not agree with this as I believe I have been targeted and it is institutionally racist.

This just looks like a racial attack as majorly of cab drivers are Asians. This is just a form of discrimination. People have livelihoods and family's to provide for and when there is uncertainty in the cost of living. Rather then assisting the drivers and helping you are doing the opposite.

because trying to impose unnecessary things

Do you agree with the proposed change?



Please provide details about why you agree:

More clear

Joe public has to so taxi drivers should

Rules needed tightening

More in depth

To give a fair and reasonable response

Protecting the public is paramount and taxi firms should be scrutinised regularly

Same answer as previous question applies

The authority should be privy to any information about a potential/existing driver when it comes to public safety

All relevant information should be available to and considered by the licence authority

Please provide details about why you agree:

Licensing authority should have upto date information

It's logical that available information must be shared.

for safety

It's about being a fit and proper person

Safety is important for passengers

Clarity as to why

again need to be thorough in the process, people take their lives when using a taxi, they trust it and the driver to ensure their safety

If the driver is unsafe it can put the passengers at risk. I hope fixed penalty notices that are not safety related are considered proportionally.

provides a rationale for why this is happening

All information is needed for the correct decision to be taken

clearer

HEALTH AND SAFETY

Ensures that any taxio license applicant is under no illusion what they need to declare when making applications.

safety

everything should be used to enhance safety, in fact 6 years seems a long time between reports

These need to be disclosed as they may have an impact on the validity of their licence.

The licencing authority needs sufficient information to make an informed decision on whether to issue a licence- so all need consideration.

Always like added 'reasons' being explained

Again for the safety of the public and to ensure that it is regulated

A full picture needs to be gained to assess a taxi driver's suitability

I agree with the extended wording. However, I would want to know that the info the council looks at includes patterns of intelligence reported to the police. As with the case of Ian Huntley and others, there were lots of reports to police but no actual formal action so in effect nothing to declare, but the information that he was a sexual predator was all there.

Because not all drivers may divulge past incidents or activities.

Ok

No

Yes the council should have enough information first before making a decision in regards to convictions

Agree with council

I agree to change

It explains why the information is needed

It meets the requirements

proof of honesty in outset

I agree with Alle propsed changes

Safety

The form asks so we tell the truth

It explains that this information is relevant in the decision making process.

Safety of public

Please provide details about why you agree:

Explanation of reasoning

The criteria set should be to allow honestly from the start of application but also if anything changes
But could include complaints raised, bringing value to safe driving.

Very sensible. The Licensing authority needs all relevant information.

Yes I agree with the fixed penalties etc and agree to the circumstances that may come across.

More explanation

Safety reasons

They should be safe and truthful to do a job right.

If you have conviction are you a safety breach to the public yes. So they might think twice before committing crime.

As the public we need as much protection as poss from rogue operators/drivers. Any cautions or convictions, no matter where issued should be disclosed.

It makes sense to have as much information as possible.

Much cleaner and wide spreading

Makes sense

All changes should be reported.

Safety

Due diligence, more reassuring for the travelling public.

Just clarifies Para 10

Again, clarification never does any harm.

8

Authority are better informed

All cautions have some reflection on the suitability of the driver to provide a safe public service.

Relevant information must be reported to the council

The reason for this is obvious. Taxi drivers have the lives of passengers in their hands

More explanatory

More comprehensive

Full disclosure is crucial for public safety

The same rules should apply for any driving job ie taxi, bus, lorry, paramedic - all are responsible for the safety of the public

more detail

Again, the authority MUST have access to any & all information in order to make an informed decision.

fair

Full integrity is req

Enables a fuller picture of the applicants background

Any issue raised has to be taken in to consideration for any applicant to ensure the safety of the public.

It's common sense fir Christs sake !

They have to be regulated

This again is a great idea & should be rolled out Yorkshire wide, all this information gives detail on the character of the person & is that the type of person we want representing the city for visitors whom the taxi driver may be the first resident a visitor sees. No this has to. E at the top of the list for me, great idea to add this part

Please provide details about why you agree:

Safeguarding passengers must be a priority

It doesn't detract from the original

Drivers have a position of control, often over vulnerable individuals, so the highest standards should be applied

someone who is impartial should be make sure that any driver is suitable to drive a taxi.

The addition of clarification at the end

Makes sense

Easier to understand

Good. More comprehensive. Perhaps include a DBS check, random drink//drugs tests?

It prevents convicted drivers from being taxi drivers

It shouldn't just be driving convictions, it just as much about the person and their general behaviour

Clarity of the process

Please provide details about why you do not agree:

Why do you feel that it is necessary to have to include an explanation

I don't think it matters much. The additional sentence justifies but does not clarify or explain.

Drivers must be DBS checked and on the update service which should be checked on a regular basis. We cannot rely on an individual to disclose. There must also be a similar system in place for any driving issues that may not show on a DBS record.

As a driver you are already stressed

All forms of FIXED PENALTY NOTICES ??? A bus Gate / Lane or Parking Ticket is COMMON amongst Private and Hackney Drivers so why should that have any impact on there ability to perform their duty, where as the General Public is getting these tickets too !!! So what, if any at all, difference or bearing does that have on holding a Licence ??? Seriously !!!

Fixed penalty notices and caution does not cause concern for public safety it's breach of privacy by council,i don't understand who is recommending these silly policies to council as we complete disagree for implementation as it is directly racist policy as mostly bam community drivers working in the trade ,council needs to revise the trade advisors as they first destroyed the Huddersfield town centre trade by raising rents and removing parking now they are after us to destroy our trade in the name of public protection as existing policies are enough for safety of general public ,if you want to implement then should start from own councils frontline officers then we will see how many will retain their jobs

Many items are personal, not criminal, have no bearing at all on fitness and propriety, and even less against safe and suitability This is further confused by your use of the term "is relevant" followed by "if relevant" Make your mind up, it either is, or it isn't, there can be no "if" about it

If it happens on personal car then should be kept

It's not fair

I believe that all taxi drivers should be subjected to DBS checks every 2years! This should be done by the council in insure all passengers are safe from harm, having the trust that the drivers would "inform" you that they have any convictions when it comes to the job is naive on your part!

We feel each driver should have their own private and confidential matters to themselves.

See previous response.

Why

Ridiculous

What's that got to do with driving from a to b

So if a person gets a fixed penalty notice, that means they can't drive safely and must be a really bad person. Have you considered maybe seeing if you can get in contact with and hire angels?

Please provide details about why you do not agree:

Stop discriminating taxi drivers

Full of shit

Why wasting further time of driver and yourself when you collect data every year through license renewal and dbs record as well.

It has to be applied to all public dealing jobs including council offices, revoking the license power should be to local councilor or MP, plus council license officer or decision maker has to be experienced taxi driver not an ordinary person, what actions has been taken to keep taxi driver safe as criminal freely travel on taxi on regular basis, there is no customer data hold by council to keep driver safe, if 9 points taxi driver not safe on road then no other driver should be on the road as he should be consider unsafe, we apy hafty amount to insurance for this reason, council should take steps to insure drivers safety as well as we are human and we are more venerable then normal customers. Council should provide free customer service courses if they not happy with driver services.

Official cautions are fine, concerns about fixed penalties, reprimands. Need full clarification on these terms or they need to be removed. They do not determine if a person is fit and proper.

The additional sentence is unnecessary and just a reword of the previous sentences

National rules and guidelines should be followed not just 1 local authority making their own rules up.
unfair

No comments

Why should you have to report a parking fine or a fixed penalty fine when it occurs outside of working hours and every other driver working for the council and other public departments doesn't have to report it

The policy is good enough

you are not the LAW

Discrimination

Not fair

Elected members should make the decisions not the unelected officers

Sometime only speed camara not to much speeding but we still got point

N

A bit vague

Some light convictions should not be adhered and should be done more on the warning side , rather than punishing a driver eg for going over a 6 miles on his second office and getting his badge invoked because of this.

Poor grammar. Chance "Circumstances" to "Circumstance", or pluralise the rest of the sentence.

Convictions should only be declared on badge renewal unless it equates to a ban. Council should have minimum information regarding driver as on paper it looks worse. Example a driver in a unknown area customer giving directions accidentally does 33 instead of 30 speed camera 3 points. A week later driver waiting at lights ambulance behind him he goes forward to let ambulance through red light camera flashes 3 points again. 6 points within a week according to kirklees that's a straight ban. For 2 simple mistakes. This does not make the driver a lunatic or a danger to the public. Every situation is different. Why should he now loose his badge, loose his mortgage because he can't work potentially become homeless

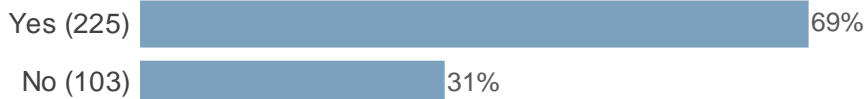
I do not agree with this as I believe I have been targeted and it is institutionally racist. I feel there is no equality between my transport area and other transportations. I, and the drivers that I represent - have never heard of such a requirements needed in any field. This is a target by the council towards me due to being a taxi driver, I am being tarnished a taxi driver, due to the colour of my skin and targeted due to my religion.

Please provide details about why you do not agree:

This just looks like a racial attack as majorly of cab drivers are Asians. This is just a form of discrimination. People have livelihoods and family's to provide for and when there is uncertainty in the cost of living. Rather then assisting the drivers and helping you are doing the opposite.

trying to become a bigboss on minor things

Do you agree with the proposed change?



Please provide details about why you agree:

Clearer for drivers

As long as the public are not put at risk

Good reason to change

Takes account of public issues

Risk assessment with full and fair consideration for safeguarding of public

This is relevant as some people are malicious and if they don't like the journey even though nothing wrong has happened the will try and make drivers life a misery

The addition clarifies, and may discourage false/vexatious complaints, and encourage people who will be reassured a taxi driver won't be barred without proper investigation. (It should be its own full sentence, not joined by a comma as an additional clause).

In principal, I agree, it is in the public interest

Innocent until proven guilty still exists and shouldn't be the other way around. Also nuance to situations is essential to consider.

If someones been acquitted and its gone through the courts, the local authority should still be made aware of it, but not necessarily used against granting/revoking a licence. All other scenarios should be taken into account and considered before granting/revoking a licence.

It's fair for all but the council should reply to all complaints from the public. I am still waiting to hear from an online complaint I made about 3 years ago!

All complaints should be considered before the driver being banned

It makes the decision making process mire relevant and justifiable

so all drivers are fully checked

The last three sentences

Although this is ticklish if vexatious complaint are made we must be careful on this one

A conviction may not happen due to evidence but it maybe a concern nevertheless especially when travelling with vulnerable people

Safety is important for passengers

Provides further clarity

Everything needs to be shown so that all information is available

the last sentance protects those who have been accused falsely

Many cases fall apart due to the ridiculously lengthy waits for trial, poor evidence collection, stigmas and the perception that drivers are being unfairly profiled.

Truthful investigation

Please provide details about why you agree:

Provides further information to applicants of the process if charges are not proved to the criminal level.
as long as complaints are treated seriously and not brushed under the carpet

the additional detail is useful

The authority need to be strict when issuing licences if they want to ensure the safety of the public whilst using the services

Explains it better

Ok

additional clarity and further explicit protection of drivers against false or vexatious accusation

No

Every complain should be considered

Yes I agree as if there is a lack of evidence against someone or a conviction does not put the public at risk why would a taxi drivers licensing badge be taken from them so it depends on the latter of an offence.

Agree

Yes as long as proper investigation is done

I agree

Only fair to discount complaints that were not upheld.

It meets the requirements

as previous

I agree with all propped changes

The added text clarifies that vexatious, false or cases lacking in evidence cannot be used in evidence.

Of course complaints where there was no police involvement should be considered. Very important. The complaints procedure should be readily accessible and some reassurance to the complainant about anonymity for fear of reprisals.

As long as the correct paper has been provided to the council, so they can make their own decisions

Reasonable

Safety of customers should be no1 priority

I think I can agree with this because it may be a faulty in something I guess.

Safety reasons

Police do not have the time or resources to look into all complaints. But it's right to investigate all complaints and take action accordingly

Any criminal activity should be looked into and why they were even thought to be involved.

Provides clarity

It is right that no action is taken if the complaint is false or the complainant has a grudge for no reason.

Agree with the proposal

Seems fair

Can you also add individual or citizens complaints

This provides some protection for applicants, who are surely entitled to 'innocent unless proved guilty' ...?

Many issues arise which fall outside police remit but should be considered and where required investigated by council in order to ensure safety of travelling public

Although the reading is slightly awkward. Perhaps "but" she be added before "this will not"

More information on drivers standard

Please provide details about why you agree:

This should be brought in front of the licencing panel for consideration to make the final decision and not the licensing officers.

The Council must err on the side of caution as public safety is a priority but complaints must be adjudicated by an independent arbiter to be fair to the drivers.

Should also be considered

Taxi drivers should be above reproach and dependable

Fairer

Provides more clarity

Full disclosure for consideration is a must

Bail conditions should be relevant to the job ie drink driving - while awaiting sentencing - can't drive your own car then can't drive a taxi also alleged sexual assault etc should be to protect the driver as well as the public

clearer

The police will often ignore complaints that they consider trivial & will advise that the taxi operator or local authority are contacted, these complaints should be investigated & considered.

fair

Usually no smoke without fire

No further comment

As professional drivers, matters like this should be welcomed by the profession, especially if they will be reviewed regularly so as to remove any disparities

The additional wording in the final sentence makes this part of the procedure fairer.

They should come under the vetting process

You could have a rapist out on bail driving vulnerable customers around who may know full well they are choking to prison & have nothing left to loose!... An extreme example I grant you but a very good reason this paragraph is a good idea. I can't stress enough that safety must come first to build back confidence

I work in education and have to abide by this

Again, their involvement with potentially vulnerable people means the highest standards are needed you should investigate and determine if they are suitable or if the matter warrants further review

It's important to acknowledge that complaints are made on the basis of sour grapes in all walks of life and such complaints should be investigated and acknowledged as such with no impact on the subject of the complaint

Makes sense

Explains in more depth

Yes. But consider plain English. Whilst I know what vexatious it is an a very little know word. Try false/malicious? Don't use posh words to make you sound clever

Sounds reasonable.

All complaints should be looked and and properly validated. False allegations should also be noted as th perhaps why it's been made

I agree that only founded complaints/convictions/rulings should be used when considering action.

Please provide details about why you do not agree:

No fair for driver

False allegations are made on a REGULAR BASIS by the General Public against the Drivers. Therefore, in some instances subsequently Court Action is involved. A Driver gets Acquitted yet, you still are biting on the bone when there is no meat left on it !!! I DO NOT AGREE with this mentality and approach.

no need for this

Until an allegation has been proved I feel the person should not be penalised.

Just because there has been no punishment or telling off, doesn't mean that if enough cases were brought to light that it didnt warrant further consideration. Eg. Reported domestic violence.

Driver should keep licence until they are convicted

Not sure Whilst we see an element of introducing the possibility that allegations are often false or vixacious, the daft remains that not all complaints are relevant to licensing at all

I don't understand it

Until found guilty Council shouldn't take strict action

Agree if there is no evidence against driver as some passengers can be very aggressive and violent specially when drunk

Verbose

Agree in content but not easy to translate.

There is no smoke without fire. The safety of innocent passengers should be paramount. Taxi drivers will make far more effort to ensure they retain their licence if they are aware that they will not might lose their licence to drive taxis for hire.

Because if something isn't going to be result in a criminal conviction prosecution or further investigation it's unfair to have a driver penalised for that.

It feels a backwards step and more relaxed policy that taxi drivers will automatically get away with infringements where police have not been involved.

Sometimes the police are too busy BUT the taxi driver could still have acted wrongly

Don't need

Everyone deserves a second chance.

I totally disagree with these policy's it's all about targeting the ethnic minority nothing else . And that's the sad part . We pay on to a system a council who want to target us all and label us all equal ...

You would need clarity before any action taken

Full of shit

Same action has to be taken against member of public as well. There has to be a simple portal where driver can report the complaints again customers as well. And an appropriate action has to be done against liable people. This will help reduce crime as well i believe.

I think any complaint should be talked through with taxi driver and should be monitored for sake of both parties if vexatious, false or lacking in evidence complaints crop up again. Both need protecting.

It has to be applied to all public dealing jobs including council offices, revoking the license power should be to local councilor or MP, plus coucil license officer or decision maker has to be experienced taxi driver not an ordinary person, what actions has been taken to keep taxi driver safe as criminal freely travel on taxi on regular basis, there is no customer data hold by council to keep driver safe, if 9 points taxi driver not safe on road then no other driver should be on the road as he should be consider unsafe, we apy hafty amount to insurance for this reason, council should take steps to insure drivers safety as well as we are human and we are more venerable then normal customers. Council should provide free customer service courses if they not happy with driver services.

Innocent until proven guilty is of paramount importance here.the above should not be part of the consideration unless it is proven otherwise.

Please provide details about why you do not agree:

If the court has acquitted an individual, no further action taken against a report etc. The council is not a policing body, let the police and higher authorities do their job. Yes, you work alongside the police but the police are the ones with the authority to carry out investigations and punish, you only go by what they say.

This could be a joke if it were not so serious. Again Kirklees appear to be creating even more red tape and keeping records unnecessarily (of case that has not resulted in a conviction).

discrimination at its finest

No comments

If something has happened and the court finds you not guilty then why should that be taken into consideration and why should a complaint from Joe Public be taken into consideration especially if you are not working at the time

The policy good enough

People complain for a reason.

One strike and out no chances in this profession

let the courts decide not council

The original protects the public more

If police does not convict then you should not either

Not fair

N

Not guilty means not guilty end of. What's it got to do with the council

Dont agree

It should be done on the light of the evidence that is provided

Driver will suffer nevertheless without any inquiry

Customers like to lie, it says complaints will not result in action If false etc. This is another lie. So many drivers have had badges revoked because of complaints. If it's customers word against drivers why always take customers. Petty things like not opening boot or asking for payment first. What is wrong with asking for payment first, in a bus you pay first, in a train you pay first, in a tram you pay first. Why can't we ask customers who are going on a far job for money first. Why should they be offended and make a complaint. And why use that complaint against drivers

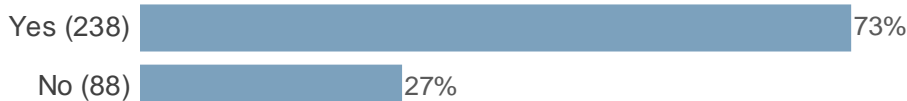
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This just looks like a racial attack as majorly of cab drivers are Asians. This is just a form of discrimination. People have livelihoods and family's to provide for and when there is uncertainty in the cost of living. Rather then assisting the drivers and helping you are doing the opposite.

not right

Unless it is proven otherwise.

Do you agree with the proposed change?



Please provide details about why you agree:

More detailed

Needed addition

More security led and gives confidence to the public

The public must feel confident that their taxi company is following guidelines and has been thoroughly vetted

See previous answers. Copy and paste

Public safety should be paramount, and this is just guidance for an applicant. You can't include every scenario in a guidance document, so local authority discretion should be used. Officers should be suitably trained to make these decisions.

It shows the required commitment for both sides

You do need to be more than one officer, to make this decision

The policy would be transparent and explicit and applicable to both private hire and hackney carriage licence applicants and serve both purposes with no room for disagreement or confusion.

safety

Of course this must be made clear particularly to new applicants

Safety is for passengers

Provides further clarity compared to the original

again need to be thorough and clearly explain the position for the safety of users and women passengers

provides a description of the process

The safety is paramount and the change to the paragraph is clearly being changed for that reason more explanatory

It is vital we feel safe when using taxis,

The more reviews, the better. I have lost count of the number of times I have felt unsafe in a taxi because of leary drivers who think women are up for waiving the fare in exchange for sex.

Be registered as fit and proper

Proposed changes are more definitive.

the authority should have a shared interest, take responsibility if things are not going to plan

NB: there are a couple of spelling mistakes

Any person seeking to obtain a licence will have clear information as to the criteria they will be assessed against.

Any inclusive information is an advantage to the licence giver to ensure safety for all

Guidelines need to be in place and monitored for public safety

Wider explanation of the policy

please see spelling mistake so may not cover 'EVER' specific circumstance.

Ok

additional clarity. (note: typo in text. "not cover ever specific", should be "every")

No

Again I agree because it's for the safety of passengers

Yes as they are a licensing body and should ensure the safety of the public

Agree

I agree

It meets the requirements

Please provide details about why you agree:

explains use of guidelines and professionalism and knowledge of staff

I agree with all proposed changes

Safety of public

Gives more of an explanation, which makes it easier to understand.

All officers involved in the decision-making process should be aware, and have powers, to act on drivers sharing cabs illegally. The customer should know, when entering a taxi, that the driver is trained, identifiable as a qualified driver. Driver assessment; attitude, driving skills, etc should take place every 3 years.

Yes

Explanatory

Again customers safety

More comprehensive

To protect others from harm so the driver must be fit and have not criminal records as this can make travelling in public riskier.

More than welcome To include these factors for drivers when it comes to renewals on license holders etc. as it will rule out and keep the community safer and for the public to be in safer hands.

Yes it's more detailed. But could be clearer on the types of vehicles being used as taxis which are not fit for purpose.

Safety reasons

Providing that all officers are suitably trained, and are unrelated or connected with the applicant

To protect the public, I would rather more checks take place

Yes and each member should be responsible for all the agreements .

Explains fully

Training essential.

It serves to reassure applicants and public of the basis on which licences are granted, and that at times professional judgment is required.

Clarifies and clearly explains council policy for Para 15

I think that would be a good standard

Regarding suitability guidelines on specific issues such as monitoring and surveillance of people by drivers (I believe has happened in my case with some of them found not to have current MOT's) if this is something they would do for a friend family member or acquaintance. Also guidance on data of customer mobile phones and addresses that taxi firms and drivers know and hold regarding its confidentiality and if they would commit breaches to a third party

More information on the decision making process

Clear and unambiguous guidelines can only lead to more suitable and higher calibre candidates to be hire drivers. This in turn would lead to a more professional public service and one that the public can have confidence in.

Drivers needs to be fit & proper to hold a Hackney carriage or private hire driver's licencs

If the council have granted a licence then they should oversee the holder of that licence to the highest standard

The safety of passengers come before the feelings of drivers who simply have to live and drive legally if they wish to continue in their profession

More explanatory

More comprehensive and detailed

Public confidence is paramount

Please provide details about why you agree:

Protection and advocacy for drivers n passengers

clearer

More flexible & greater clarity.

Good standards are a pre requisite

Makes sense

If the council do not make these checks, they are leaving themselves open to accusations. Again we need to have tougher legislation to protect the public.

The additional wording gives greater reassurance as to the competence of those making decisions. NOTE : I think the it should say 'every specific circumstance' not 'ever specific circumstance'.

Perfect, it not only keeps the public safe & vibes confidence but everyone can clearly see what's expected of drivers. What's not to like about keeping people safe

All drivers should be checked and licensed

It doesn't detract from the original but provides an explanation as to how decisions are made

it seems fairly straightforward statement

Makes sense

Clarifies reasonings

Yes better. But please define 'suitably trained and what this entails.I, is it a 2 hour in-person course? a week's course? online half hour course?.....

The customer needs to be reassured that the driver has been fully vetted

Clears grey areas and explains the process

Yes but there is a typo - ever instead of every specific

Please provide details about why you do not agree:

Guidelines for drivers are very important. However, I would say that this kind of formal document written in unclear jargon is not a good way of communicating clearly with drivers. It may be especially inappropriate because levels of literacy and English language competency are likely to be lower among our taxi driver cohorts.

There is a word missing. It should read "as well as the officers WHO are making a decision."

Because every moment is different

NONE of your Staff a PROPERLY and 100% trained to determine if a Driver GENUINELY does not deserve to have his or hers Licence renewed or even if it's a First time application should be granted a Licence. You are mere taking past situations or scenarios and you are NOT taking into account the ACTUAL PRESENT TIME.

Decision should not be made by council, but and independent body.

Council should not be allowed to breach drivers privacy only dbs should be enough it's absolute joke how would you feel if somebody start asking personal questions to you

Internal training is not accepted by the licensing authority, so why should it be deemed appropriate within the licensing authority itself There may be many aspects of licensing that internal training gets very wrong, so whilst you as an authority may deem it acceptable, the trade should have a say in this and they should assess the training to verify it as being appropriate

Wordy way of stating the obvious

There's a mistake in the new paragraph. It says ever instead of every

Too much power for licensing

Makes it more woolly and open to interpretation

Decision making must be left to elected councillors

Please provide details about why you do not agree:

This give an "escape" for drivers

Why

Through experience your officers aren't deemed competent to make such decisions

Council officers are racist

Fit and proper ??? So get 7 points you can't drive . But rest of public that are driving crazy in the roads daily are all allowed But yeh

Personal opinions of officers shouldn't be the standard. The guidelines/rules should be the standard.

Full of shit

The right to decide authority should be given to public choose. Authorities like councilors or MP's.

It has to be applied to all public dealing jobs including council offices, revoking the license power should be to local councilor or MP, plus council license officer or decision maker has to be experienced taxi driver not an ordinary person, what actions has been taken to keep taxi driver safe as criminal freely travel on taxi on regular basis, there is no customer data hold by council to keep driver safe, if 9 points taxi driver not safe on road then no other driver should be on the road as he should be consider unsafe, we apy hafty amount to insurance for this reason, council should take steps to insure drivers safety as well as we are human and we are more venerable then normal customers. Council should provide free customer service courses if they not happy with driver services.

The drivers need clear guidance on what is required and any decision to refuse or not grant a license should be made by the sub committee.

There are spelling mistakes and missing words or grammatical errors in the additional text.

Why has this paragraph been changed? What specific training have the Officers had to determine whether an individual is suitable for a licence? Again government policy should be the guideline and it should cover all local authorities not just Kirklees.

need to make fair rules for all

No comments

The decision should be made by a licensing sub committee not by officers

The policy fine

What's wrong with the existing ?

Discriminatory practice

Not fair

Circumstances should be listed. Why leave it to the council to make up Circumstances to their own favour.

Need clear guidance so we can understand the matter in hand.

Poor sentence construction. "...There are an extremely wide set of circumstances that the policy must cover so may not cover ever specific circumstance..." - reword to avoid double use of cover.

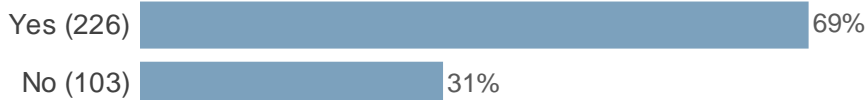
Officers need retraining, they use petty things to revoke badges. If a driver had 5/6 complaints but small minor things why still revoke badge

I do not agree with this as I believe I have been targeted and it is institutionally racist. I feel there is no equality between my transport area and other transportations. I, and the drivers that I represent - have never heard of such a requirements needed in any field. This is a target by the council towards me due to being a taxi driver, I am being tarnished a taxi driver, due to the colour of my skin and targeted due to my religion.

This just looks like a racial attack as majorly of cab drivers are Asians. This is just a form of discrimination. People have livelihoods and family's to provide for and when there is uncertainty in the cost of living. Rather then assisting the drivers and helping you are doing the opposite.

no good for trade

Do you agree with the proposed change?



Please provide details about why you agree:

More detailed

Very few will admit to a wrongdoing

Makes sense

Fair

Need to safeguard public first, not driver and dependants.

If there has previously been no problems over time these factors should be taken into account

Common sense rule

Any wrong-doing or departure from licence rules should be treated as serious and result in the licence being revoked if appropriate despite previous good conduct

Each case should be decided on its own Merits

safe environment in car

With the caviar that if we have a driver with an exceptional record, I would take this into account

Safety for public

As before spelling it out more clearly with examples

reads better

The safety of the public is the only thing that matters - changing the paragraph is backing up this fact removes outdated sexist language - as if only drivers are male. Also better and clearer in the new version

as a Kirklees employee i would expect high standards of behaviour and compliance with the law

Look at the Jimmy Savile case. He raised millions for charity but was a monster.

Look at the whole picture

Assists applications.

Having a clean driving licence doesnt make everyone a suitable candidate for holding a licence

It is a wider explanation

Ok

No

Agreed

Safety of the public

The driver should have knowledge

Provides clarity

It meets the requirements

fuller explanation of the points

I Think it is good idea

Safety

It's fair enough

Clarifies the councils position on exceptional circumstances.

Please provide details about why you agree:

Yes

I want safe, professional and law abiding driver

Relying upon 'good character' is just not acceptable in any form of work

Sounds fair.

At least the driver knows its circumstances and what duties need to be done in a lawful and correct way

More specific

Safety reasons

I am of good character. If I did something wrong I would expect to take any punishment, including loss of job. I've never had any points for anything or even a parking ticket. But if I did end up getting caught out then aslong as the evidence is there I would not complain

Who will decide what is a good character and absence of not knowing it was wrong? Be can all play dumb. It should be any changes conviction declined licence weather they decide they are a good person cause they once did a charity walk for Oxfam so that makes them a good person.

Please amend to taken into account not taking...

Provides clarification for applicants, and supports officers making difficult judgment and protects them from appeals against judgments, perhaps?

That showers good professionalism

Clearer criteria

The Council should not deviate from its policy otherwise it is not a policy fit for purpose. If shortcomings in the policy come to light, then the policy must be amended. The safety of the public takes priority and previous good conduct or a clean license record should not absolve a driver if public safety is put in jeopardy.

Drivers or aplicants must have a good character and a clean record

The council should have the last wording cases

More explanatory

Common sense

Good character etc should be acknowledged

clearer

Greater clarity.

Safety of public is paramount, above drivers 'rights'

Closes loopholes

The proposed change is very fair for everyone

I think that the ability to speak English without a substantial accent should be a requirement for a suitable applicant. Is this accessed?

Regulatant

Many professions require you to be of good character & as priori era we need to come into the new dawn, the public need to feel safe & ignorance is no excuse nor is everyday expected behaviour in a civilised western society such has good character, nonprvios convictions etc etc These are things we all should be doing in life anyway, they are not exceptional they are normal

I would have thought that this was just a given

means the policy isn't fixed and allows some flexibility but concern not to subject any pressure to deviate from the policy

More specific

Please provide details about why you agree:

It is a better option...but "absence" of knowledge of wrongdoing.....a family friend was in a serious crash in a taxi because he when the the wrong way down a busy one way street...he claimed "absence of knowledge of street layout" so my friend couldn't claim.....just saying

Please provide details about why you do not agree:

One of the legal foundations of this country is ignorantia legis non excusat. Therefore ignorance of wrongdoing should not be taken into account. It is the individual's responsibility to ensure they are fully compliant with UK law and Council licence parameters.

The intended meaning of this is quite unclear. How about something like "The person circumstances of individual drivers will be taken into account in licensing decisions. However, drivers' circumstances are only part of what is considered. All licensed drivers are expected to show good character and conduct".

I feel that a clean licence should be required, or a nearly clean licence. Also, a driver should be aware of wrong doing, and should have the knowledge of what's acceptable.

Why

Again surely the proposed change is creating a more easy to navigate 'loophole'.

This new definition is even more confusing than the original- it needs more clarity and definitive guidance.

Human Error does not feature in your process when determining if a License should be issued or not. You merely take a ONE OFF INCIDENT (which can happen to you even) and are then making and taking a JUDGEMENTAL DECISION.

I understand what this is trying to say but I think it confuses things for drivers, needs a succinct statement , i think the original is sufficient.

This is double negative stuff. In the absences of knowledge of wrongdoing we should be offering training and surely good character is relevant for a one-off discretion ?

I dont think those 3 points are relevant factors, so the policy shouldnt imply they are a 'get out of jail free card' . Ignorance is no excuse for not obeying the law. And who is to say the driver is of good character, the local cllr who will get his vote if he helps him keep his job?

Why boy list the things that would be considered instead The list of the things that will be ignored is a much longer list

Should only depart from the policy very serious case

No requirement to add, the initial statement quite clear

People can change and if something has happened which means they no longer meet the qualifying criteria it may be a warning bell

Not necessary as if a matter falls into this category the individual circumstances should be considered.

a driver should know the law - its our lives in their hands

No need

A person's track record should speak for themselves and the council should go by a persons character and record.

Leave it to the courts

Clean driving record ?? How many bus drivers or police officers are fit and proper and all have good character and clean driving records Is it only taxi drivers that a seen as public protection

Full of shit

There has to be some flexibility to a person if he has become a change or reformed person.

impact of losing licence should still be irrelevant , unless not be mentioned here as it appears earlier? otherwise ok.

Please provide details about why you do not agree:

It has to be applied to all public dealing jobs including council offices, revoking the license power should be to local councilor or MP, plus council license officer or decision maker has to be experienced taxi driver not an ordinary person, what actions has been taken to keep taxi driver safe as criminal freely travel on taxi on regular basis, there is no customer data hold by council to keep driver safe, if 9 points taxi driver not safe on road then no other driver should be on the road as he should be consider unsafe, we pay hefty amount to insurance for this reason, council should take steps to insure drivers safety as well as we are human and we are more venerable then normal customers. Council should provide free customer service courses if they not happy with driver services.

Absence of knowledge of wrongdoing should not be specifically mentioned

Need to be clear on this point as it is contradictory on one hand saying take previous history into consideration, good conduct, driving etc. on other hand saying no. Licensing panel need to be making the decision.

It doesnt matter what the previous good character a driver has. If they have broken the law sufficiently enough to receive a penalty then they need to accept any consequence of those actions. Additionally there's a quite 'ignorance of the law is not an excuse' which is generally given by courts when people are trying to escape the consequences of their actions.

It needs to be about the public not the affects it will have on the applicants family

There are spelling mistakes or grammatical errors in the additional text. The wording should be "albeit they are still relevant factors and will therefore be taken into account: -

The policy should ensure that all applicants are treated in the same manner. The paragraph above suggests that this may not be the case. The rules should be concise. The last paragraph - absence of knowledge of wrongdoing needs to be more explicit.

previously the council made enough checks to ensure safety of passengers no need for change

The good character and good service of the driver should be taken into consideration

The policy fine

What is wrong with the existing ?

Think the first is clearer

Discriminatory against Asian drivers

Not fair

Makes sense

Ignorance is no defence, nor should financial hardship be an excuse to allow them to carry on working. Perhaps a probationary period for those offenders

Spelling error *taking has been used instead of *taken.

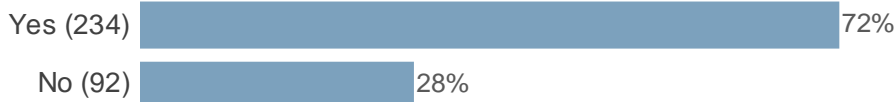
absence of knowledge of wrong doing should not be taken into consideration - as someone responsible for the safety of the public they should make it his/her responsibility to know the wrongs and rights. ignorance is not a defense, driver undergo checks, training and sign declarations stating they understand conditions and legislation attached to their license therefore "absence of knowledge of wrong doing should never be considered

I do not agree with this as I believe I have been targeted and it is institutionally racist. I feel there is no equality between my transport area and other transportations. I, and the drivers that I represent - have never heard of such a requirements needed in any field. This is a target by the council towards me due to being a taxi driver, I am being tarnished a taxi driver, due to the colour of my skin and targeted due to my religion.

This just looks like a racial attack as majorly of cab drivers are Asians. This is just a form of discrimination. People have livelihoods and family's to provide for and when there is uncertainty in the cost of living. Rather then assisting the drivers and helping you are doing the opposite.

not good not in favour of drive

Do you agree with the proposed change?



Please provide details about why you agree:

That's fair

Good change to fit and proper rule

Need to make taxi drivers show there I.d bc some of them do not I do get taxi all the time and not one as shown me oakwell and rex taxis are bad for that u do not know who it is

Appeal should be within neutral territory

Adds relevant info about what a driver might do in these circumstances

If there is any question of in suitability at any time this should be followed up

Common sense rule

If a person has done something during a licensed period, of course it should be considered and they should also have the right to appeal.

Everyone who has a license must conduct themselves in a fit and proper way to keep that license

Each case to be considered on it's own merits

It states how and when and to whom an appeal can be made

Pearly the appeals procedure is clear

It's important drivers is mentally fit

Clarity of how to appeal

makes people aware of the potential impact of their behaviour

Drivers need to be accountable at all times - the change will help support this

right of appeal detailed

The definition of 'fit & proper' needs to be considered in individual cases.

BEHAVIOUR STANDARDS

Clear and concise process and ensures that licenses are revoked in a timely manner with rights of appeal.

should also take into account physical and mental health issues.

The terms of the licence issue are set out therefore in the event of a person breaching them they will be aware.

ok as right of appeal given

Public safety and road safety

Again, it is just a wider explanation

But appeals should be limited to 1 appeal or you could have drivers appealing constantly. To hope you will give up pursuing them.

I'm agree with this

No

For the public safety

New one

Includes relevant additional information

Meets the requirements

Please provide details about why you agree:

as previous

I agree with all proposed changes i Think it is good ide

Safety

This should only be applied to the most serious offences as there could be cultural differences between a driver and passenger.

It highlights the right to appeal.

Yes as if not right the driver has the right to appeal

Again customers safety

More comprehensive.

Yes thoroughly checking through whether the driver is fit and proper for the job.

If someone does not meet the fit and proper agenda of their behaviour it is onlt fair to revoke their license.

Safety reasons

Simple. They need to be trusted to be a taxi driver.

We all have the right to appeal. Set a standard and any issues regarding this they should be suspended immediately

The right of appeal seems fair. In case a driver has been wrongly accused.

There must be provision for appeal against a decision as drastic as this, and through the courts seems the best way.

An appropriate approach and safeguard for all

I believe everyone should have a right to redress. Agree license can be taken away at any time if fit and proper isn't met

Clearer explanation and appeal information

The policy must be comprehensive enough so as to not leave much ambiguity in terms of what constitutes 'fit and proper' behaviour. The right to appeal should only occur under exceptional circumstances.

If the driver isn't any longer fit and proper needs to be reevaluated

Te Council should keep tabs on all taxi licence holders

Magistrate is independent and transparent.

Provides the right of appeal which is fair

Arbitration is final

Appeal should be swift so not to prolong the challenge

clearer

Greater clarity.

Live by the rules

Gives the holder a pathway to appeal

I can find nothing untoward with this change. As in most professions, anything untoward that arises has to be dealt with. The publics safety is paramount.

This additional wording outlines an appeals process and therefore seems to be fairer.

Absolutely, no point having these rules if there unenforceable, revoke fir safety is a must

Fair process

absolutely agree, otherwise a driver could not be fit and proper but no action taken until next time license is applied for.

Makes sense

Please provide details about why you agree:

Explains this could be any time during period of holding the licence, not just at renewal.

I'm ok with that

Sounds reasonable

There should always be a process of appeal because of malicious allegations

Clarifies

Please provide details about why you do not agree:

the right to appeal should be only made available in areas where the situation is a grey area and the licence holder should not be able to trade whilst the appeal is running.

There should be no appeal.

What does it mean by driver behaviour it's not clearly specified as anybody can standup and Misbehave and can take revenge back by reporting to council for driver bad behaviour without any proof or by provoking the driver, it will be injustice and licensing officers may abuse drivers by using this policy so disagree

Once again we see a mix between fit and proper, and safe and suitable Pick one and be consistent

Too much power

I do not agree that they can appeal the the magistrate court if they have done wrong broken laws then they should no longer work for the council or allowed to be a driver

Must be clear that suspended/revoked pending appeal

The council has the final say

They have a route of appeal which will no doubt mean the taxi driver still has their licence when they shouldn't. If it's a clear cut case and been before a magistrate why have an appeal?

The council should retain the right to revoke a license unless this is now something which has been challenged in law and this revision is to comply.

this gives driver the time to think of a lie

Totally don't agree

Should be decided by comity's or court not the racist council officers

Yeh let's revoke and make it harder for people to get jobs then start to complain why we have so many on benefits ... stupid policy which is just another way of making it hard for ethnic minority's simple as that z. Because why wasn't these policy's decided many years ago why know ???

The criteria of fit and proper surely is already covered when the medical are done for the driver.

The police may target taxi drivers , I don't trust the police

Full of shit

Right to revoke decision has to be taken by councilor or MP of the relevent area, not by the council officer. Also there has to be experience taxi driver in the office who should be holding significant position to decide revoking decision.

it has to be applied to all public dealing jobs including council offices, revoking the license power should be to local councilor or MP, plus coucil license officer or decision maker has to be experienced taxi driver not an ordinary person, what actions has been taken to keep taxi driver safe as criminal freely travel on taxi on regular basis, there is no customer data hold by council to keep driver safe, if 9 points taxi driver not safe on road then no other driver should be on the road as he should be consider unsafe, we apy hafty amount to insurance for this reason, council should take steps to insure drivers safety as well as we are human and we are more venerable then normal customers. Council should provide free customer service courses if they not happy with driver services.

Agree with proposed changed but the right of appeal decision should be with the licencing committee.

Please provide details about why you do not agree:

The addition of this sentence will provide an opportunity for all drivers to appeal a decision, leading to further and increasing costs to the General public, even where it is clear a decision will be upheld

What is meant by "fit and proper" standard of behaviour? An example of of correct / incorrect "fit and proper" behaviour should be given as examples. Also, has this change been adopted by other Local Authorities? If so, which?

trying to take away people's livelihood

The first appeal should go to the sub licensing committee first why add more cost to the driver

The policy fine

Why make some one special ? It's black and white, either you have committed an offence or you haven't.

one strike and out,

The first is straight to the point, if the license has been revoked that should be the final decision

Totally unnecessary and discriminatory

Not fair

If the council applied similar criteria to their own job half of them would be fired

Sub committee

We should always have a right of appeal on no matter whatsoever.

Shouldn't be revoked on complaints ,

I do not agree with this as I believe I have been targeted and it is institutionally racist. I feel there is no equality between my transport area and other transportations. I, and the drivers that I represent - have never heard of such a requirements needed in any field. This is a target by the council towards me due to being a taxi driver, I am being tarnished a taxi driver, due to the colour of my skin and targeted due to my religion. This is my bread and butter. I want equality towards the point system. 6 points should not mean a ban, it should be 12 points - equivalent as every other driver.

This just looks like a racial attack as majorly of cab drivers are Asians. This is just a form of discrimination. People have livelihoods and family's to provide for and when there is uncertainty in the cost of living. Rather then assisting the drivers and helping you are doing the opposite.

who will educate customers to give respect to driver no one

Do you agree with the proposed change?

Yes (235)  72%

No (91)  28%

Please provide details about why you agree:

Good cover

Seems fairer

Fairer and well reasoned

Seems fair

Common sense rule

The local authority should be able to consider any wrong doing when issuing/revoking a licence.

Fills any loopholes

Each case to be considered by its own merits

Please provide details about why you agree:

Sounds to be all embracing/ encompassing all known and unknown factors

Yea it tidies this up

Authority should do the duty for public safety

Spelling out the decision is made by competent officer

Everything should be taken into account

better written

It's about time to be honest.

COMPITENCIES

Consistent and transparent

allows for flexibility

Details should be looked at by a trained person and considered on its own merits to ensure appropriate details are taken into account in a fair manor

wider explanation

Ok

No

Agree with the council

Meets the requirements

clear definition of use

I agree with all proposed changes i Think it is good ide

For safety

most of the decisions made by officer are made after a deep investigation and inquiries

Yes

Expands and confirms officer's authority

Again customers safety

It allows more discretion.

Yes I understand the policies and procedures of what the council does and what matters they claim to do and how we can find solutions to these incidents that's been happened

More specific

Safety reasons

There are always loopholes found by others. Yet this should not be used as an excuse over safety and integrity

Sad that this has to be spelled out.

Clarification

That sounds good , safety is should be first priority

Better explanation

At the end of the day the council must take responsibility for Kirklees taxi drivers

More explanatory

Clearer definitions

No loop holes

Agree

Greater clarity.

Reasonable

Please provide details about why you agree:

Appropriate

This is done in most professions. Nothing at all wrong with it's implementation when we are talking about the safety of the public.

Good clean record is essential

It seems very reasonable & a step forward to growing confidence in local transportation which can only lead to more people getting out & spending in the district

Fair

It's straight to the point

allows you to look at any circumstance whilst allowing some leeway

Makes sense

Better clarity

But please provide the standard of training of these officers in the clearest terms in your appendices etc. It needs to be made explicit

Sounds reasonable

All evidence should be considered when making a decision

Clarifies

Please provide details about why you do not agree:

The first sentence remains unclear. It could probably be dropped entirely.

Again, your interpretation of suitably trained, does NOT interpret as PROPERLY TRAINED and it ONLY YOU who deems your own Staff Member to be suitably trained. NOT PROPER. Therefore, biaseness comes into play on your part.

Decision should be made by independent body

For revocation of a licence; this should not be decided by one person. A panel of competent and senior persons should be involved

We would like to be in on this training to verify it as being competent and suitable

stating the obvious again

extra power

All concerns, issues or convictions should be taken into account and refused the position. Would you allow a murderer to work with children?

Too wordy

Each application should be considered by more than one officer who is suitably trained

who choses the "officer" & what qualifications will they have

Through experience I had issues which was over 10 years old and although they was dealt with in my favour they was repeatedly brought up.

Leave it to committee

No need for the additional sentence.

Full of shit

There has to be an experienced taxi driver who can see bigger picture and will have better understanding of taxi related problems. It shouldnt be any normal person taking such big decision because its matter of some ones lively hood.

Please provide details about why you do not agree:

it has to be applied to all public dealing jobs including council offices, revoking the license power should be to local councilor or MP, plus council license officer or decision maker has to be experienced taxi driver not an ordinary person, what actions has been taken to keep taxi driver safe as criminal freely travel on taxi on regular basis, there is no customer data hold by council to keep driver safe, if 9 points taxi driver not safe on road then no other driver should be on the road as he should be consider unsafe, we apy hafty amount to insurance for this reason, council should take steps to insure drivers safety as well as we are human and we are more venerable then normal customers. Council should provide free customer service courses if they not happy with driver services.

Each case should be considered on own merit and by the licensing committee, not the officers

The policy must be comprehensive enough to have minimised the possibility of grey areas and to bring the subjectivity of council officers or independent arbiters to a minimum. This would ensure high standards of public service and high public confidence in the service.

All personnel involved in decision making should be trained, qualified and competent to carry out a given role in the first place. The last sentence on the proposed paragraph could end "... on its own merits."

Own merits???, suitable trained Officers. All very vague loose terms. These statements should not be included in a policy document.

council do stringent checks

repatitive

Why should any other issues be taken into account that means you have no definition of fit and proper

The existing policy fine

It's creating loop holes for the people who feel the need to explore them.

whos paying for all this, one strike and out

Authoritarian and power hungry

Not fair

Unions should be involved as well

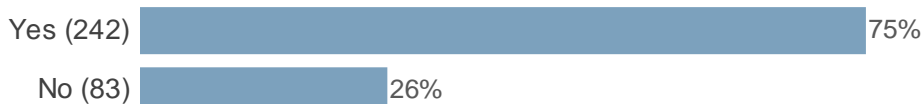
Each case should be done on its own merit and be dealt with a committee

I do not agree with this as I believe I have been targeted and it is institutionally racist. I feel there is no equality between my transport area and other transportations. I, and the drivers that I represent - have never heard of such a requirements needed in any field. This is a target by the council towards me due to being a taxi driver, I am being tarnished a taxi driver, due to the colour of my skin and targeted due to my religion. This is my bread and butter. I want equality towards the point system. 6 points should not mean a ban, it should be 12 points - equivalent as every other driver.

This just looks like a racial attack as majorly of cab drivers are Asians. This is just a form of discrimination. People have livelihoods and family's to provide for and when there is uncertainty in the cost of living. Rather then assisting the drivers and helping you are doing the opposite.

should go to commity not just one officer to decide

Do you agree with the proposed change?



Please provide details about why you agree:

Safety 1st

Cannot see a difference here

The public need to feel that they are travelling with law abiding and careful drivers, therefore if there are prior convictions they should be admitted before any license is considered

Common sense rule

If you apply for a licence the local authority should know everything about that person.

For public safety

It's very similar

It seems that they say the same thing

We simply have no choice we must comply with the edict

Should be aware at all time is is very important

safety first for passengers

all fixed penalty notices is important

Safety is key

Public safety should be the priority.

Know the Law

Specific.

far too many people driving without necessary documents

Some people may have spent convictions which would still raise safeguarding concerns around the role of taxi driver.

public safety should take precedence over rehabilitation as there are other jobs people can do/apply for

the only difference appears to be the word 'all' - which should have been implicit in the first place ?

To be regulated

Not sure what the change is so do not agree or disagree

Ok

No

Agree with the council

Meets the requirements

all details must be declared as proof of honesty for the role

I agree with all proposed changes i Think it is good idea

Public safety

We are supposed to tell about any points

Safety reasons

Addition of all fpts clarifies

Safety is the upmost worry I personally have of using a taxi - but with extra precautions in place I would feel slightly more relaxed - & the knowledge that if anything happens the questions of how & why can be answered

Very sensible and necessary.

Meeting the needs of the public is first then the driver. I agree with this legislation because they have made sure that convictions etc are processed in an orderly manner.

Safety reasons

If you break the law it's simple. You take the consequences

Please provide details about why you agree:

There is no change made

Took more than one reading to spot the difference, but the insertion of 'all' before 'fixed penalty notices' makes it crystal clear.

Clarification

The law should be upheld

Criminal shouldnt be dealing with public

Better explanation

Just common sense.

Convictions must be declared

Most taxi drivers take risks to arrive sooner do not abide by the rules of the rd

Public safety is paramount

More explanatory

Clearer

Can't see the difference

I cannot see any amendments having been made to the wording.

Should be the same as anyone working with the public ie nurses teachers and the potential for vulnerable customers

not really a change

Greater clarity.

Reasonable

Appropriate

As the proposal states, public safety is paramount. What is wrong with full disclosure of all the facts from the profession when applying/renewing their licence.

Honestly and integrity is needed with regards to convictions.

Absolutely, remember children use these taxis for school runs etc, the council must ensure the safety of children above all else

Fair

Can't see any difference in the two

Yes, if they cannot declare/be honest I dont believe the should be given a license. Something that happened 20yrs ago without further issues might be receive a license, someone who has several convictions becomes a pattern

Makes sense

Easier to understand

It's a semantic change...but yeah go for it!

Reasonable

Previous convictions can show a pattern of unacceptable behaviour or a disregard for others safety

Please provide details about why you do not agree:

I can't spot the difference!

There is no change.....

They are Called MINOR for a reason. When the Law itself does NOT undermine or prohibit a driver from driving when they have excessive points on their licence, then why are you wanting to go over and above that ???

Please provide details about why you do not agree:

cant see what the change is.

I can't see any difference between the 2

What exactly is the change And why does it not mention the protected offences legislation which excludes certain offences that are more than 11 years old?

It already says ALL in capitals, no need to add it again in the brackets

I feel all old spent convictions should not show on an enhanced DBS

this will allow "things to slip through the net"

Leave it to court

Fixed penalty's and minor motoring convictions ... what's this got to do with driving somebody home . While your speed cameras are parked on busy highways and not on busy streets where public are about ...

Because people change, so "ALL" fixed penalty notices from 5 years ago, may not reflect how a person is anymore

Full of shit

It has to be applied to all public dealing jobs including council offices, revoking the license power should be to local councilor or MP, plus council license officer or decision maker has to be experienced taxi driver not an ordinary person, what actions has been taken to keep taxi driver safe as criminal freely travel on taxi on regular basis, there is no customer data hold by council to keep driver safe, if 9 points taxi driver not safe on road then no other driver should be on the road as he should be consider unsafe, we apy hafty amount to insurance for this reason, council should take steps to insure drivers safety as well as we are human and we are more venerable then normal customers. Council should provide free customer service courses if they not happy with driver services.

The fixed penalty notice needs to be removed or clarify which fixed penalty notices you are referring to. The final decision for this issues needs to lie with the licencing sub committee.

If an individual had a motoring conviction 25 years ago it seems ridiculous to have to disclose such a conviction all this time later.

they already declare all changes

Why should this apply to taxi drivers only and not other council drivers

The existing policy fine

It's the same ?

It should apply to council employees too

Not fair

What's a parking fine got to do with anything

Unfair

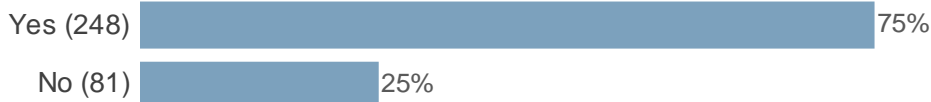
One word added which appears to make no difference.

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This just looks like a racial attack as majorly of cab drivers are Asians. This is just a form of discrimination. People have livelihoods and family's to provide for and when there is uncertainty in the cost of living. Rather then assisting the drivers and helping you are doing the opposite.

why just drivers

Do you agree with the proposed change?



Please provide details about why you agree:

Safety 1st

Good policy change re recording

Better vetting

Yes. The addition makes clear data protection conditions.

Seems fair

Common sense rule

Again all information should be relevant to a driver

Previous complaints should be taken into account

You need as much information regarding any conditions ect

It clearly states how when and where data will be stored and how & when it will be disposed of(transparency and clarity)

safe environment

It goes back to protecting the public

It's is council duty to be on top of drivers dbs

Further clarity - GDPR data disposal

explains the retention of data

Making a complaint needs to be a simpler process. I've never made a formal one, despite many, many bad experiences. I've switched from using regular Taxis to Uber because I feel safer, rather than pursue complaints

Helps with proper outcome

As per previous answers around safeguarding.

Agree that the documentation is kept on file till the licence expires and the retention period has lapsed- in case of re-applications within the set time scale

To obtain a full picture

GDPR compliant

Although there should be liaisons between police authorities and other councils or relevant bodies to keep this register up-to-date.

This one is clear and more explanatory

Ok

No

Public safety

fits with GDPR

Meets the requirements

I agree with all propsed changes i Think it is good idea

Safety

The only complaints that should be recorded are ones that are proven. Ones that are false should not be.

Please provide details about why you agree:

Explains that complaints are recorded on the Council database and on file for the duration of their licence.

For the safety of the public

Notifies of retention and disposal of personal data

Customer safety

Especially if complaints with evidence of dangerous driving or unlawful driving like speeding, red light jumping, etc.

Yes much better.

Complies with GDPR in terms of handling data.

Safety reasons

Why should someone from another city/ county be able to try and breach the rules by applying elsewhere. They are still the same person

Some taxi driver are extremely aggressive on the road and seem to have a sense it belongs to them. Maybe using public complaints might make these drivers have more consideration for other users.

Ensures personal data is used just for the purpose it was intended for.

Clarification

I agree

Fuller explanation of data storage

Again just common sense.

Taxi drivers must make themselves responsible and the public must be clear about this

It's very difficult to obtain an actual conviction so lots of complaints can be useful I'm deciding whether a driver is suitable to continue

Provides more clarity

100% all complaints should be held on file

Agree

clarifys gdpr

Offers the authority more flexibility.

Abide by rules if you req a licence

Joins up any loose ends

This is also a vital piece of information that is required. The safety of the public is paramount.

but who is paying for all the document management

Better detail supplied with regards to the data use.

Good clean record

Again it all speaks to the character of the license holder, it can only be a good thing

Record keeping is vital

It just adds an explanation to the original

yes but might need some further wording to explain the retention process

Makes sense

More clarity

Yes agree

Reasonable

All data bases should be shared incase the driver goes to a different licensing area to avoid detection

Please provide details about why you do not agree:

No need

The Police ie The Law, ONLY HOLD ON TO ANY OFFENCE for a LIMITED period of time, after which the offence is DISREGARDED and taken off COMPLETELY off that individuals records. You are wanting to hold onto that same offence indefinitely !!! Why ??? You are NOT above the Law and your jurisdiction in terms of allowing a person to drive on the road, is NONE EXISTANT, so why are you still wanting to penalise an individual after years and years of an offence taking place ??? Please Explain.

Specify the retention time so drivers are aware upfront

Already do CRB check

Too easy to re-apply under a new name or address.

What is the retention period

Leave it to court

People change, complaints could be lies told by the public to try to knowingly tarnish the reputation of the taxi driver. Records of complaints should be expunged after a period of time. Keeping them for the duration of the licence holder is unfair. Some officers may use something that happened 5 years ago to take away the badge of a driver that may have matured or changed into a better person. People do change, taxi drivers aren't exempt to delveloping wisdom and intelligence which can cause behaviour to change for the better.

Full of shit

Council should hold all people data who are using taxis they should be given a taxi card just like bus cards.

It has to be applied to all public dealing jobs including council offices, revoking the license power should be to local counciler or MP, plus coucil license officer or decision maker has to be experienced taxi driver not an ordinary person, what actions has been taken to keep taxi driver safe as criminal freely travel on taxi on regular basis, there is no customer data hold by council to keep driver safe, if 9 points taxi driver not safe on road then no other driver should be on the road as he should be consider unsafe, we apy hafty amount to insurance for this reason, council should take steps to insure drivers safety as well as we are human and we are more venerable then normal customers. Council should provide free customer service courses if they not happy with driver services.

The council needs to have a clear complaints policy and criteria which is in a language understandable to everyone. This information must be shared with the drivers. There must be fixed terms for the time each complaint is going to be held on file and the decision must be made by the licensing sub committee whether to revoke the licence or refuse to renew.

This is open to abuse. A person could complain about a 2nd party who they have taken a disliking to. making it harder for people to earn a living and feed their families no need for change

Why should you need such an extensive check their should be no information other than from police and the limit for this information should be 5 years

The existing policy fine

Again ! Creating special circumstances for some people.

Isn't the DBS there for this purpose. Why create another layer of bureaucracy

Totally unnecessary

Not agree

Stick to your own council

Think it should be in line with DVLA, come off after 3 years

A clear complaint policy that one can understand is what is needed

Complaints should be disposed off every year or 2. Just because a driver has many complaints doesn't mean they are bad. All complaints need to be checked

Please provide details about why you do not agree:

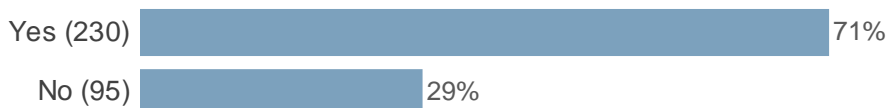
Complaints should only be retained on file if investigated and found to be true or likely to be true (lack of evidence to support, but no evidence against) to protect drivers from fake allegations.

I do not agree with this as I believe I have been targeted and it is institutionally racist. I feel there is no equality between my transport area and other transportations. I, and the drivers that I represent - have never heard of such a requirements needed in any field. This is a target by the council towards me due to being a taxi driver, I am being tarnished a taxi driver, due to the colour of my skin and targeted due to my religion. This is my bread and butter. I want equality towards the point system. 6 points should not mean a ban, it should be 12 points - equivalent as every other driver.

This just looks like a racial attack as majorly of cab drivers are Asians. This is just a form of discrimination. People have livelihoods and family's to provide for and when there is uncertainty in the cost of living. Rather then assisting the drivers and helping you are doing the opposite.

like others record should clear after certain time of period like 3years

Do you agree with the proposed change?



Please provide details about why you agree:

Needed that change I feel

Fairer

It can be looked at impartially

Having had experience of rude and horrible drivers, I'd feel safer knowing that drivers had been thoroughly checked and any complaints investigated

Common sense rule

All matters are relevant. Some people aren't suitable for certain jobs.

Yes, there should be a right of appeal

All drivers should be polite & suitable dressed

Clarity and transparency in the detail

safe time in car

They are individuals but they are licensed drivers with a Kirklees badge so in effect our reps .

Again, spelling out how to appeal

The character of the driver should be taken into account at all times not just whilst driving

right of appeal is clearer

As a passenger, you are confined in a small vehicle with the driver. They should not be aggressive, derogatory, creepy or downright perverted whatsoever.

Behaviour standards

In line with our own policies Dignity at work

As per previous answers in relation to safeguarding.

For fairness

Explains the next stage

It explains the drivers rights

Ok

Please provide details about why you agree:

I am not sure we should monitor attitude and temperament as too subjective, but given that we do, clarity on redress from the driver is an improvement.

No

Behaviour is very important

Agree should always be polite to public regardless

Provides clarity

Meets the requirements

I agree with all proposed changes i Think it is good idea

Good behaviour

Because gives driver the opportunity to put case to someone independent

Highlights the right to appeal.

Yes

Provides appeal option

Knowing it had been dealt with correctly & externally

Very important that drivers exercise the right responsibility and attitude towards members of the public.

Safety reasons

It's very easy for people to put on a front. I could be a killer but if I come across as pleasant and trustworthy then how could I be trusted?

Agree

With something as subjective as this, the right to appeal is important, and a legal challenge seems an appropriate way to do it.

Clarification and safe guarding all parties

It could be the matter of survival of a family (clearly from previous proposed changes you guys are not family orientated and couldn't care less if a person has mouths to feed) not just an individual

Includes appeal information

A holistic approach to public safety must be the priority ensuring there are no loop holes.

Public safety is important

Personal character very important

Everyone should have a right of appeal

Arbitration is reasonable

As any public employee should be

abusive behaviour of drivers should be taken into account

Greater clarity.

Public safety paramount

Gives the applicant a line of appeal

This is essential to the safety of the public, either in the taxi or using the same roads as them. Any grievance, the person can rightly appeal.

Including the wording regarding the right to appeal seems fairer.

Imagine if bad behaviour carried towards officials is happening as described what the bet is like with passengers! The big picture is what's needed when making a decision & this gives it, great idea to add this paragraph

This wouldn't worry anyone with nothing to hide

Please provide details about why you agree:

I don't think this is explained enough. I think reading it you are saying if something happens out of work, then this can also be considered - i think a better explanation is needed for this one but agree with the overall idea behind the paragraph

Makes sense

Better explanation

Yes fine. They have they're right to complain too

Reasonable

Personal behaviour should be considered in all decisions.

Please provide details about why you do not agree:

A) Character, attitude and temperament are not things a council officer can reliably judge. It would be better to say the council will take into account behaviour in all other contexts. B) Do you really want to advise unhappy taxi drivers to move straight to legal action without any internal complaint process?!

Why should you take into consideration ALL Matters, when most of them have NOTHING to do with Licensing or driving Hackney or Private Hire !!! You have pre made up your minds that you INTEND on giving UNNECESSARY grief and trouble to a Driver for issues which have NO BEARING on his or her driving PH or Hackney.

The rules are very clear. There should be no 'right' of appeal.

Do not feel that they should have the right to appeal, using up tax payers money /time -they could get another job.

Very dangerous ground judging a person's 'character'

Only in that I disagree with the right of appeal. It will cost the council thousands as every rejection will be appealed in the hope of a lenient judge or procedural error. In times of austerity, the council decision should be final or an internal appeal process, not wasting tax payer money. The council licensin staff are trained to make these decisions in partnership with other governing bodies, and their training and judgement should be relied upon.

Disagree and intrusion into private life

I don't agree if the person has been found doing something wrong then they should not be entitled to appeal to the magistrate

Shouldn't be a right of appeal - waste of time and money.

See previous comments

The right to a decision by the elected committee before magistrates court.

a decition was/is made for a reason - this will just provide chance to lie

Leave it to court

People become taxi drivers because they want to work a job that works around them do you guys think people want to do these jobs after all the abuse they get . And you mention attitude issue here is you guys bring racist policy's out and mention attitude ... if you victimise people they will have attitude against you. And you say magistrates courts the same courts that make decisions that can be wrong ...

This is another way of targeting taxi drivers

Full of shit

As i mentioned if person doesnt have experience of dealing with public then council should provide customer service course to drivers.

Please provide details about why you do not agree:

it has to be applied to all public dealing jobs including council offices, revoking the license power should be to local councilor or MP, plus council license officer or decision maker has to be experienced taxi driver not an ordinary person, what actions has been taken to keep taxi driver safe as criminal freely travel on taxi on regular basis, there is no customer data hold by council to keep driver safe, if 9 points taxi driver not safe on road then no other driver should be on the road as he should be consider unsafe, we apy hafty amount to insurance for this reason, council should take steps to insure drivers safety as well as we are human and we are more venerable then normal customers. Council should provide free customer service courses if they not happy with driver services.

The decision of right to appeal should be with the licensing committee.

So if a member of the public gets into the car, causes bother and distress to the driver whilst he/she is doing their job to a point where the driver gets annoyed and it leads to an argument, you are saying the public are never to blame? If only you know how many times we get caught into verbal altercations with people especially living in council areas rawthorpe bradley deighton fartown who expect cheap rides and begin to moan about the fare metre when they live X miles away from their destination. We are drivers, not operators.

This seems to be a money making exercise. To have to go to the Magistrates Court to get an incorrect decision rectified is ludicrous. Time is money for these drivers and they will end up leaving Kirklees to go and work elsewhere with a Local Authority who works with them rather than against them.

what someone does outside of work unless criminal is no one else's business

It should go to the licensing sub committee first and also what has your behaviour outside of work got to do with anything

The existing policy fine

Why make exceptions?

should not be changed

The magistrates court is busy enough and there should be trust in the decisions made

Above and beyond your mandate

Not fair

to aid cost of living, it should go first to a committee

Outside life should not be taken into account

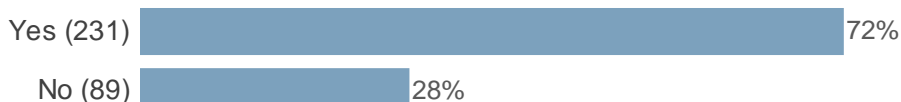
Attitude and temperament are personal opinions rather than facts. If that attitude or temperament has caused the individual to be arrested/fined ot one of the other factors then I'd be happy to include, but how this is wording isn't fact-based and therefore unsuitable for policy.

I do not agree with this as I believe I have been targeted and it is institutionally racist. I feel there is no equality between my transport area and other transportations. I, and the drivers that I represent - have never heard of such a requirements needed in any field. This is a target by the council towards me due to being a taxi driver, I am being tarnished a taxi driver, due to the colour of my skin and targeted due to my religion. This is my bread and butter. I want equality towards the point system. 6 points should not mean a ban, it should be 12 points - equivalent as every other driver.

This just looks like a racial attack as majorly of cab drivers are Asians. This is just a form of discrimination. People have livelihoods and family's to provide for and when there is uncertainty in the cost of living. Rather then assisting the drivers and helping you are doing the opposite.

what about customer attitude when abuse drivers

Do you agree with the proposed change?



Please provide details about why you agree:

Absolutely

No change?

I cannot see the difference

I would have thought this was already the case

Common sense rule

If a driver is hiding something, it should be weighted on. They are obviously hiding it for a serious reason and putting the public in danger.

Yes again agree

safety

Absolutly

more comprehensive

Cannot actually see a change?

They should be immediately suspended, pending a review of their suitability

All disclosures

Absolutely taxi drivers need to be above the law. If they falsify documents in the first place, what stops them being dishonest to the general public.

Convictions overseas should carry the same weight as convictions in the UK as they are convictions all the same.

cannot see any difference in the statements

Not sure what the change is so neither agree or disagree

There is no change

Ok

No

Agree with council

Meets the requirements

clear and defined

I agree with all propped changes i Think it is good idea

Safety reasons

Safety

Customer safety

Clearer, easier to understand.

Safety reasons

And may lead to a licence not being issued?

Simple. If they have done wrong elsewhere then why shouldn't it be disclosed when applying?

They should be doing this already. If they are not suitable find another job.

Don't see the changes?

No change

Vital.

The only change I can see is using an uppercase C for Council in the first line, as used throughout. I agree with consistency!

Correctly widening the scope of information to make affective and correct descision making.

WHAT CHANGES - they are both the same

Please provide details about why you agree:

- Good standard
- Broader scope
- Common sense!
- The buck stops with the drivers themselves
- Can't see the difference
- The first paragraph appears to have the correct wording.
- Agree
- not really a change
- Greater clarity.
- I don't want to be driven by a criminal
- I would have thought this was normal procedure for most professions. The safety of the public is vital in all circumstances.
- Absolutely, officers have enough to do & the emphasis should be on the applicant/holder of the license
- Standard vetting
- agree but might be worth explaining what significant weighting might mean
- Makes sense
- Better explanation
- Reasonable
- It must be plain and simple when explaining this so. That ' I didn't know what it meant ' cannot be used

Please provide details about why you do not agree:

- I can't see any change. Also 'significant' weighting is unclear. Do you mean 'additional'? This would be better rephrased.
- Failure to disclose should be an instant removal of licence. There is no reason not to disclose unless there is something to hide.
- Not sure about the legality post Brexit to allow transfer or sharing of information on convictions from outside the UK? Is this legal and common practice in law?
- What Concern or Business is it of Licensing if an individual was stopped or questioned by a FOREIGN AUTHORITY relating to his or her PRIVATE MATTER in connection to his or hers Mother Land ??? NOTHING TO DO WITH LICENSING WHAT SO EVER !!! Therefore, WHY must they inform Kirklees Licensing of what happened ABROAD ??? By adding such criteria, you are ALREADY being judgemental and ruling that an individual is not worthy or fit for Driving PH or Hackney. You are looking for the smallest and MOST IRRELEVANT of excuses to remove an individual from holding a License.
- cant see the change
- Can't see any difference between the 2
- There is no change ?
- I am unable to determine what the proposed change is here . . . other than the capitalisation of Council ??
- These 2 paragraphs are the same, word for word.....so no change?
- Do you really need a comma after arrests?
- why do you want everything?
- If they have a conviction they should not be given the job
- Failure to disclose should be an instant revocation of licence
- Everyone deserves a second w

Please provide details about why you do not agree:

Do these rule apply to everybody else in the public sector police army ambulance drivers care workers anybody that public is entrusted on ??

You changed the letter "c" in line 2 to a capital letter. For the love of God, really really?

Full of shit

You never know the standard of law and justice system outside UK, cant trust on data outside UK.

it has to be applied to all public dealing jobs including council offices, revoking the license power should be to local councilor or MP, plus coucil license officer or decision maker has to be experienced taxi driver not an ordinary person, what actions has been taken to keep taxi driver safe as criminal freely travel on taxi on regular basis, there is no customer data hold by council to keep driver safe, if 9 points taxi driver not safe on road then no other driver should be on the road as he should be consider unsafe, we apy hafty amount to insurance for this reason, council should take steps to insure drivers safety as well as we are human and we are more venerable then normal customers. Council should provide free customer service courses if they not happy with driver services.

I don't agree with the fixed penalties. Need clarification on which fixed penalties you are referring to.

Paragraph 29 is clear

they do that anyway

Why should you have to report anything from another country where you get malicious charges put on you such as African and south Asian countries.

Doesnt appear to be any change

The existing policy fine

It's the same?

Can't see a difference

Even the pm will fail this test

Not fair

Stigk to conviction in this country

Depending on what you mean by fixed penalties, If it a small minimalist matter, one should be given a warning by the committee

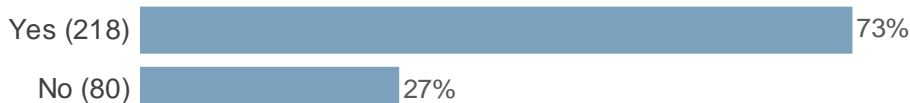
No change in this proposed paragraph!

I do not agree with this as I believe I have been targeted and it is institutionally racist. I feel there is no equality between my transport area and other transportations. I, and the drivers that I represent - have never heard of such a requirements needed in any field. This is a target by the council towards me due to being a taxi driver, I am being tarnished a taxi driver, due to the colour of my skin and targeted due to my religion. This is my bread and butter. I want equality towards the point system. 6 points should not mean a ban, it should be 12 points - equivalent as every other driver.

This just looks like a racial attack as majorly of cab drivers are Asians. This is just a form of discrimination. People have livelihoods and family's to provide for and when there is uncertainty in the cost of living. Rather then assisting the drivers and helping you are doing the opposite.

drivers not working outside UK

Do you agree with the proposed change?



Please provide details about why you agree:

All good

Fairer

Everyone should have the right of appeal

Common sense rule

Giving a right to appeal

Clear/ transparent on stating to whom they can appeal and who will have ultimate responsibility for decisions made (Magistrates Court)

safety of customers

Totally

Spells out the appeal process

Safety of the public is paramount

right of appeal clearer

Is there an ongoing check system in place? I would assume licensing are notified of convictions or associated complaints from other agencies?

HEALTH AND SAFETY

Agree, not just about getting a license but also maintaining those standards and improving under continued review of performance.

Always for appeal rights

For safety and to regulate

Explains the next stage

Ok

Agree with council

Useful information added

I agree with all proposed changes i Think it is good idea

Should always have the right to appeal

Explains the right of appeal.

Why the Magistrates Court. Why not an internal review panel? More cost effective?

Safety of the public

Appeal option defined

Customer safety

Checks should be on going and high standards maintained .

Safety reasons

Why should anyone be able to not tell the truth and be honest . If you change then you take the consequences

As said before I agree with the appeal procedure

As before, provides a means of appeal by an independent body.

Safe guarding all parties.

Includes appeal information

Public safety should not be subject to the whims of the licensee and high standards must be consistently maintained.

This is obviously the case

Right of appeal

Ok

Please provide details about why you agree:

Agree

repatitive but i suspect that might be because of a case

Greater clarity.

Do the time if you commit the crime

Gives right of appeal

Nothing at all wrong with this proposal and again there is a right to appeal if someone feels aggrieved.

The additional wording regarding the right to appeal seems fairer.

Just like passing your driving test as a professional driver you must keep following the rules & checking this can only improve safety

I am not sure if it is in the policy but I also think at some point you should expect licensees to report something which might mean they are not fit and proper

Clarified better

Reasonable

Will there be a time limit for them to disclose new offences

Gives right of appeal which is fair.

Please provide details about why you do not agree:

If they have convictions that would lead this to be revoked, why does it need further determination?

See above

Once Again, based on Kirklees Licensing Track Record, you are adding such stipulations and criteria, which would give you EVEN MORE BASELESS REASONS AND EXCUSES to revoke an individuals licence.

The rules are very clear. There should be no right of appeal.

They shouldnt have the right to appeal, this wastes time and money for the council. The applicant is responsible for ensuring they meet the criteria

Again I just disagree with the right to appeal

Once again it mixes two very differne tt things The duty to maintain their safety implies the ability to protect themselves from abusive passengers, it bears no relevance to being fit and proper

Should not be entitled to appeal to the magistrates

Don't agree with right of appeal.

give the oppertunity to lie

Should be down to court

Council are bias against taxi drivers mostly

What about criminal traveling on taxis? Whos gona insure taxi driver safety as i said there has to be taxi card or through uber driven application that customer should book taxi.

It has to be applied to all public dealing jobs including council offices, revoking the license power should be to local counciler or MP, plus coucil license officer or decision maker has to be experienced taxi driver not an ordinary person, what actions has been taken to keep taxi driver safe as criminal freely travel on taxi on regular basis, there is no customer data hold by council to keep driver safe, if 9 points taxi driver not safe on road then no other driver should be on the road as he should be consider unsafe, we apy hafty amount to insurance for this reason, council should take steps to insure drivers safety as well as we are human and we are more venerable then normal customers. Council should provide free customer service courses if they not happy with driver services.

Must be able to appeal at Sub Committee

Please provide details about why you do not agree:

If a person is aggrieved by the decision of the council they should have a right to be represented to the licensing committee.

Again a money making exercise - to have to go to the Magistrates Court to get an incorrect decision revoked takes time and effort. It would be easier to go and work in another Local Authority.

don't agree with any change

Appeal to licensing sub committee first

The existing policy fine

Why make loopholes ?

who is paying for the appeal, this is disgusting and the council are being bullied by calling the racists card this is not racist this is looking after people

Fair decisions should be made without the need to block up magistrates court

Discriminatory and racist

Not fair

Innocent until proven guilty. Driver should be allowed to carry on working or compensation paid by council for work time lost

To go to committee firstly to save costs

A right of appeal should be considered

I do not agree with this as I believe I have been targeted and it is institutionally racist. I feel there is no equality between my transport area and other transportations. I, and the drivers that I represent - have never heard of such a requirements needed in any field. This is a target by the council towards me due to being a taxi driver, I am being tarnished a taxi driver, due to the colour of my skin and targeted due to my religion. This is my bread and butter. I want equality towards the point system. 6 points should not mean a ban, it should be 12 points - equivalent as every other driver.

This just looks like a racial attack as majorly of cab drivers are Asians. This is just a form of discrimination. People have livelihoods and family's to provide for and when there is uncertainty in the cost of living. Rather then assisting the drivers and helping you are doing the opposite.

it's always customer who escalate things then lied to council

Do you agree with the proposed change?

Yes (223)  69%

No (101)  31%

Please provide details about why you agree:

Good idea re safety of the public

Fairer

Reduce any risk to the public

Common sense rule

Anything that puts the public at risk should be considered. I feel some people should be given a chance ie if served time, but regular meetings should take place with the driver if granted.

Each case to be considered on its own merits

road safety

Without a doubt we must ensure the public are aware of this provision, their safety is paramount

Please provide details about why you agree:

as a taxi user this gives me greater confidence of my safety as a passenger

Need this so that the public remain safe and not put in unsafe situations

high standards will hopefully prevent future harm to passengers

Yes but not just in an employment role. Any domestic violence, abuse coercion etc should also be considered. People don't change their core selves.

Abide by the Law to protect everyone

Any sniff of violence or sexual assault is a red flag and the Council would be criticised for allowing such a person to be permitted a license in that case.

Sexual violence drivers should never be allowed to have a taxi licence.

As per previous answers around vulnerable people regularly use taxis alone.

violence of any kind should be sufficient reason not to permit the licence

past issues and to regulate moving forward

Wider explanation

Ok

Safety of public

Meets the requirements

I agree with all proposed changes i Think it is good idea

Safety of public

This is difficult because i agree with serious crime but not minor.

Safety of passengers

Customer safety

No difference, apart from last sentence.

Cases need to be treated individually depending on the circumstances.

Safety reasons

But some offences should lead to a licence not being issued or revoked immediately, if proven

An honest and safe person lives life the right way. I don't misbehave when not working then do the right thing at work. Why should anyone else. If m6 car wasn't safe then I would sort it. No excuse

Any conviction are relevant to public safety and should be informed to any employer

Provides reassurance, although I can't imagine any 'merits' to be considered in such cases!

Clarification

Clearer explanation

Agree with the proposed changes but decision must be made by the Sub Committee

A holistic approach in assessing candidate suitability to be a public servant must be the de facto position to ensure high standards of public safety and not to erode public confidence.

We do not want a situation in Kirklees where passengers are put in danger

All applicants should be held to the highest standards

Totally appropriate

to a certain extent but you can't tar everyone with the same brush

i assume theres pressure to add about merits

Greater clarity.

No Asian sex perverts anymore , history nationwide confirms this

Cases looked at individually

Please provide details about why you agree:

As in most professions, offences that occur when not doing your 'job' go against you and why shouldn't they. Nothing at all wrong with the proposal.

Common sense that helps to protect the public.

Absolutely, we could have drivers quitting the night if a conviction only to take up the trade the very next day

Safety first

Please remove each case will be considered on its own merits I don't ever want to get a taxi/hackney and think the driver could be a sexual predator, violent, nor someone who accepts drink driving or excessive speeding

Clarified better.

Reasonable

Vulnerable passengers have a right to know they are safe

Fairness

Please provide details about why you do not agree:

This is a very unclear and confusing paragraph. In part it repeats points above. Sexual assault cannot be described as an 'unacceptable standard of behaviour' - it is a crime! The whole paragraph needs rewording to something like "Driving offences including speeding and drunk-driving are likely to lead to loss or refusal of licence, whether or not they were committed while driving a taxi. Violent offences, including sexual and domestic violence, are likely to lead to loss or refusal of licence, whatever the circumstances.

No need to change this, it does not help the public or add to safe environment within a taxi especially for women

Serious driving convictions or sexual assault should always bar someone from having a licence. Safer is paramount.

There is already system in place

Not sure that the final sentence each case on its own merits' is necessary. The previous statements seem clear in their intent to express the seriousness of any offence being taken into account

The Question is very Ambiguous and doesn't make sense. If the driver was NOT driving a Taxi or the Passengers WERE ABROAD, then what if any relevance does this have on a Driver or his Licence in this Country ???

I think this waters down the importance of this paragraph. it only needs to be said once, in a separate paragraph, that each application is considered on its own merits and that there is a right of appeal to magistrates.

don't agree as there should be a consistent blanket approach - this suggests some may have a "get out" clause

The rule is clear. Violence and sexual offences of any sort should mean an automatic life ban.

Public safety is paramount, and where historical offences within the last (X years) have been identified this will be used to determine suitability

The sexual assault clause is relevant and should be in a separate paragraph to other offences - nearly all my friends have been on a speed awareness course but I still regularly accept lifts from them. I work with a suspected rapist and I would NEVER get in his car.

Standards should be standards. No case should be judged on its own merits and rules be bent. If a driver has committed a sexual or violent offence there should be no question they are refused a licence. It is in the interest of the safety of their passengers, some of whom may be alone, or vulnerable or drunk and unable to defend themselves.

This should include grooming and child abuses.

Please provide details about why you do not agree:

There is a very clear message echoing through this policy that suggests all drivers, new or existing, are bad people and are likely to have committed such offences as listed here. There simply must be some recognition that offences are not only committed by license holders, quite often the license holder is the victim

It depends on what type of incident it is. Only the

Gives the impression that in some cases it will be ok

Do not think it is wise to say each case will be considered on its own merits. This gives the impression that good character etc will be taken into consideration which in my opinion is open to interpretation.

Weakens the statement made

Any of those offences are serious, there are no justifications for sexual violence, therefore no reason to consider on "own merits"

Should be no compromise on this

Any of the above should not be granted a license.

Should be an automatic bar not considered on merits

An offence is still an offence

Absolutely nothing to do with the council, another way of targeting taxi drivers and discrimination

Full of shit

It has to be applied to all levels of public services eg offices, retail, buses, trains etc every place should follow same policy not just taxis.

It has to be applied to all public dealing jobs including council offices, revoking the license power should be to local councillor or MP, plus council license officer or decision maker has to be experienced taxi driver not an ordinary person, what actions have been taken to keep taxi driver safe as criminal freely travel on taxi on regular basis, there is no customer data held by council to keep driver safe, if 9 points taxi driver not safe on road then no other driver should be on the road as he should be considered unsafe, we pay hefty amount to insurance for this reason, council should take steps to insure drivers safety as well as we are human and we are more vulnerable than normal customers. Council should provide free customer service courses if they not happy with driver services.

Final decision needs to be made by the licencing committee and not officers. Each case such be assessed on its own merits

This code of conduct should always be respected regardless of working or not. A criminal offence, is a criminal offence, however it is completely unfair that a taxi driver is penalised more than a regular road user. A regular car driver can aggressively overtake somebody or put their foot down, but the moment it's a taxi driver fingers are being pointed.

Should be immediately licence revoked, not on own merits

By including the last sentence you are now intimating that someone can still hold a licence even where rules have been broken.

Who will determine each case "on its own merit"? Who is a suitably qualified person to determine such cases. What qualifications does the suitably qualified person have? Is this a standard set across the country?

Outside behaviour include an argument out of work shouldn't be considered

The existing policy fine

It's making room for corruption, which we all know is rife.

if position is abused there is no case to answer

Previous unacceptable behaviour should prevent licences being granted to an individual

Discriminatory and racist

Not fair

If the police can do it and continue working why not anybody else.

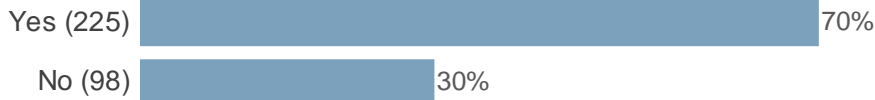
Please provide details about why you do not agree:

How can you compare bold tyres to sexual offences? Seriously. A driver who had intended to have his tyre changed in the next few days but due to family problems death etc completely forgot. He gets pulled over his tread is 1.5mm instead of 1.6mm and he gets badge possibly revoked and in the same boat as someone with sexual offences

I do not agree with this as I believe I have been targeted and it is institutionally racist. I feel there is no equality between my transport area and other transportations. I, and the drivers that I represent - have never heard of such a requirements needed in any field. This is a target by the council towards me due to being a taxi driver, I am being tarnished a taxi driver, due to the colour of my skin and targeted due to my religion. This is my bread and butter. I want equality towards the point system. 6 points should not mean a ban, it should be 12 points - equivalent as every other driver.

This just looks like a racial attack as majorly of cab drivers are Asians. This is just a form of discrimination. People have livelihoods and family's to provide for and when there is uncertainty in the cost of living. Rather than assisting the drivers and helping you are doing the opposite.

Do you agree with the proposed change?



Please provide details about why you agree:

Difficult to judge without the tables being provided

No problem there

Clearer

In principal, providing they are very minor offences

Semms ok to me

Any motoring offence should be considered before granting, even the amount of times someone has had a road traffic accident, no matter how minor, it could all be relevant.

It's making your decisions clearer

safety

Yes if only for clarity

More detailed

I've agreed but I don't know what Table B says so I can't really comment.

better information

Would this mean that timescales can be changed accordingly?

yes

More information to make informed decision.

THis is clearly laid out for anyone contemplating applying for a licence.

separation of the serious offenses makes it clearer to make an informed decision

Explains Table B

It shows there is a table b

Ok

Monitoring helps

Public safety

Please provide details about why you agree:

Useful information added

Meets the requirements

I agree with all proposed changes i Think it is good idea

Safety

No example of Table A or Table B is shown here.

Yes

Customer safety

Seems fair.

Safety reasons

Why should lots of minor offences be taken lighter than serious offences. It's like saying I stabbed hundreds but I didn't murder anyone so that's ok?

Without seeing table B, but it seems right to take these into account too.

Clarification

Broader scope

Takes out ambiguities in the grant of a license.

Criminals should not be driving passengers around

All the changes make it very clear what standards are acceptable for drivers which makes me feel safer in using them

More explanatory

Clearer

Transparency is important

Agree

clearer

Greater clarity.

Reasonable

No comment

Again genuine applicants/licence holders would not object to this as this shows a period of time when the person is genuinely remorseful of their actions, causing a licence will be granted.

But I would add I would be a lot sterner in my approach, safety is paramount here

Standard I would have thought

Ok with that, seems sensible but does it include things which would never elapse

Better explained

But would have liked to have seen the tables

Reasonable

I haven't seen the tables but an appropriate period must be in place

Clarity

Please provide details about why you do not agree:

Shouldn't allow waters to be muddied. What if minor offences become major ones. It can be a slippery slope.

I cannot agree without seeing Table B

I could have to see the contents of Tables A and B to be able to comment on this statement

Please provide details about why you do not agree:

The Council has Complete DISREGARD for ONE TIME MISTAKES or Offences. I assume and take it that you are punished for life if you make a mistake???

Some time periods are extortionate and need to be reviewed further.

Time limit is too extreme.

Table A and Table B are not there for me to peruse . . . rethink your questionnaire

The time has to be looked at and reviewed as these are too much

I disagree with it

I feel that the points should be higher and set at 12 points.

The time frame for offences needs to be looked at

Without seeing table B cannot properly comment. Would also require a definition of minor motoring offences

No details of what table A and B are!

minor or not its still an offence

These are discriminative as their only being applied to taxi drivers and not bus or train drivers don't agree with them at all

Totally disagree

Honestly i actually mean "don't know" because no tables are shown

Still finding ways to get taxi drivers out business

Full of shit

it has to be applied to all public dealing jobs including council offices, revoking the license power should be to local councilor or MP, plus coucil license officer or decision maker has to be experienced taxi driver not an ordinary person, what actions has been taken to keep taxi driver safe as criminal freely travel on taxi on regular basis, there is no customer data hold by council to keep driver safe, if 9 points taxi driver not safe on road then no other driver should be on the road as he should be consider unsafe, we apy hafty amount to insurance for this reason, council should take steps to insure drivers safety as well as we are human and we are more venerable then normal customers. Council should provide free customer service courses if they not happy with driver services.

Time elapsed should be reviewed & consulted on

Need evidence of Table B - Suspension must be Fair Reasonable and Necessary

What is B? should this not have been set out in this survey so that respondents understand what they are commenting on?

Drivers should have to pass a dbs

Where are the tables? These are not viewable in this survey.

don't agree with any change

Time frames are too long for minor convictions

The existing policy fine

Why make allowances for some but not all. Rules are rules.

any convictions of any kind should not be permitted,

The original is clear enough

Punitive and dictatorial.

Not fair

Once the conviction period has elapsed it's not for the council to impose their own sentence

Dont really understand what you mean by tables

Please provide details about why you do not agree:

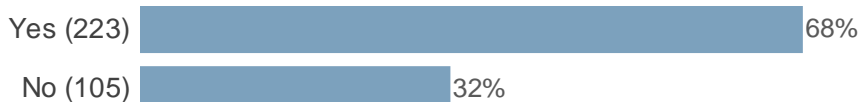
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This just looks like a racial attack as majorly of cab drivers are Asians. This is just a form of discrimination. People have livelihoods and family's to provide for and when there is uncertainty in the cost of living. Rather then assisting the drivers and helping you are doing the opposite.

should not penalised on minor things

Time relapsed should be reviewed and consulted on.

Do you agree with the proposed change?



Please provide details about why you agree:

That's fair

Seems reasonable

Absolutely fair. Correct and standard grievance procedure

Fair

All well explained, I agree sincerely

Sems reasonable to allow an adjournment to discuss concerns (similar to Tribunals/ Adjudication meetjngs with ACAS/ Trade union representation in similar circumstances

safe enviroment

Clarity

this is being super clear

seems fairer

If an interpreter is required, surely that person is not suitable for driving in the UK? How would they pass their driving test or be sure that they have understood the passenger?

Entitled to be accompanied

In line with any investigation codes. The rights of the accused should be addressed to avoid legal arguments later on in the process.

clarifies role and boundaries of the representative

any meeting to clarify information should be held in an inclusive way, with sufficient options available to make the meeting easier for all involved.

Wider explanation for the taxi driver's representative

Ok

Agree with council

Useful additional information

Meets the requirements

I agree with all propsed changes i Think it is good idea

Please provide details about why you agree:

Safety

Sometimes people can buckle under pressure

Gives clarity and an explanation of the role.

Yes

Standard throughout the UK

Seems a humane extension depending on the circumstances of the individual.

Compliant with employment law / HR practices.

Safety reasons

It's only right to have someone with you as stress can play a part. But I agree they should not be allowed to be involved as they only hinder the truth

Yes, if a application is to be declined they have the right to have their say. I do think the representative should only be another taxi driver or from a union same as greivance at work.

Seems fair and reasonable.

Reasonable and suitable addition to Para 52

That's good

Fairer process

This sounds fair

Provides extra reassurance to drivers that this is a fair process to all involved

More reasonable.

Reasonable

This ensures that the appropriate help and support may be given to the licence holder but I question who will meet the individual and what qualifications does the Council representative have? Also will the conversation be taped / videoed?

Same rules as other public employees

clearer

Reasonable

The proposal is extremely fair and understanding of an applicant's needs in getting a fair hearing.

The additional wording seems to make the process of meeting an applicant licence holder fairer.

Seems fair to all

Standard

An applicant may need someone in a professional capacity to accompany them

Agree but would the interpreter be the 1 person and also is a good understand of English not a factor when issuing a license and if not it should be

Helpful explanation

Reasonable

Clarity of the role of the accompanying person.

Please provide details about why you do not agree:

The additional sentences contradict the one before. The prohibitions against the accompanying person speaking will disadvantage someone who needs an interpreter or legal representative, and may breach their legal rights.

No need to change this

Please provide details about why you do not agree:

I don't think someone who needs an interpreter should be holding a licence- this is a very important role and issues with communication can cause issues. Is there a minimum English language requirement for the role?

Employees should have right to have someone there to advise in a meeting. I do not agree with the 'not permitted to speak' rule.

The meeting shouldn't be allowed to be adjourned. Interpreter/legal representative should be sorted before meeting agreed. No break should be granted unless its a medical reason.

An interpreter? Surely all licences taxi drivers should be able to read, speak English as standard. How else do they read road closure information/public highway notices or understand road signs or directions given by customers?

I would permit the union or legal rep speak

Any taxi driver should have a good command of English to perform his/her role.

The representative should not participate in a legal capacity but provide support and clarification on matters of misunderstanding. Where legal involvement is required, this can be requested by the applicant directly through the representative

Doesn't make it clear if the one other person is in addition to a legal representative

There is no discretion about the inherent lawful right to a fair hearing This paragraph needs deleting in its entirety

Why do they need to be accompanied if the second person is not considered at the meeting. If they need an interpreter, ie cannot communicate in English, then they should not be driving a taxi on UK roads.

All Kirklees drivers should be able to understand a high level of English- an interpreter should not be needed

Unsure how this could work or even purpose of a witness who cannot enter discussion and is not an interpreter

A good knowledge of the English language is essential.

An interpreter is a person who by definition must comment, or enter the discussion

An interpreter should be always taken for any meetings so this should not happen.....if a person can not understand what's happening should they be in a position of trust?

I am mindful of the rights of the individual, and agree to the first few things which can warrant a adjournment, I do also realise that drivers often have English as a second language and wonder if the person accompanying the applicant should be someone who can act as interpreter saving both time and money.

Surely to be a licensed taxi driver fluency in English is should be a necessity. Hence no need for a translator!

Representative should be able to comment. Applicant should not be disadvantaged or directed to instruct solicitors.

no "stress" is part of their job & as is been able to communicate with passingers

Should be allowed a solicitor

By all these rules and targeting yiu guys are doing I'd rather stay at home

Full of shit

Should be the same for customers as well. As you should be responsible for safety of taxi drivers as well, we are human as well.

Please provide details about why you do not agree:

it has to be applied to all public dealing jobs including council offices, revoking the license power should be to local councilor or MP, plus council license officer or decision maker has to be experienced taxi driver not an ordinary person, what actions has been taken to keep taxi driver safe as criminal freely travel on taxi on regular basis, there is no customer data hold by council to keep driver safe, if 9 points taxi driver not safe on road then no other driver should be on the road as he should be consider unsafe, we pay hefty amount to insurance for this reason, council should take steps to insure drivers safety as well as we are human and we are more venerable then normal customers. Council should provide free customer service courses if they not happy with driver services.

Any representative MUST be able to make comments or ask questions to ensure that driver is treated fairly and that his rights are respected

Unless its a PACE interview then your representative or trade representative should be able to comment or make representation to gain clarity and proper legal processes have been followed.

Pointless! If there is an issue, then in fairness to the licensee, they should be allowed representation. Instances of 'absolute discretion' must be a rarity, otherwise the policy is not fit for purpose if subjectivity is being brought into resolving matters.

Paragraph 52 is fine

disagree with any change

THERE SHOULD BE NO CIRCUMSTANCES WHAT SO EVER THAT A DRIVER SHOULD REQUIRE AN INTERPRETER, PERIOD. If any driver/applicant can't read, write or converse in the native language of the country in which they are seeking to provide a service to the public in then they should not be given a licence so to do, indeed a written & oral English exam should be a part of the licensing process.

Should have opportunity to go to sub committee

If an interpreter is needed, I question whether the holder is a fit and proper person

The existing policy fine

Interpreter ? You are joking ! If they don't speak English how in Gods name can you drive a taxi ? Like address finding, reading road signs? Get real !

what a load of rubbish, whos is calling the shots here stop bowing down when the racist card has been called, People need to know they are safe travelling

Additional person must be allowed to contribute/speak, but not answer solely on behalf of the applicant or licence holder. This approach is reasonable it is also reasonable for the officer to suspend the meeting/ interview if necessary.

Encroaching on police

Not fair

If an individual is being accused he MUST be allowed to attain Council or solicitor who must be allowed to guide him as is the case at a police station.

Not sure about including the adjournment bit....but is this now a legal requirement now?

Why can they not speak. If they hired a solicitor paying thousands they should get a say

If they want a representative who can speak for them they should bring them straight away. Prior notice of what is on the agenda is sufficient notification

I do not agree with this as I believe I have been targeted and it is institutionally racist. I feel there is no equality between my transport area and other transportations. I, and the drivers that I represent - have never heard of such a requirements needed in any field. This is a target by the council towards me due to being a taxi driver, I am being tarnished a taxi driver, due to the colour of my skin and targeted due to my religion. This is my bread and butter. I want equality towards the point system. 6 points should not mean a ban, it should be 12 points - equivalent as every other driver.

This just looks like a racial attack as majorly of cab drivers are Asians. This is just a form of discrimination. People have livelihoods and family's to provide for and when there is uncertainty in the cost of living. Rather then assisting the drivers and helping you are doing the opposite.

Do you agree with the proposed changes?



Please provide details about why you agree:

Anything that protects both public and taxi driver has to be good

Much more reliable

Seems fairly comprehensive

Seems fine. Although a test should include knowledge of the local roads, similar to 'the knowledge' test in London Hackney cabs

Sort of agree. Why is a driver allowed more than 3 points on a licence. If they have 9 points they obviously don't understand the driving law and shouldn't be able to drive public around.

safety of customers

Passenger safety will always be a priority

Clarity

makes the information a lot clearer

detailed information

If you drive for a living you should be an exemplary driver and use a vehicle that is properly maintained, checked and roadworthy. Anything over 6 points would stop you becoming a bus driver. Same standards should apply.

yes agree

Clearer.

all offences should be considered in context but with the public safety their first priority rather than a driver's right to work-as the driver could go elsewhere

But there is the road worthiness of a vehicle as in MOTs and proof of servicing and maintenance in line with necessary MOT advisory repairs and maintenance should also be a major factor in a driver's criteria for a licence

Ok

I agree with the law

Agree with everything on this

Provides clarity

Meets the requirements

I agree with all proposed changes I think it is a good idea

Public safety

Safety of customers, other road users, pedestrians

Helps clarification.

More detailed.

Safety reasons

It's the law. If you break it take the consequences. Simple

We can all get complacent and get speeding fine or ts10 but they should be declared

I think it should be zero points

Failure to furnish details should be automatic ban

Please provide details about why you agree:

Useful clarification.

Full clarification

More clarity

Common sense.

I agree with this

Ok

Agree

because taxi drivers should be safe drivers

Greater clarity.

Reasonable

Improves safety for passengers

I feel that the proposal is a fair one for all concerned, even more so in protecting all parties.

NOTE: In Paragraph 2, I think the wording should be 'and an advice letter will be issued', not 'and advise letter will be issued'.

Completely agree although I think the points should be lowered to 5-6 Ptofessiydrivers sguoud have zero points, get 3 maybe that's a mistake & a slap on the wrist to buck your ideas up as your a professional driver, do it again & get 5-6 then you clearly don't hold safety in high regard & are not fit to serve the public under licence from the council

Standard

Less ambiguous and better clarified

Clarity

Please provide details about why you do not agree:

Time and again we are subjected to drivers driving dangerously and on their phones whilst driving. Zero tolerance please

There shouldn't be any "exceptional circumstances

A driver should not have any points on their license as points on the license means that they have done something wrong

This seems unhelpful ly complex

Any points on licence should result in additional training.

Taxi drivers should be required to have a clean license

Why 9 point when you are allowed 12 points

Each case should be investigated on its own merits

Not sure that I understand the detail of these proposed changes- need to seek the views of police/ Dof T/ mirroring organisations who understand traffic offences and legalities better than I do

The Conditions are TOO HARSH and don't allow for much further opportunity for the driver to prove there abilities otherwise.

The license holder should get three attempts not one as stated in point 4

Think this again has the potetential to confuse. perhaps it is a seperate document used when required.

I think if a driver has 6 or more points on their licence, then they deem a risk to the public, Bus Drivers, Waggon Drivers etc wouldn't be employed with more than 3 points on their licence.

Why does this law only apply to licences drivers and not other drivers like school transport workers. This policy is discriminating against the bame community.

item 5: failure to give info as to identity of driver etc - I don't feel this is a minor offence.

Please provide details about why you do not agree:

Sorry don't have time to read them all

I do not agree that they should be given 3 opportunities to pass a test when they are an existing driver, it should be a maximum of 2

The last point relates back to the iol guidance, but also misses the fact that where there is evidence to show intent, this then becomes a criminal offence, not a driving offence. The offence is perverting the course of justice and is time servable

due to point system change mid way through this period this is very unfair

It's too complicated

Point 4 the driver should be allowed three attempts

I do not agree with this as you already paying high insurance for having penalty points and if the dvla do not ban you you shouldn't have to sit a test you already know how to drive and what to do but your being irresponsible

Drivers should NOT have any points on their license! I'm appalled that the council allows this!

Requires clarification throughout as to total and current points throughout. Para 1. Do not agree there be exceptional circumstances. Para 2. Should be condition of licence that endorsements be reported within a specific time and that failure to do so would result in suspension of licence, not a warning letter. Para 3. An existing driver should only be allowed 2 attempts at drivers test, not 3. Para 5 MS90. Failing to provide details of driver should be a major (not minor) with only exceptional circumstances allowing it to be considered minor. Don't see why identity of driver would be withheld except to evade points!

9 points on a licence and still allowed to drive members of the public! Shocking and again "considered on its own merits" no there should be no excuses. The paying public deserve better than this

Should have a clean lic

a offence is still an offence - its our lives at risk

It should be 12 points and then the license is revoked. Dvla have set a standard and taxi licensing should follow the same. All other transport jobs are not subject to this. Same rule should apply for everyone

Too long

It is too easy to rack up 7 points just a fone in your had is 6 points and we work very closely with our fones

Injury caused could also be a result of self defence

Rules are too strict!!! The own governing body and police do not even put this in effect. Clear ruling to take taxi and hackney drivers off the road.

Another form of discrimination

Full of shit

Has to be same for all council employees as well. Anybody meeting above points has to be treated with same decisions.

it has to be applied to all public dealing jobs including council offices, revoking the license power should be to local councilor or MP, plus coucil license officer or decision maker has to be experienced taxi driver not an ordinary person, what actions has been taken to keep taxi driver safe as criminal freely travel on taxi on regular basis, there is no customer data hold by council to keep driver safe, if 9 points taxi driver not safe on road then no other driver should be on the road as he should be consider unsafe, we apy hafty amount to insurance for this reason, council should take steps to insure drivers safety as well as we are human and we are more venerable then normal customers. Council should provide free customer service courses if they not happy with driver services.

9 points and 3 attempts on all points should be allowed

Please provide details about why you do not agree:

New applicants have 12 or more points then they should not be allowed to have a licence. Anything below 12 they should be allowed providing they pass their advanced driving test. As they are driving around Kirklees anyway. Point 2 - Need clarification. It doesn't make sense. Point 3 - Should be 12 points and where they have been banned by the courts. Then this section should apply to the applicant. Point 4- limit should be 12 points and the decision to suspend, revoke or refuse to renew should be with the licencing committee. Point 5 - what ever the issues are the final decision needs to lie with the licensing committee or sub committee

There should be no Lee way , good drivers are drivers with low points

Point 5. In particular should not be included under "minor". There is no excuse whatsoever for this and should always be classed as "major".

This appears to be very "legal" and I question if the Local Authority should have power or has staff suitably qualified to deal with this move from Table A to B.

making it hard for people to earn a living for their kids not the same for other drivers eg bus drivers why the discrimination

The existing policy fine

If it works for the rest of the country why change it for a few .

You are playing with peoples lives, the rules should stick keep them light, open your eyes

Think the first is the better option, drivers should not be getting 9 points under any circumstances, it shows a lack of regards for rules of the road

Not entirely clear. Needs to be simplified for the reader. Stick to clear direction.

Discriminatory and racist

Not w

I agree with most of the points my concern is allowing professional drivers to tot up 9 points before this becomes a issue. Whilst I appreciate they drive long distances, i dont think people with more than 6 points should be allowed unless exception circumstances - 9 points is a lot!

The law of the land states 12 poin points and 12 it should remain

Money making scheme for council. No need for these polices .

Feels too lenient on points level? Any points over 6 should suggest the driver is unsuitable?

Touching phone to accept job shouldn't even be considered for points

If a driver has 6 points for let's say defective tyres. It shows a blatant disregard for the law and safety of other road users. More over failing to declare the driver or give details shows a deliberate act. Why would you fail to give driver details unless you want to avoid getting into trouble. No other reason than that

i do agree that this section needs to be clearer, however, to allow a professional driver to continue to drive with 9 points on his license is ridiculous, he is 3 points away from losing his driving license, the standards when taking members of the public from A to B should be set much higher

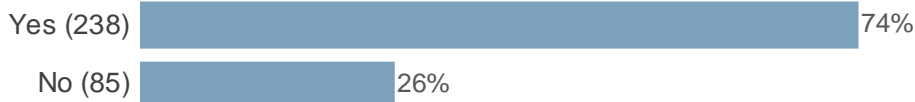
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This just looks like a racial attack as majorly of cab drivers are Asians. This is just a form of discrimination. People have livelihoods and family's to provide for and when there is uncertainty in the cost of living. Rather then assisting the drivers and helping you are doing the opposite.

it should remain after 9 point not acceptable for 6points

9 points and 3attempts on all points should be allowed.

Do you agree with the proposed changes?



Please provide details about why you agree:

Cannot fault it

Clearer

Not exhaustive

Makes it clearer

It's more professionally worded

safe environment

Tidies that u

Clarity

clarification of which acts

solely driving offences only provides a small part of the potential risks to passengers and the public
yes

Closes down any legal loopholes from solicitors.

It is clearly laid out in the Act.

This makes it clearer on what legislation is used to issue the licenses

More detail

It explains it better and clearer

Ok

Agree with the changes

Provides clarity

Meets the requirements

relative to acts rather than vague sentence as before

I agree with all proposed changes i Think it is good idea

Safety

Yes

NA

Much clearer.

Safety reasons

It's easy to follow the rules. Don't want to? Don't do the job

Useful clarification.

Clarification

God knows what "other legislation" may be brought forward

Law should be uphold

Clearer explanation

Tried and tested.

I agree with this

Please provide details about why you agree:

More details

No ambiguity

This appears to use current legislation.

Agree

clearer

Greater clarity.

Correct

No comment

This proposal appears to updating the legislation surrounding this area.

.

Very clear

could possibly add a link if it is online

Clearly explained

Reasonable

It's a wider range of offences to be considered which may point to a drivers persistent unacceptable behaviour

Clarity, although hopefully the guidance will include links to the mentioned act?

Please provide details about why you do not agree:

Seems limited in scope, should be the breaking of any law, especially motor offences and offences against the person.

This seems unnecessarily complex

Question not clear. So I don't understand what I'm being asked.

No idea what the implications of these changes would be- therefore unable to comment.

disagree

Too long

Full of shit

it has to be applied to all public dealing jobs including council offices, revoking the license power should be to local councilor or MP, plus council license officer or decision maker has to be experienced taxi driver not an ordinary person, what actions has been taken to keep taxi driver safe as criminal freely travel on taxi on regular basis, there is no customer data hold by council to keep driver safe, if 9 points taxi driver not safe on road then no other driver should be on the road as he should be consider unsafe, we pay hefty amount to insurance for this reason, council should take steps to insure drivers safety as well as we are human and we are more venerable then normal customers. Council should provide free customer service courses if they not happy with driver services.

Needs clarification as to what offences these are

Need clarification on what offences - some may be serious some minor. This needs to be stated clearly.

don't agree with any if i'm the proposed changes

The existing policy fine

Leaving it as it is works.

keep it how it is, stick to your rules this is not racism, it is common sense

Original shouldn't be changed

Discriminatory and racist

Please provide details about why you do not agree:

Not fair

I do not agree with this as I believe I have been targeted and it is institutionally racist. I feel there is no equality between my transport area and other transportations. I, and the drivers that I represent - have never heard of such a requirements needed in any field. This is a target by the council towards me due to being a taxi driver, I am being tarnished a taxi driver, due to the colour of my skin and targeted due to my religion. This is my bread and butter. I want equality towards the point system. 6 points should not mean a ban, it should be 12 points - equivalent as every other driver.

This just looks like a racial attack as majorly of cab drivers are Asians. This is just a form of discrimination. People have livelihoods and family's to provide for and when there is uncertainty in the cost of living. Rather then assisting the drivers and helping you are doing the opposite.

Are there any parts of the policy you wish to comment on in addition to those questions already asked?



Please provide comments:

The time needed to be spent on mobile phone use needs to be reviewed as time spent is extortionate.

The penalties for drugs use and or supply is far too lenient. As are the penalties for violence, possession of weapons and terrorism offences. All these should mean a life ban.

The time elapsed for offences is too long and needs to be reviewed

Its reasonable as it is, the changes make it harder and harder for drivers

The time frame for offences are now unfair and need to be looked at

Now that I've read some of the policies I'm an appalled that drivers can have up to 6/7 points

Policy to introduce easier reporting with dashcam footage uploads of bad driving; this to act as deterrent.

The policy also needs to look at licences for the vehicles used as taxis, there are too many unsuitable vehicles.

I think kirklees should do random stop and check on driver's in their cars. I was hit many years ago by a hackney driver who claimed his name was harwinder Singh. It was only years later he was done for drink driving offences in the same taxi it came to my knowledge the driver that hit me was not the person registered to that taxi it was a family member driving his cab for fares on behalf of him. Was he registered to do this? Makes me wonder as why did he give me his correct details. I only found this out when it was in the examiner. This can be checked as it went through the insurance.

There should be a barring list shared nationally

Please provide authority for why we need to follow WYCA + York. This is Kirklees council. Regardless of these changes, drivers are moving over to Wolverhampton nationwide.

Proving a tax code for new badge renewal is silly.... what if we have a badge but don't use it maybe only for a back up plan.... like I did I had my badge 2/3years before I actually started doing taxi

Look am all for public safety but this policy is victim targeting and radicalising men and making people feel that they are not welcomed in this job and the council can do what they want

How can you propose to NOT consider whether a driver's dependant family members should be taken into consideration when taking decisions to potentially take their daily bread away? Do you have family issues yourself which you are projecting onto others? Have you looked at maybe getting professional help?

Please provide comments:

A driver should not lose his license for 6 points

Please take step towards taxi driver safety as well.

Time elapsed for offences should be reviewed and consulted on as these are harsh and unreasonable

This is not a full consultation of the Suitability policy and many points have been missed by officers.

*Full policy has not been provide and consulted on *Has the Harmonisation agreement been scrapped, if NOT ,then we need the exact same policy as them to try to match some of the points as LEEDS. That can only be done when they have renewed their policy.

Passenger safety is the most important thing

I believe the policy is too lenient but understand you have rolled back on some areas to come to some agreement for the greater good of the people, we thank you

This policy is discriminatory and racist towards Asian drivers.

This policy is draconian it needs to be scrapped

Why you targeting taxi driver why not same rule for police officer, fire fighter, ambulance driver, bus driver complete bias again Asian Community as mostly driver are Asian

Some of the lengths of bans are draconian when it comes to minor offences. More democratic if it goes to sub committee. Table a, in relation to violent offences, why is common assault and terrorism classed the same, these I think should be different offence types and sentences.

I do not agree with this as I believe I have been targeted and it is institutionally racist. I feel there is no equality between my transport area and other transportations. I, and the drivers that I represent - have never heard of such a requirements needed in any field. This is a target by the council towards me due to being a taxi driver, I am being tarnished a taxi driver, due to the colour of my skin and targeted due to my religion. This is my bread and butter. I want equality towards the point system. 6 points should not mean a ban, it should be 12 points - equivalent as every other driver.

6 points policy not good for drivers lot of risk to lose their living and job and can be unemployed, not in favour of this

Do you have any other comments in relation to the policy?

No (248)  78%

Yes (71)  22%

Please provide comments:

In the current climate, contactless payment needs to be offered by all drivers

U should a policy to make the taxi driver's show there kirklees badge so the passengers know who there are bc I do get taxis and I have not seen one yet oakwell and rex from Dewsbury are bad for that so that would be nice to this implement

Making the whole rules me processes more detailed and transparent means the general public should feel safer with their assumptions that the Council have taken all steps necessary to protect the general public and stop making it so easy for anyone to be licensed to drive a taxi

How can Kirklees be sure that every taxi driver carries out their role honestly. My elderly mother used a Kirklees taxi home and the driver did not offer her the full amount of change. My mother was too frightened by the driver to ask for the full amount of change.

This policy is important, and the council's intention to safeguard the public is clear and useful. However, the whole document is written in 'legalese' and I question whether it is fit for purpose: I don't think that the average person would under the protections this offers them, and I think most drivers won't understand it. It would be better rewritten entirely in plain English.

Please provide comments:

The taxi driver of a red Seat taxi in Meltham is a danger on the roads. He drives way too fast. The speedo was on 0 the whole journey. I did not feel safe with the speed he was driving at.

Please monitor drivers more closely. I frequently see bad driving and it is more often than not a taxi/private hire. Far too many instances of dangerous driving. There also needs to be more oversight of the pricing levels and fixed costs- I have taken the same journey of under 2 miles and been charged anything from £3 to £8 (all at roughly the same time of day) as circuitous routes taken/idling/simply adding additional costs.

Please ensure the test includes a good knowledge of the local roads. It's so common to experience drivers who are clueless about which roads are where. Think 'the knowledge' test in London Hackney cabs. A similar test would be helpful and common sense to apply. Drivers should know the roads and the quickest way around to them.

As a regular taxi user I feel at times very unsafe due to erratic driving, speeding, obvious tiredness of the driver (surely shifts should be limited), lack of understanding of simple directions, overcharging and rudeness and in some cases clear misogyny (when travelling with my husband who has been addressed by the driver rather than myself). All drivers should wear photo ID, only be allowed to operate in the authority where they are registered and keep cars smoke free and clean.

Would have been helpful to see the full policy and supporting Tables A and B to be clear on what they included

This ENTIRE POLICY IS FLAWED AND NOT FIT FOR BRINGING INTO IMPLEMENTATION. The Council has a Herendous Track Record for Punishing Drivers for offences which even the Police would not answer to or consider to be even a Minor offence. I do not agree with any of this Policy and I condemn it in its entirety. It is VERY BIASED and DISCRIMINATORY towards the Drivers ONLY and has nothing of reassurance in it to safeguard the driver either. This Policy should NEVER be brought into practice.

Try and protect drivers as well alongside with public safety by having a fair and individual based assessment policy.

The time spent on various issues in policy needs a full review.

This is great and should be about putting safety of passengers first, the Council doesn't have a responsibility to give people a taxi job, they should comply with the standards required.

Taxi drivers and companies should provide officers with GPS data to investigate any alleged poor driving behaviours. If they don't they should have their licence taken away. When my partner was hit by a taxi in a hit-and-run the company refused to help Kirklees find out which drivers had taken that route by providing GPS data, they should have had their licence revoked for this.

as an employee of the council I regularly use taxi's to transport vulnerable young people (17-25) care leavers. I want to be 100% sure these young people are SAFE, not being put in difficult and often dangerous situations due to their vulnerabilities. It is vital that we take this opportunity to tighten up the requirements and standards now to prevent further grooming, county lines activities and modern day slavery

The Policy needs to be in place for Taxi Drivers as they have become a Law unto their own. I have had some really good polite helpful Drivers. Speeding through lights. Skidding round corners cutting up other drivers. I'm surprised that some of them still have a licence to Drive. The White Taxis are terrible. The prices are ridiculous also and charge what they want. IE £16 for a mile and half journey.

I think all taxi vehicles should be easily identifiable i.e. in some countries they are all the same make and colour. The state of some of the door signs are appalling and look to be stuck on with sellotape which is not very reassuring, they should be un-removable once in place, along with the plate, then taxis cannot be impersonated. There should also be set fares across Kirklees and not depending upon who you use.

There needs to be a full check the road worthiness of a drivers vehicle as in MOTs and proof of servicing and maintenance in line with necessary MOT advisory repairs and maintenance should also be a major factor in a drivers criteria for a licence and also random checks on a drivers credentials and vehicle to maintain a licence before and after allowed.

Please provide comments:

It's need to go back to the old way

i think i will return my badge to you kirklees council with pleasure you horrific people

The policy needs to take into consideration the action of the drivers towards not only members of the public but also towards Kirklees Council Licensing Officers, Licensing Staff, Kirklees Staff, Police Officers, PCSO's and professions who they may come into contact with through their work.

Whilst protecting the public is paramount, I think you will have a hard time enforcing alot of this policy. There are areas of the revised policy which have more than a hint of 'big brother\1984' which will concern many. It is also a policy that in the wrong officer's hands, they could terrorise an applicant or existing driver. Additionally, the wait periods post offence (Table A) are longer than the sentences often handed out by the courts. I don't feel comfortable with this, and whilst a wait time post offence is a good idea, having the council sit as judge and handing out longer time penalties is not.

All drivers should have DBS checks every 2 years

Without seeing the policy in full and only amendments it was difficult to answer the questions without full context

It should be law that taxis now have to take card payment and have CCTV. Most takeaways are now all cashless to save then being attacked for money, why are taxis not the same?

I am not agreeing with someone living abroad more than 6 months you asked police clearance

Been a pleasure being a taxi driver since 1990 and taking cars of our community and putting our customers first.

As above need to be more robust on the vehicles being used as taxis, my concern is small people carriers being used as six seaters where the back two seats are not suitable a for adults.

This entire Policy seems to have been Designed PURELY AND SPECIFICALLY to be deemed as DISCRIMINATIVE AND RACIST, as MAJORITY if not all drivers are of Asian Origin/Background

All taxi drivers shouldn't have any endorsement on there licence especially if transporting vulnerable people

The driving by a large amount of taxi drivers is atrocious. There should be more checks .

The fit and proper standards are not applied there are very few fit and proper drivers licensed, and what appears cartels behind the larger firms

I trust the various typos will be corrected before the new wording becomes policy.

Why is there no comments about proff of ID / who to complain to

When will council think of safety and well being of drivers that get attacked

Too strict

Council should pay for cctv in taxis Council should give free badges out to get more people in to work . Council should listen to drivers Council should employ more ethnic minority taxi customer representative and managers Victimization policy's should be stopped . Policy's should apply to everybody in the public from schools to work places to police and army where when you come in to contact with the public not just taxi drivers

As a customer who uses taxi's, i am not claiming that evey driver is good. In my experience most are, and i admit that there are a few that aren't nice, but some can just be having a bad day. We are in a recession after all, and people are stressed more in troubling times such as these due to the incompetency of people running the country. For the small amiuant of taxi drivers that aren't nice, sometimes they just need a kick up the backside, equivalent to a quick verbal warning (we have this at my workplace) as opposed to formal written warnings, or gross misconduct. Of course i acknowledge the severity of their misbehaviour should be taken into consideration. We need more people working right now, not more people losing their job and going on the dole. Don't be tedious over the casing of a letter when it doesn't change the meaning and context in relation to the entity. Council & council in one of the propostions is the same thing. Thank you for asking the public's opinion for a change. I wish your councils other department had done this for the bus gates. Nobody asked for them, but some idiots put them there and they've been useless.

Please provide comments:

Discrimination is key on everything that you're trying to propose.

Customer Data protection for taxi companies and not breaching personal details

This consultation seems to be more about rewording than the actual clarification of offences (as above)

DfT guidance is being ignored by officers in not proposing that a Sub Committee is set up to make decisions where there is a pending decision to suspend, revoke or refuse to grant a licence

*Why are you not proposing to have a Licencing sub committee to all decisions where licences are not being granted, refused or revoked. *Given the length of time and the language used in this survey is very difficult and time consuming for anyone completing the forms. We need to ensure more face to face sessions take place so that we can do justice to this exercise.

Racist policy

I genuinely think that licencees within the area are extremely hard working conscientious individuals. Putting even more red tape in their path will only put up the costs of hiring them. Kirklees should work with the individuals rather than against them to ensure that rules are put in place for their benefit as well as the public.

taxis are high risk enviroments and safeguarding understanding by drivers is often poor in my experieence. county lines, human trafficking and dangerous driving are real risks

There will be significant opposition to this revised policy, please put us, the fare paying public first & implement it without delay. Once implemented ENSURE THAT IT IS FULLY ENFORCED.

how come its only west yorkshire having this policy is the rest of uk not concerned about public safty

Vehicles used to be of an appropriate size. I have seen examples of a Toyota Yaris being used. This is hardly the type of vehicle appropriate for eg 4 adults and suitcases.

I would like to be included in the policy a maximum age for taxi's, whether it be years or mileage As the safety of the public is paramount, a lot of the taxis currently in our area are very old, therefore not having all the safety requirements of modern cars to protect the travelling public and the older vehicles cannot be meeting Kirklees emissions legislation plus ALL vehicles carrying the fare paying public, whether they be cars, mini-busses etc to be tested by the authority more often (at least twice a year) along with more spot checks.

The existing policy fine

I think it is important that the drivers should be articulate and speak english fluently and without a heavy accent. This should be a requirement for a suitable applicant.

Why should the Asian community be any different than any one else ? Racism is a one way street.

A great idea the Yorkshire Mayor should impose across her land, well done for putting safety & the public first. I fully believe this will bring back shoppers to areas struggling after the pandemic.great work by all, well done

Taxi drivers are professional drivers and have a higher responsibility to drive appropriately. Driving offences are particularly relevant to their appropriateness to hold a licence. I don't want to be driven (or share the road with) by someone who cannot respect motoring laws.

We are being subjected to two judicial systems and processes.

This policy is racist

I think its really important to recognise that customers of private hire/hackney vehicles expect to travel safely, we have all been in vehicles where speeding has taken place, running red lights etc. I appreciate the drivers are very vocal but your concern should always be for the safety of passengers and other road users. Vehicles which fail road side tests should have drivers license suspended, drivers with excessive points should lose license,

There should be no m.o.t on brand new vehicles

These suitability policy's are unfare and discriminatory as higher percentage of drivers are from minority groups. The Council is being racist an greedy as 0er usual.

Please provide comments:

Please please consider all policies Look how many drivers are going to Wolverhampton ashfield Calderdale etc. They are all your ex drivers if they can license them so can you. That is you losing money not the public. Why are so many out of town licenses here. Because they know it's easier to get in and there council are a lot more easy going. They can do what they want because no one to stop them .

I do not agree with this as I believe I have been targeted and it is institutionally racist. I feel there is no equality between my transport area and other transportations. I, and the drivers that I represent - have never heard of such a requirements needed in any field. This is a target by the council towards me due to being a taxi driver, I am being tarnished a taxi driver, due to the colour of my skin and targeted due to my religion. This is my bread and butter. I want equality towards the point system. 6 points should not mean a ban, it should be 12 points - equivalent as every other driver.

Stop adding ridiculous policy's to hardworking public transport drivers who are just trying to feed their family's. Maybe focus on the real issues such as the education system, the homeless and the drug abuse. The main cost of living and how to increase salary's to match the rise of inflation.

public needs to be educate and awareness how to use taxi and should gives respect drivers as drivers give respect to customers and drop them home safely drivers just doing their job but council don't listen drivers and drivers have no support from anyone even even customer lies

This consultation seems to be more about rewording than the actual clarification of offences (as above)

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.

EIA STAGE 1 – SCREENING ASSESSMENT

PROJECT DETAILS

Name of project or policy:

Taxi Licensing - Existing policy amendments Hackney Carriage and Private Hire Fitness and Suitability Policy

Directorate:

Environment and Climate Change

Senior Officer responsible for policy/service:

Martin Wood/Russell Williams

Service:

Public Protection

Lead Officer responsible for EIA:

Fiona Goldsmith

Specific Service Area/Policy:

Licensing

Date of EIA (Stage 1):

24.05.2023

Brief outline of proposal and the overall aims/purpose of making this change:

The existing fitness and suitability policy was introduced in August 2019, it is good practice to review all council policies every 3 to 5 years. The aim with the review was to consider the concerns raised by the licence trade regarding specific aspects of the existing policy, the main issues being raised prior to the review related to the minor motoring convictions section of the policy.

ASSESSMENT SUMMARY

Theme	Calculated Scores						Stage 2 Assessment Required
	Proposal	Impact	P + I	Mitigation	Evidence	M + E	
Equalities	6	4.4	10.4	5	0	5	Yes
Environment		4.6	4.6	5	0	5	No

NATURE OF CHANGE

WHAT IS YOUR PROPOSAL?	Please select YES or NO
To introduce a service, activity or policy (i.e. start doing something)	NO
To remove a service, activity or policy (i.e. stop doing something)	NO
To reduce a service or activity (i.e. do less of something)	NO
To increase a service or activity (i.e. do more of something)	NO
To change a service, activity or policy (i.e. redesign it)	YES
To start charging for (or increase the charge for) a service or activity (i.e. ask people to pay for or to pay more for something)	NO

WHAT LEVEL OF IMPACT DO YOU THINK YOUR PROPOSAL WILL HAVE ON...	Level of Impact Please select from drop down
Kirklees employees within this service/directorate? (overall)	Very Positive
Kirklees residents living in a specific ward/local area?	Positive
Please tell us which area/ward will be affected:	All Wards
Residents across Kirklees? (i.e. most/all local people)	Very Positive
Existing service users ?	Negative

Each of the following groups ?		Please select from drop down
<i>(Think about how your proposal might affect, either positively or negatively, any individuals/communities. Please consider the impact for both employees and residents - within these protected characteristic groups).</i>		
...age	What impact is there on Kirklees employees /internal working practices?	Neutral
	What impact is there on Kirklees residents /external service delivery?	Negative
...disability	What impact is there on Kirklees employees /internal working practices?	Neutral
	What impact is there on Kirklees residents /external service delivery?	Neutral
...gender reassignment	What impact is there on Kirklees employees /internal working practices?	Neutral
	What impact is there on Kirklees residents /external service delivery?	Neutral
...marriage/ civil partnership	What impact is there on Kirklees employees /internal working practices?	Neutral
	What impact is there on Kirklees residents /external service delivery?	Neutral
...pregnancy & maternity	What impact is there on Kirklees employees /internal working practices?	Neutral
	What impact is there on Kirklees residents /external service delivery?	Neutral
...race	What impact is there on Kirklees employees /internal working practices?	Neutral
	What impact is there on Kirklees residents /external service delivery?	Not known
...religion & belief	What impact is there on Kirklees employees /internal working practices?	Neutral
	What impact is there on Kirklees residents /external service delivery?	Positive
...sex	What impact is there on Kirklees employees /internal working practices?	Neutral
	What impact is there on Kirklees residents /external service delivery?	Positive
...sexual orientation	What impact is there on Kirklees employees /internal working practices?	Neutral
	What impact is there on Kirklees residents /external service delivery?	Neutral
...those in poverty or low-come	What impact is there on Kirklees employees /internal working practices?	Neutral
	What impact is there on Kirklees residents /external service delivery?	Neutral

...unpaid carers

What impact is there on Kirklees **employees**/internal working practices?

Neutral

What impact is there on Kirklees **residents**/external service delivery?

Neutral

WHAT LEVEL OF IMPACT DO YOU THINK YOUR PROPOSAL WILL HAVE ON...		Level of Impact	
		Please select from drop down	
Kirklees Council's internal practices ?		Positive	
Lifestyles of those who live and work in Kirklees?		Neutral	
Practices of suppliers to Kirklees council?		Neutral	
Practices of other partners of Kirklees council?		Neutral	
Each of the following environmental themes ? (Please select from the drop down list)			
	People	Partners	Places
...clean air (including Climate Changing Gases)	Neutral	Neutral	Neutral
	Score: 2	Score: 2	Score: 2
...Clean and plentiful water	Neutral	Neutral	Neutral
	Score: 2	Score: 2	Score: 2
... Wildlife and habitats	Neutral	Neutral	Neutral
	Score: 2	Score: 2	Score: 2
...Resilience to harm from environmental hazards	Neutral	Neutral	Neutral
	Score: 2	Score: 2	Score: 2
... Sustainability and efficiency of use of resources from nature	Neutral	Neutral	Neutral
	Score: 2	Score: 2	Score: 2
...Beauty, heritage and engagement with the natural environment	Neutral	Neutral	Neutral
	Score: 2	Score: 2	Score: 2
... Resilience to the effects of climate change	Neutral	Neutral	Neutral
	Score: 2	Score: 2	Score: 2
...Production, recycling or disposal of waste	Neutral	Neutral	Neutral
	Score: 2	Score: 2	Score: 2
... Exposure to chemicals	Neutral	Neutral	Neutral
	Score: 2	Score: 2	Score: 2

HOW ARE YOU USING ADVICE AND EVIDENCE/INTELLIGENCE TO HELP YOU?

Please select YES or NO

Equality Themes

Have you taken any specialist advice linked to your proposal? (Legal, HR etc)?	Yes
...employees?	Yes
Do you have any evidence/intelligence to support your assessment (in section 2) of the impact of your proposal on...	Yes
...Kirklees residents?	Yes
...service users?	Yes
...any protected characteristic groups?	Yes

Please list your **equalities** evidence/intelligence here [you can include hyperlinks to files/research/websites]:
 Although the licensing service do not collect ethnicity data for its licence holders, knowledge and experience show that a significant proportion of the private hire and hackney carriage trades in Kirklees are from an ethnic minority background.
 Likewise, although the service do not collect data on the gender make up of its licence holders, knowledge and experience show that a significant proportion of the private hire and hackney carriage trades in Kirklees are males.

	Please select from drop down
To what extent do you feel you are able to mitigate any potential negative impact of your proposal outlined on the different groups of people?	TO SOME EXTENT
To what extent do you feel you have considered your Public Sector Equality Duty?	TO SOME EXTENT

Environmental Themes

Have you taken any specialist advice linked to your proposal?	Yes
...Kirklees Council practices?	Yes
Do you have any evidence/intelligence to support your assessment (in section 2) of the impact of your proposal on...	Yes
...resident and worker lifestyles?	Yes
...Practices of Supplier to Kirklees Council?	Yes
...Practices of other Kirklees Council partners?	Yes

Please list your environmental evidence/intelligence here [you can include hyperlinks to files/research/websites]:
 A full consultation has been carried out for the proposed changes to the existing policy, those consulted were: Members of the public, All existing licence holders, public health, LADO (Inc Safeguarding children and adults board), Safer Kirklees, All Ward Councillors, All MP's, Susie Lamplugh Trust, National private hire and taxi association, All Neighbouring Authorities, All Unions (GMB, Unite, Unison), West Yorkshire Police. The results of the survey on the proposed changes showed that a higher percentage of respondents were in favour of the changes.

	Please select from drop down
To what extent do you feel you are able to mitigate any potential negative impact of your proposal on the environmental issues identified?	TO SOME EXTENT

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CITY OF BRADFORD METROPOLITAN DISTRICT COUNCIL (THE COUNCIL)

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

Introduction

1. The Council recognises that the role of Hackney Carriage and Private Hire drivers is a professional one. They are often the first point of contact for visitors to the district; provide the public with vital and recreational transport options and frequently transport many of our most vulnerable citizens.

Most local authorities who have adopted the licensing provisions of the Local Government (Miscellaneous Provisions) Act 1976 as amended currently have varying standards for assessing the suitability of applicants who wish to become a licenced driver. The Council has therefore worked closely with Calderdale, Leeds, Kirklees, Wakefield and York Councils to look at ways to harmonise the determination of suitability to become a licenced hackney carriage or private hire driver in West Yorkshire. The outcome of this work has identified that a new policy to do this is necessary.

2. The reason for this policy is to ensure that the travelling public within the Bradford district and West Yorkshire and York can be confident that the drivers licensed by each authority are suitable for this role, that the standards applied are consistent across the area and that the requirements will be the same for whichever authority they choose to apply to.
3. *As is stated above* 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 applicants 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 hackney carriage or private hire 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. Hackney carriages are used by almost everyone but they are used regularly by particularly vulnerable groups: children; the elderly; disabled people; and the intoxicated. A hackney carriage or private hire 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 7 above the Council can consider convictions and cautions but also other outcomes of actions taken by the Police, other agencies and the Civil Courts.
10. Reference to convictions in this policy also includes cautions, warnings, reprimands, all forms of fixed penalty notices, restrictive type orders and any other relevant information. In addition, any circumstances relating to the licensee is potentially relevant if it is relevant to their safety and suitability to hold a licence.
11. Matters which have not resulted in a criminal conviction (whether as a result of an acquittal, a conviction being quashed, a decision not to prosecute or an investigation which is continuing where the individual has been bailed) will be taken into account by the Council. In addition, complaints where there was no police involvement will also be considered.
12. In the case of a new applicant who has been charged with any offences and is awaiting trial, the determination will be deferred until the trial has been completed or the charges withdrawn.
13. In all cases, the Council will consider a conviction or behaviour and what weight should be attached to it, and each case will be decided on its own merits and in line with this policy.
14. The licensing process places a duty on the Council to protect the public. Therefore, it is essential that those seeking a living as a driver meet the required standards. As previous offending and other behaviour can be considered as a predictor in determining future behaviour, it is important that the Council considers all relevant factors including previous convictions, cautions, complaints, failures to comply with licence conditions and the time elapsed since these were committed.

Applying the Guidance

15. One of the purposes of this policy is to provide guidance to an applicant or existing licence holder on the criteria to be taken into account by the Council when determining whether or not an applicant, or an existing licensee on renewal, is fit & proper to hold a hackney carriage or private hire driver's licence.
16. When determining whether or not a person is "fit & proper" to become or remain a licensed driver each case will be decided on its own merits and the Council shall only depart from this Policy in exceptional circumstances. However, the change in policy is not intended to be a means of penalising drivers who are currently licenced and thus deemed 'fit and proper' and thereby licenced under the policy in place at the time they were licenced. For drivers who are licenced by the Council at the time of policy implementation, the policy conditions will be applied when they apply to have their licence renewed. Furthermore, for any driver who has penalty points or convictions which are above those permitted by the new policy then these will be reviewed and the drivers overall conduct taken into account before a decision is made to re-licence them or not. In doing this any decision made to re-licence an existing driver who has penalty points or convictions above those permitted under the new policy would be subject to them accruing no further penalty points or convictions.

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

Disclosure and Barring Service

23. Applicants need to be aware that as a consequence of the Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) Order 2002, they are excluded from the provisions of the Rehabilitation of Offenders Act 1974 in relation to spent convictions and that **ALL** convictions (including minor motoring convictions and fixed penalty notices) must be declared. The Secretary of State made this exemption because it is necessary to put public safety as the first consideration and to enable the Councils to take a wider view of the applicant over a longer timescale.
24. The Council conducts enhanced disclosures from the Disclosure and Barring Service ("DBS") of any applicant for a driver's licence. Applicants will be required to obtain an enhanced disclosure at their expense and to maintain their subscription to the Disclosure and Barring Update Service.
25. Any information contained in the Enhanced DBS Certificate that identifies an individual as not suitable to work with children or vulnerable adults will normally be refused.
26. The Council is also entitled to use other records and information including any complaints history that may be available to it in determining applications or an entitlement to continue holding a licence. This may include information held by the Council or other Councils and information disclosed by the police in accordance with the provisions of Common Law Police Disclosure.
27. In determining safety and suitability the Council is entitled to take into account all matters concerning that applicant or licensee. This includes not only their behaviour whilst working in the hackney carriage or private hire trade but also their entire character including, but not limited to, their attitude and temperament.

28. Any applicant who has resided outside the UK for any period longer than 3 months within the preceding 3 years will be required to produce a "Certificate of Good Conduct" from the relevant countries which details any convictions or cautions recorded against the individual. It is the applicant's responsibility to obtain this evidence at his cost. This will be in addition to the Enhanced DBS.
29. It is the responsibility of the applicant/licence holder to satisfy the Council that they are a "fit and proper person" to hold a licence. Therefore, the applicant/licence holder must ensure that all convictions, cautions, warnings, reprimands, fixed penalties, arrests and summonses are disclosed to the Council including any incurred outside the UK.
30. Once a licence has been granted there is a continuing requirement on the part of a licensee to maintain their safety and suitability to meet the "fit and proper" test. The Council has the powers to take action against licence holders and any behaviour, incidents, convictions or other actions on the part of the licensee which would have prevented them from being granted a licence will lead to the licence being revoked.
31. Any dishonesty by any applicant or other person acting on the applicant's behalf which occurs in any part of the application process will result in a licence being refused, or if already granted, revoked and may result in prosecution.
32. An applicant must hold a full DVLA or equivalent driver's licence, have the right to remain and work in the UK and be a "fit and proper" person.
33. Under the Local Government (Miscellaneous Provisions) Act 1976 section 57 the Council has the power to require an applicant to provide:

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

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

34. The character of the applicant in its entirety is the paramount consideration when considering whether they should be licensed. The Council is not imposing an additional punishment in relation to previous convictions or behaviours. The information available to them is used to make an informed decision as to whether or not the applicant is a safe and suitable person.
35. The fact that an offence was not committed when the applicant was driving a hackney carriage or private hire vehicle 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 any sentence (or the date of conviction if a fine was imposed, including driving convictions) before a licence will be granted.

40. The Council will look at the entirety of the individual and in some cases the suitability will not be determined simply by a specified period of time having elapsed following a conviction or the completion of a sentence. The time periods are a relevant and weighty consideration but they are not the only determining factor.

41. In addition to the nature of the offence or other behaviour, the Council will also consider the quantity of matters and the period of time over which they were committed. Patterns of repeated unacceptable or criminal behaviour are likely to cause greater concern than isolated occurrences as such patterns can demonstrate a propensity for such behaviour or offending.

42. This policy does not replace the Council's duty to refuse to grant a licence where they are not satisfied that the applicant or licensee is a fit and proper person. Where a situation is not covered by this policy the Council must consider the matter from first principles and determine the fitness of the individual.

43. Once a licence has been granted there is a continuing requirement on the part of the licensee to maintain their safety and suitability to meet the "fit and proper" test.

44. Some offences on their own are serious enough for a licence not to be granted and these identified Table A. In the case of an existing licence "refused" in the Table means "revoked".

45. Applicants & licensees should be aware that where they have been convicted of a crime which has resulted in the death of another person or was intended to cause the death or serious injury of another person they will not be licensed.

46. Where an applicant or licensee has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment of another individual irrespective of whether the victim or victims were adults or children, they will not be licensed. This includes slavery, child sexual exploitation, grooming, psychological or financial abuse.

47. The Council will not grant a licence to any applicant who is currently on the Sex Offenders Register or on any "barred" list. Existing licensees who are placed on the Sex Offenders Register or on any "barred" list will have their licence revoked.

48. Convictions for attempt or conspiracy will be regarded as convictions for the substantive crime. A caution is regarded in exactly the same way as a conviction. Fixed penalties and community resolutions will also be considered in the same way as convictions.
49. Road Safety is a major priority to the Council. A hackney carriage or private hire 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. Hackney carriage and private hire drivers are professional drivers charged with the responsibility of carrying the public. Any motoring convictions demonstrate a lack of professionalism and will be considered seriously. Whilst it is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the grant of a licence or may not result in action taken against an existing licence, subsequent convictions would indicate that the licensee does not take their professional responsibilities seriously and is therefore not a safe and suitable person to be granted or retain a licence.

Decision and Right of Appeal

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

Cont.

TABLE A

This table sets out the time periods that should elapse following completion of any sentence (or the date of conviction if a fine was imposed, including driving convictions) before a licence will be granted.

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, battery & 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 ~ AND can be asked to provide official documentary evidence that they are drug free. This can be asked at for prior to or at any time whilst licensed.
Discrimination – any conviction involving or connected with discrimination in any form.	7 years

Cont.

Drink driving/driving under the influence of drugs.	7 years ~ AND can be asked to provide official documentary evidence that they are drug free. This can be asked at for prior to or at any time whilst licensed.
Driving whilst using a hand-held telephone or other device.	5 years
Minor traffic or vehicle related offences – offences which do not involve loss of life, driving under the influence of drink or drugs, driving whilst using a handheld telephone or other device and has not resulted in injury to any person or damage to any property (including vehicles) resulting in 7 or more points on a DVLA licence.	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
Serious hackney carriage and private hire offences (e.g. plying for hire, driving without a PH/HC licence (driver or vehicle).	7 years
Vehicle use offences, for example being carried in vehicle without the owner's consent.	7 years.

A policy on determining the suitability of applicants and licensees as Drivers and Operators in taxi & private hire licensing.

1. Fit and Proper Test

- 1.1. 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.
- 1.2. 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.
- 1.3. It is a function of the Council to issue Hackney Carriage and Private Hire licences under the Local Government Miscellaneous Provisions Act 1976.
- 1.4. 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.
- 1.5. 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 applicants and to existing licensees. This requirement is contained within Sections 51 and 59 of the Local Government Miscellaneous Provisions Act 1976. The Statutory Taxi & Private Hire Vehicle Standards (June 2020) defines the test by which the Council will determine "fit and proper" as:

"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"

- 1.6. This policy categorises the types of issues including, crime and driving convictions, that form part of the "fit and 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.
- 1.7. 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.

- 1.8. 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.
- 1.9. As part of the assessment referred to in paragraph 1.5 above the Council can consider convictions and cautions but also other outcomes of actions taken by the Police, other agencies and the Civil Courts.
- 1.10. 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.
- 1.11. 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.
- 1.12. 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.
- 1.13. 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.
- 1.14. The licensing process places a duty on the Council to protect the public. Therefore it is essential that those seeking a living as a driver meet the required standards. As previous offending and other behaviour can be considered as a predictor in determining future behaviour, it is important that the Council considers all relevant factors including previous convictions, cautions, complaints, failures to comply with licence conditions, and the time elapsed since these were committed.

2. Applying the Guidance

- 2.1. 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 and proper to hold a hackney carriage or private hire driver's licence.
- 2.2. When determining whether or not a person is "fit and proper" to become or remain a licensed driver each case will be decided on its own merits and the Council shall only depart from this Policy in exceptional circumstances.
- 2.3. 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.

- 2.4. 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.
- 2.5. 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.
- 2.6. Where a licence would normally be granted after an elapsed period, there may be circumstances where the elapsed period will be extended.
- 2.7. 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.
- 2.8. Any concerns, issues, incidents or convictions/offences not covered by this Policy will not prevent the Council from taking them into account.
- 2.9. Any wilful inaccuracies, or if an applicant knowingly withholds information will be taken into account when determining the application. To knowingly withhold or submit misleading information may demonstrate a person's dishonesty. For that reason the applicant would not be considered 'fit and proper'.

3. Disclosure and Barring Service

- 3.1. 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.
- 3.2. 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 own expense and to subscribe to the Disclosure and Barring Update Service. Failure to subscribe or lapsed subscription to the Update Service could result in refusal or revocation of a driver licence.
- 3.3. Any information contained in the Enhanced DBS Certificate that identifies an individual as not suitable to work with children or vulnerable adults will result in the refusal of or revocation of a driver licence.

4. Working with the Police and other Authorities

- 4.1. 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, other local authorities and information disclosed by the police under Common Law Police Disclosure which focuses on providing timely and relevant information which might indicate a public protection risk. This information can include intelligence passed on at arrest or charge prior to trial allowing measures to be put in place to mitigate risk and protect the public. Applicants and licensees are required to disclose if they hold or have previously held a licence with another authority. An applicant and licensee are also required to disclose if they have had an application refused, revoked or suspended by any other licensing authority.
- 4.2. 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.
- 4.3. 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 Character" 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.
- 4.4. Where an applicant is aware they have committed an offence overseas, applicants should seek independent expert or legal advice to ensure that they provide information which is truthful and accurate.
- 4.5. 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.
- 4.6. 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.
- 4.7. 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.
- 4.8. An applicant must hold a full DVLA drivers licence, have the right to remain and work in the UK and be a "fit and proper" person.
- 4.9. 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.

- 4.10. 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.
- 4.11. 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.
- 4.12. 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.
- 4.13. 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.

5. Criminal and Driving Convictions

5.1. 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.

5.2. In relation to the 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. The convictions in the table are triggers for an investigation into whether the applicant or licence holder are considered “fit and proper”.

5.3. 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.

- 5.4. 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.
- 5.5. 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.
- 5.6. 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.
- 5.7. 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".
- 5.8. 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.
- 5.9. 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.
- 5.10. 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.
- 5.11. 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.
- 5.12. 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.
- 5.13. 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.

6. Private Hire Vehicle Operator Licensing

- 6.1. 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. The Council will consider the whether the applicant or licence holder with previous convictions, other than those relating to driving, meets the "fit and proper" threshold.
- 6.2. Enhanced DBS and barred list checks are not available for private hire vehicle operators so the Council will request a basic disclosure from the DBS both on application, renewal and on an annual basis through the DBS update service.
- 6.3. If the operator licence holder is already licenced as a hackney carriage or private hire driver then no additional checks are required. A refusal, suspension, revocation of a driver licence does not necessarily mean that the individual is not suitable to hold a vehicle operator licence.
- 6.4. A company or partnership may apply for a vehicle operator licence but the "fit and proper" test should be applied to each of the partners or directors of that partnership or company.

7. Decision and Right of Appeal

- 7.1. 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.
- 7.2. 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.
- 7.3. The Applicant or existing licence holder will be notified in writing of the Council's final decision within 14 days of completion of the procedures set out above.
- 7.4. 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 since the completion of any sentence
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. In addition to the above an application will not be granted to any applicant currently on the Sex Offenders Register or any barred list.
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 owner's consent.	7 years.

Local Authority powers to Renew/Suspend or Revoke a licence

Under the provision of Section 60 of the Local Government (Miscellaneous Provisions) Act 1976 a Local Authority may suspend, revoke or refuse to renew the licence of a vehicle, on any of the following grounds:

- i. That the hackney carriage or private hire vehicle is unfit for use as a hackney carriage or private hire vehicle
- ii. Any offence under, or non-compliance with the provisions of the Act of 1847 or of this Part of the Act by the operator or driver; or
- iii. Any other reasonable cause.

Under the provision of Section 61 of the Local Government (Miscellaneous Provisions) Act 1976 a Local Authority may suspend, revoke or refuse to renew the licence of a driver of a hackney carriage or private hire vehicle on any of the following grounds.

That since the grant of the licence:

- i. The driver has been convicted of an offence involving dishonesty, indecency or violence
- ii. Been convicted of an offence under or has failed to comply with the provisions of the Town Police Clauses Act 1847 or this Part of this Act
- iii. Any other reasonable cause

Again under the provisions of S62 of the Act, a Local Authority may suspend, revoke or refuse to renew an operators' licence on any of the following grounds:

- i. Any offence under or non-compliance with, the provisions of this part of this Act

- ii. Any conduct on the part of the operator which appears to the Local Authority to render them unfit to hold an Operators' Licence
- iii. Any material change since the licence was granted in any of the circumstances of the operator on the basis which the licence was granted
- iv. Any other reasonable cause

Legislation allows the Council to place conditions on licences and also to consider a much wider range of events under 'any other reasonable cause'. This means that applicant and licence holder do not necessarily have to be convicted of an offence but the Council may still make decisions which affect the licence.

Suitability and convictions policy

A policy on determining the suitability of applications and licences as drivers in taxi and private hire licensing.

This version was published October 2022, and this policy took effect from 2 February 2020.

Introduction

1. The West Yorkshire and City of 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 persons 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 and 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

convictions, and 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 an even 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 or 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 are potentially relevant if it relates 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) may be taken into account by the council. In addition, complaints where there was no police involvement may 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 relevant behaviour

13. In all cases, the council will consider a conviction of relevant 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 a fit and proper person to hold a hackney carriage or private hire driver's licence.

16. When determining whether or not a person is "fit and 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 on the applicant and/or his family of losing (or not being granted) a licence.

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 occurred 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 the expiry of a specific period, there may be circumstances where the period will be extended.

21. Any foreign offence disclosed by the applicant/licence holder or revealed on an enhanced Disclosure and 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. It is the aim of this policy that any information that has not been fully considered, will be considered at the time a licence is considered for renewal. Licence holders renewing their licence with no new concerns, issues, incidents, convictions/offences, and about whom no other new information has been received will continue to be regarded as fit and proper persons.

Disclosure and Barring Service

23. Applicants need to be aware that as a consequence of the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975, 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 result in the application being refused or existing licence being revoked.

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 relevant 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 character including, but not limited to, their attitude and temperament so far as relevant to an assessment of suitability.

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 an applicant 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 be likely to have prevented them from being granted a licence are likely to lead to the licence being revoked.

31. Any dishonesty or material non-disclosure 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 is relevant 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 to be licensed.

35. The fact that an offence was not committed when the applicant was driving a taxi or when passengers were aboard may be 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 may have 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 be unlikely to meet the “fit and proper” test.

Criminal and Driving Convictions

38. The council considers that a period of time should elapse after a

conviction 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 circumstances 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 an increased propensity for such behaviour or offending to recur.

42. This policy does not replace the council's general 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" person test.

44. Some offences on their own are serious enough for a licence not to be granted and these are identified in 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 almost certainly not be licensed.

46. Where an applicant or licensee has been convicted of a crime involving, related to, or which has any connection with abusive, exploitative, use or treatment of another individual irrespective of whether the victim or victims were adults or children. they will almost certainly not be licensed.

.....
This includes instances of slavery, child sexual exploitation, grooming, psychological or financial abuse.

47. The council will almost certainly 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 almost certainly have their licence revoked.

48. Convictions for inciting, attempting or conspiring to commit an offence will be treated in the same way as convictions for the substantive crime. For these purposes, a caution may be regarded in the same way as a conviction. Fixed penalties and community resolutions may 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 his or her passengers, direct responsibility for the safety of other road users and significant control over passengers who are in the 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 safely conveying the public. Any motoring convictions may 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 being taken in respect of an existing licence, subsequent convictions would indicate that the licensee does not take their professional responsibilities seriously, and is therefore not a fit and proper person to be granted or to 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

one individual at the meeting who is not permitted to make comment or enter into any part of the discussion.

53. The Applicant or existing licence holder will be notified in writing of the council's final decision within 14 days of completion of the procedures set out in paragraphs 43 and/or 44 above.

54. Any person whose application is refused or licence suspended or revoked by the council has a right of appeal to the Magistrates' Court. An Appeal must be lodged within 21 days of the decision at the appropriate Magistrates' Court. Applicants may wish to obtain professional and independent advice.

Table A

Offence	Period elapsed
Crimes resulting in the death of another person or which was intended to cause 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 which have any connection with abuse, exploitation, misuse or mistreatment 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.
More serious offences involving violence (including arson, riot, terrorism offences, grievous bodily harm, wounding, actual bodily harm) or connected with an offence of violence.	10 years
Less serious offences involving violence (including harassment, battery, common assault and criminal damage) or connected with an offence of violence.	5 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

be refused.

Dishonesty – any offence of dishonesty, or any offence where dishonesty is an element of the offence.	7 years
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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
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Drugs use – any conviction for possession of drugs, or related to possession of drugs.	5 years
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Unlawful discrimination – any conviction involving or connected with unlawful discrimination in any form.	7 years
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Drink driving/driving under the influence of drugs.	7 years
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Driving whilst using a hand-held telephone or other device.	5 years
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Minor motoring convictions:

a. Applications for a new taxi or private hire driver licence will not be granted when an applicant has 7 or more points for minor motoring convictions showing on their driving licence.	3 years
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b. Existing licence holders reaching 7 or more points for minor motoring convictions will receive a warning and will only be required to attend appropriate training.	N/A
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c. Existing licence holders reaching 9 points or more for minor motoring convictions and who have previously attended training under this policy may have their licence refused or revoked dependent on the individual circumstances of the driver concerned and offences committed. In considering such action, the intention of the policy will be to only refuse or revoke a licence where there are very clear concerns for public safety.	3 years
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Members of Licensing Committee have determined that for an initial 12-month pilot, any decision to revoke a licence on the basis of minor motoring convictions will be determined by a Licensing Sub Committee.	N/A
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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	7 years
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(including vehicles), driving without insurance or any offence relating to motor insurance.


Hackney carriage and private hire offences	7 years
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Vehicle use offences, for example being carried in vehicle without the owner's consent.	7 years
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Appendix 9 A Policy on Determining the Suitability of Applicants and Licensees as Drivers in Taxi & Private Hire Licensing

1. Introduction

- 1.1 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.
- 1.2 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.
- 1.3 It is a function of the Council to issue Hackney Carriage and Private Hire licences under the Local Government Miscellaneous Provisions Act 1976.
- 1.4 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.
- 1.5 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.
- 1.6 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

Taxi Licensing Policy

- 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.
- 1.7 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.
- 1.8 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.
- 1.9 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.
- 1.10 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.
- 1.11 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.
- 1.12 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.
- 1.13 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.

- 1.14 The licensing process places a duty on the Council to protect the public. Therefore it is essential that those seeking a living as a driver meet the required standards. As previous offending and other behaviour can be considered as a predictor in determining future behaviour, it is important that the Council considers all relevant factors including previous convictions, cautions, complaints, failures to comply with licence conditions, and the time elapsed since these were committed.
2. Applying the Guidance
 - 2.1 One of the purposes of this policy is to provide guidance to an applicant or existing licenceholder 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.
 - 2.2 When determining whether or not a person is "fit & proper" to become or remain a licensed driver each case will be decided on its own merits and the Council shall only depart from this Policy in exceptional circumstances.
 - 2.3 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.
 - 2.4 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.
 - 2.5 The Policy will also be applied if any additional issue arises that would call into question a person's suitability to continue to hold

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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.

- 2.6 Where a licence would normally be granted after an elapsed period, there may be circumstances where the elapsed period will be extended.
- 2.7 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.
- 2.8 Any concerns, issues, incidents or convictions/offences not covered by this Policy will not prevent the Council from taking them into account.

3. Disclosure and Barring Service

- 3.1 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.
- 3.2 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.
- 3.3 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.
- 3.4 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.

- 3.5 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.
- 3.6 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.
- 3.7 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.
- 3.8 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.
- 3.9 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.
- 3.10 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.

- 3.11 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.
- 3.12 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.
- 3.13 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.
- 3.14 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.
- 3.15 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.

4. Criminal and Driving Convictions

- 4.1 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.
- 4.2 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.
- 4.3 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.
- 4.4 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.
- 4.5 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.
- 4.6 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.

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- 4.7 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".
- 4.8 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.
- 4.9 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.
- 4.10 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.
- 4.11 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.
- 4.12 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.
- 4.13 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

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and suitable person to be granted or retain a licence.

5. Decision and Right of Appeal

- 5.1 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.
- 5.2 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.
- 5.3 The Applicant or existing licence holder will be notified in writing of the Council's final decision within 14 days of completion of the procedures set out in paragraphs 43 and/or 44 above.
- 5.4 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

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Offence	Period Elapsed
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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SUITABILITY POLICY

(Implemented 26/01/2023)

Introduction

This policy provides guidance on the criteria to consider when determining whether an applicant or existing licence holder is a safe and suitable person to have granted, have renewed, or continue to hold a Hackney Carriage, Private Hire or Operator Licence. Whilst criminal convictions will play a significant part in the Licensing Authority's determination of whether a driver is safe and suitable, the Council will also consider other factors which are set out further in this policy

1. The purpose of this policy is to ensure that the travelling public can be confident that drivers licensed by this authority are safe and suitable for this role
2. It is a function of the Council to issue hackney carriage, private hire licences and operator licenses. Under the Local Government (Miscellaneous Provisions) Act 1976, This policy will apply to all new applicants and to existing licensees on renewal.
3. 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.
4. The Council must ensure that applicants/licence holders are and remain fit and proper or safe and suitable to hold a licence. They cannot be granted a licence unless the Council is satisfied. This requirement is contained within Sections 51 & 59 of the Local Government (Miscellaneous Provisions) Act 1976, a modern expression of fit & proper would be safe & suitable to be licensed.
5. This policy categorises the types of issues including, crime and driving convictions, that form part of the safe and suitable 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.**
 - **That a person is a safe and suitable person in accordance with Sections 51 and 59 of the Act.**
6. 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.
 7. Taxis are used by almost everyone, but they are used regularly by particularly vulnerable groups, such as children, the elderly, disabled people and the intoxicated.

8. As part of the assessment as set out above, the Council can consider convictions, cautions and warnings and actions taken by the Police, other agencies, and the Civil Courts.
9. Reference to convictions in this policy also includes cautions, community resolutions, warnings, reprimands, all forms of fixed penalty notices, restrictive type orders and other relevant information. These must be reported to the Council in writing within seven days of occurrence. In addition, any information relating to the licensee is potentially relevant if it is relevant to their safety and suitability to hold a licence and must be disclosed by an applicant or licensee.
10. 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. Any arrest or questioning by the police (i.e., assisting with enquiries) must be disclosed within seven days. Complaints about the conduct of a licensee/applicant where there was no police involvement will also be considered. The Council determine matters on the civil balance of probabilities, not the criminal burden which requires satisfaction beyond all reasonable doubt.
11. 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.
12. The licensing process places a duty on the Council to protect the public. Therefore, it is essential that those seeking a living as a driver meet the required standards. As previous offending and other behaviour can be considered as a predictor in determining future behaviour, it is important following the council's investigation that it considers all relevant factors including previous convictions, cautions, complaints, failures to comply with licence conditions and the time elapsed since these were committed.

Applying the Guidance

13. The purpose of this policy is to provide guidance to an applicant or existing licence holder on the criteria to be considered by the Council when determining whether an applicant, or an existing licensee on renewal, is safe and suitable to hold a hackney carriage or private hire driver's licence.
14. In all cases the Council will consider a conviction or behaviour and what weight should be attached to it. The council shall apply the policy with a proper approach to the statutory test. The policy shall assist in making that decision. It is acknowledged that not meeting the policy does not automatically mean that the person is not safe and suitable and any departure from the policy shall be in appropriate cases, not only in exceptional cases, having due regard to all the circumstances of the case. The mere existence of a conviction is not enough to conclude not safe and suitable. The Council approach shall ensure that every case is dealt with on its own merits. The existence of a conviction shall not be the end point, but rather the starting point for consideration of the circumstances of an offence when determining suitability.

Any offences committed or unacceptable behaviour reported whilst driving a licensed vehicle will be viewed as an aggravating factor.

In determining an application or a renewal, the Council will consider the following factors:

- **Offending history (including the circumstances of any offences, aggravating and mitigating factors, the penalty/penalties imposed by the Court and the age of the applicant at the time of the offence(s))**
- **Period of holding a driver's licence**
- **Number of endorsed driving licence points**
- **Right to work**
- **Medical fitness**
- **Standard of driving/driving ability**
- **The conduct of the applicant in making the application.**
- **The previous history of existing/former licence holders.**

In addition, the Council will also consider further information, from other licensing authorities and statutory agencies including the NR3 register. Full details of the NR3 policy are annexed to the Taxi Licensing Policy which can be located on the Council website.

15. There must be clear and compelling reasons for the Council to depart from the policy. The otherwise good character and driving record of the applicant or licence holder will not ordinarily be considered as exceptional circumstances nor will the impact of losing or not being granted a licence on the applicant and/or his family. Personal circumstances such as the financial impact on an applicant will not be considered.
16. The granting of a licence places an individual in a unique position of trust, and they are expected to act with integrity and demonstrate conduct befitting of the trust placed in them. For this reason, whilst it is possible for an applicant or existing licence holder to have convictions that individually comply with the policy, the overall offending history and conduct of the applicant/licence holder will be considered. Appropriate weight will be applied where a series of convictions or incidents have been incurred over a period of time.
17. The policy applies throughout the duration of a licence. If an existing licence holder's conduct falls short of the safe and suitable standard of behaviour at any time their licence will be reviewed in line with this policy.
18. Where a licence would normally be granted after an elapsed period there may be circumstances where the elapsed period will be extended. For example, licence holders are obliged to inform the Council in writing within seven days of any conviction, caution, warning, reprimand, fixed penalties, arrests and summonses in accordance with this policy, which means supplying the Council with any information that will impact on their continued safety and suitability to hold a licence. If the licence holder fails to do this, then any time to elapse will be extended to ensure the licence holder does not avoid the consequences of prompt disclosure.
A lack of transparency by the licence holder will not place them in a better position than honest and transparent licence holders.

19. Any foreign offence disclosed by the applicant/licence holder or revealed on an enhanced Disclosure & Barring Service Disclosure will be dealt with in line with this policy.
20. Any concerns, issues, incidents, or convictions or /offences not covered by this policy will not prevent the Council from taking them into account.

Disclosure and Barring Service

21. **Applicants need to be aware that because 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 Council to take a wider view of the applicant over a longer timescale.
22. The Council conducts enhanced disclosures from the Disclosure and Barring Service of any applicant for a driver's licence. Applicants will be required to obtain an enhanced disclosure at their expense and to subscribe to the Disclosure and Barring Update Service.
23. Any information contained in the enhanced DBS certificate that identifies an individual as not suitable to work with children or vulnerable adults will ordinarily lead to refusal of a licence.
24. The Council is entitled to use any records and information including any complaints history that may be available to it in determining applications or an entitlement to continue holding a licence. This may include information held by the Council or other Councils and information disclosed by the police in accordance with the provisions of common law police disclosure.
25. In determining safety and suitability the Council is entitled to consider all matters concerning that applicant or licensee. This includes not only their behaviour whilst working in the hackney carriage or private hire trade, but also their entire character including, but not limited to, their attitude and temperament.
26. Any applicant who has resided outside the UK for a continuous period longer than six months within the preceding three years may be required to produce a certificate of good conduct dated in the last three months which details any convictions or cautions recorded against the individual. It is the applicant's responsibility to obtain this evidence at their cost. Whilst the Council acknowledge that there may be some difficulties in obtaining this information the applicant must use their best endeavours to obtain evidence of having made such enquiries which must be made available to the Council. This would in most cases take the form of letters or e mails. This will be in addition to the enhanced DBS. Alternatively, an applicant may be required to produce a statutory declaration containing information to the same effect dated in the last three months.
27. It is the responsibility of the applicant/licence holder to satisfy the Council that they are and remain a safe and suitable person to hold a licence. Therefore, the applicant/licence holder must ensure that any matter that may impact on their

continued safety and suitability is disclosed to the Council, including any matter incurred outside of the UK. All convictions, cautions, warnings, reprimands, fixed penalties, arrests, summonses or questioning by the Police should be disclosed. A failure to report any matter that impacts on the licence holder's continued safety and suitability will be given consideration as it demonstrates a lack of honesty and transparency with the Council.

28. Once a licence has been granted there is a continuing requirement on the part of a licensee to maintain their safety and suitability to meet the safe and suitable test. The Council has the powers to act 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 may lead to the licence being revoked.
29. Any dishonesty by the applicant or other person acting on the applicant's behalf which occurs in any part of the application process may result in a licence being refused for a period up to five years commencing from the expiry of the sentence.
30. An applicant must hold a full DVLA driver's licence and have the right to remain and work in the UK and be a safe and suitable person.
31. Under the Local Government (Miscellaneous Provisions) Act 1976 section 57, the Council has the power to require an applicant to provide:
 - Such information as they may reasonably consider necessary to enable them to determine whether the licence should be granted and whether conditions should be attached to such licence.
 - The provision of this information can help to satisfy the Council that a person has the skills and competencies to be a professional driver to hold a licence. However, the concepts of safe and suitable go beyond this.
32. The character of the applicant in its entirety is the paramount consideration when determining 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 the applicant or licence holder is or remains a safe and suitable person.
33. The fact that an offence was not committed when the applicant was driving a taxi or when passengers were aboard is irrelevant, for example speeding, drink driving, and bald tyres are all dangerous, irrespective of the situation. Violence is always serious and should not be considered less serious if a domestic dispute, a person who is inclined to be violent 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 unacceptable standards of behaviour.
34. Licence holders are expected to always demonstrate appropriate professional conduct, 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 should

not take the law into their own hands. Licensees are expected to act with integrity and demonstrate conduct befitting the trust that is placed in them.

35. There are those who seek to take advantage of vulnerable people by providing services they are not entitled to provide, for example, by plying for hire in an area where they are not entitled to do so. The Council expects licensees to be vigilant of such behaviour and to report any concerns to the police and the relevant licensing authority. Passengers must feel able to check that the person offering a service is entitled to do so. Licensees must show their licence badge if asked to do so.

Criminal and Driving Convictions

36. The Council considers that a period of time must normally elapse after a crime before a person can no longer be considered at risk of re-offending.
37. 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 having elapsed following a conviction or the completion of a sentence.
38. In addition to the nature of the offence or other behaviour the Council will also consider the number of incidents and the period 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 continued behaviour or offending.
39. 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 safe and suitable 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.
40. Some offences on their own are serious enough for a licence not to be granted and these are identified below.
41. **Crimes resulting in death** - 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.
42. **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, for example slavery, child sexual exploitation, grooming, psychological or financial abuse.
43. **Sex Offenders Register** - 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.
44. **Convictions for attempt or conspiracy** - These will be regarded as convictions for the substantive crime. A caution is regarded in the same way as a conviction. Fixed

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

Motoring Convictions

45. Road Safety is a 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.
46. All licensed drivers are professional drivers charged with the responsibility of carrying the public. Any motoring convictions demonstrate a lack of professionalism and will be considered as serious. 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.

Failure to disclose convictions and relevant information

47. The Council is reliant upon a licence holder to inform the Council as regulator of any conviction or relevant matter within seven days of its occurrence. It is a matter of honesty and transparency with the regulator. If a licence holder fails to do so, then any time to elapse from the end of the sentence or date of conviction will run from the date of written notification to the Council. Licence holders will not be permitted to avoid the normal consequences of disclosure putting themselves in a better position than open and honest licensees who make a proper and timely disclosure.

Immediate revocations and suspensions

Revocations

48. A licence may be revoked with or without immediate effect, suspended or refused under the scheme of delegation by a panel which will include senior officers of the Council in respect of circumstances that may warrant immediate revocation on the grounds of public safety, this can include the following (non-exhaustive) list of scenarios:
 - **A person is charged with a criminal offence in respect of which the sentencing powers carry a term of imprisonment or**
 - **A person is summonsed to appear in Court for such an offence**
 - **A person is deemed by a qualified general practitioner that the individual is unfit to drive to Group 2 Medical Standards**
 - **Where a person's Ordinary Road Traffic Act Driving Licence is revoked or suspended**
 - **Where a person is disqualified from driving for any period**
 - **Where a person has been served an immigration penalty or convicted of an immigration offence**

- **Where information is received, including information disclosed by the Police or other agency (whether confidential or not), which causes the Council to have to make further enquiries**

Suspensions

49. A licence may be suspended under the Scheme of Delegation by a panel which will include senior officers of the Council as above with immediate effect in circumstances where it is considered to be in the interest of public safety to do so. This can include the following (non-exhaustive) list of scenarios:
- **Where a person fails to produce a medical to provide proof of his/her fitness to drive to Group 2 medical standards**
 - **Where a person fails to provide a valid photo card DVLA driving licence, on request**
 - **Where a person fails to maintain their subscription to the DBS update service**
 - **Where the result of a status check on the DBS update service indicates there has been a change to the status of a licence holder's DBS certificate**
 - **Where information is received, including information disclosed by the Police or other agency (whether confidential or not), which causes the Council to have to make further enquiries.**

The Council have a responsibility to the travelling public to ensure that public safety is of paramount concern. Where serious allegations have been made against licensed drivers, the Council would always consider a revocation or refusal as a primary course of action to ensure the safety of the travelling public.

An anonymised summary of revocations, suspensions and refusal to grant a licence will be provided periodically to the Licensing committee so that it can have oversight into how the delegated powers under the policy are being applied.

Decision and Right of Appeal

50. 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 and will be invited in to support their application or retention of their licence.

Where the council is considering revoking or suspending a licence (other than in the circumstances set out in paragraphs 48 and 49) a letter setting out the circumstances will be provided to the licence holder prior to the meeting. They will be offered the opportunity to meet with the panel of two senior officers taking the decision and will have the opportunity to give their account of events and answer questions from the panel. Up to ten working days' notice will be given of the meeting. The licence holder has the right to be accompanied by one representative at the meeting who will be allowed to ask questions and to speak on their behalf, but who cannot answer questions put by the panel directly to the licence holder.

51. The applicant or existing licence holder will be notified in writing of the Council's final decision within 14 days of it being made.
52. Any person whose application is refused, or licence suspended or revoked by the Council has a right of appeal to the Magistrates' Court. An Appeal must be lodged within 21 days of the decision at the 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.

Expedited application process

53. Where a licence has been revoked with immediate effect and it is later established that this decision no longer applies an expedited application process will be considered. Matters will be considered on a case-by-case basis depending on the circumstances surrounding the revocation and may include a further enhanced DBS certificate. Any additional documents are obtained at the applicant's own expense. A new completed application form will be required but no application fee is charged.

Classification of offences

54. Serious offences involving violence

An application will not be granted and will be refused or revoked if the applicant has a conviction for an offence as set out below.

55. A licence may not be granted where the applicant has a conviction for:

(A) Offences which include but are not restricted to:

- **Murder**
- **Manslaughter**
- **Causing death whilst driving**
- **Terrorism offences**
- **Any offences including attempted conspiracy to commit offences**

Consideration will normally only be given to the granting/issuing of a licence if at least ten years have passed since the completion of any sentence following the conviction for an offence as below: If the offence is committed whilst currently licensed, the Council will also revoke the licence.

(B) Offences include but are not restricted to:

- **Arson**
- **Actual or grievous bodily harm**
- **Robbery**
- **Possession of a firearm**
- **Riot**
- **Assault police**
- **Violent disorder**
- **Any racially aggravated offence against a person or property**

- **Affray**
- **Any offence which may be categorised as domestic abuse**
- **Any offences including attempted conspiracy to commit offences**

Consideration will normally only be given to the granting or issuing of a licence if at least five years has passed since the completion of any sentence and or licence period following the conviction for an offence as below: If the offence is committed whilst currently licensed, the council may also consider revocation of the licence.

(C) Offences include but are not restricted to:

- **Obstruction**
- **Criminal damage**
- **Any other Public Order Offence which is covered under the Public Order Act**
- **Any offences including attempted conspiracy to commit offences**
- **Resist arrest**

Consideration will normally only be given to the granting or issuing of a licence if at least three years has passed since the completion of any sentence and or licence period following the conviction for an offence as below: If the offence is committed whilst currently licensed, the council may also consider revocation of the licence.

(D) Offences include but are not restricted to:

- **Common assault**

Possession of a weapon

56. If an applicant has been convicted for possession of a weapon or any other weapon related offence, consideration will be given to determine whether the person continues to be safe and suitable. Three years must have elapsed since the completion of the sentence before a licence is granted.

The Council are permitted to consider a revocation in cases where the driver has been arrested or interviewed and is waiting for a decision by the police, or where he has been charged and awaits a court date. If the council choose to take such action, the same time periods shall apply as would have applied had the driver been convicted, but effective from the date of the offence. In these matters, whilst it is acknowledged that guilt has not been proven, the Council may still consider any evidence obtained and revoke, refuse or suspend when necessary.

Sexual and indecency offences

57. Licensed drivers often carry unaccompanied and vulnerable passengers. All sexual and indecency offences will be considered as serious. Applicants with convictions for sexual or indecency offences will be refused a licence, revoked, or refused a renewal of an existing licence.

Offences include but are not restricted to:

- Rape
- Assault by penetration
- Offences involving children or vulnerable adults
- Trafficking, sexual abuse against children and adults and any offence as defined within the Sexual Offences Act 2003
- Making or the distribution of obscene material
- Possession of indecent photographs depicting child pornography
- Sexual assault
- Indecent assault
- Soliciting (kerb crawling)
- Making obscene or indecent phone calls
- Indecent exposure
- Any offences including attempted conspiracy to commit offences

58. The Council will not grant or renew a licence to any applicant who is currently on the sex offenders register or any other similar register.

59. **Dishonesty**

Drivers may deal with cash transactions and valuable property may be accidentally left in their vehicles. The Council expect drivers to always act with honesty and integrity and make every effort to return any property to the rightful owner. Failure to do so may result in the revocation of a licence.

60. Five years must normally have elapsed since the completion of a sentence for the following offences before a licence will be granted. If the offence is committed whilst currently licensed, the council may also consider revocation of the licence.

Offences include but are not restricted to:

- Theft
- Burglary
- Fraud
- Benefit fraud
- Handling or receiving stolen goods
- Forgery
- Conspiracy to defraud
- Obtaining money or property by deception
- Other deception
- Taking a vehicle without consent
- Any similar offences including attempted conspiracy to commit offences

61. **Alcohol and drugs.**

Licensed drivers are professional drivers. Any driver whilst driving under the influence of alcohol or drugs may have their licence revoked. More than one conviction for these offences is an additional factor in determining whether the driver remains safe and suitable. In such circumstances a period of five years shall elapse before a licence will be granted or renewed. If the applicant is alcohol or drug dependant, a satisfactory medical report must be provided before the application can be considered.

62. A licence will not normally be granted until ten years has elapsed where the applicant has a conviction for an offence relating to the supply of drugs. If the offence is committed whilst currently licensed, the council may also consider revocation of the licence.
63. A licence will not normally be granted where the applicant has a conviction for offences related to the possession of illegal or controlled drugs until five years have passed since the completion of any sentence and or licence period. Consideration will be given to the type of offence, which may also lead to the revocation of an existing licence or refusal to grant a new application.
64. If there is evidence of persistent drugs and or alcohol use, misuse or dependency, a medical examination in accordance with DVLA Group 2 medical standards and a satisfactory medical report may be required at the applicant's cost before a licence is considered. If the applicant or licensed driver is dependant, then they would be required to show evidence of two years free from drug and alcohol dependency from the completion of detoxification treatment.

65. **Other traffic offences**

New applicants who have accrued seven or eight points at the point of application within the previous three years will likely be required to undergo an advanced driving course by an approved provider of the council. This will be at the applicants cost. New applicants who have accrued nine or more points will typically not be granted a licence.

- New applicants who refuse to attend the course will be immediately refused a licence
 - Existing licence holders who accrue seven eight or nine points during their licence period will also be required to attend an advanced driving course by an approved provider of the council. Drivers who accrue more than nine points will be revoked or refused
 - Existing drivers who refuse to attend the course or who fail the course on more than two occasions will not be considered safe and suitable and will therefore have their licence revoked
 - Drivers will not be permitted to attend the course more than twice in any three-year period. Drivers must notify the council immediately of the date and time of any advanced driving course booked.
66. There are certain offences which the Council considers to be more serious, and a licence will not be granted or renewed and may be revoked in the following cases:
- **Driving without due care and attention**
 - **Reckless driving**
 - **More serious speeding offences for example exceeding speed limits by more than 50% of the set limit**

- **Using a handheld device (the council recognises that mobile phones held in a cradle and used on an app are used to allocate or offer fares to licensed drivers)**

New applicants - A licence will not be granted if there is a conviction for one of these offences within the last three years of the date of application.

Existing applicants

A licence will be revoked if any of these offences have been committed in the last three years.

For applicants and existing licence holders with more than one offence this may be increased to five years if the second offence was committed within three years of the first offence. The time required to elapse will commence from the date of notification to the council not the date of conviction

67. In cases where the courts have imposed a disqualification in respect of a DVLA licence, the periods stated above will commence from the date of the restoration of the licence.
68. In assessing the action to take, the safety of the travelling public must be of paramount concern.

69. Licensing Offences

Certain offences under taxi legislation such as plying for hire, overcharging, and refusal to carry disabled persons or an assistance dog without an exemption certificate will prevent a licence being granted or renewed until a period of three years has passed since conviction. For existing licence holders your licence may be revoked. For an offence of no insurance a period of **five years** must elapse before a grant or renewal of a licence is considered. A licence will typically be revoked following a conviction for no insurance.

70. Applicant with periods of residency outside the UK

If an applicant or an existing licence holder has spent six continuous months or more overseas the Council will wish to seek evidence of a criminal record check from the country countries visited covering the period.

71. The Council may require a certificate of good conduct authenticated by the relevant Authority. In the event that the applicant is unable to provide a certificate of good conduct, he or she may be required to provide further documentation to the Council which demonstrates that diligent enquiries have been made within the applicant's previous country (or countries) of residence.

OFFENCE	PERIOD TO ELAPSE
Serious Offences involving violence	
Murder Manslaughter Causing death whilst driving Terrorism offences Any offences including attempted conspiracy to commit offences	Will not be granted Existing licence revoked
Arson Actual or grievous bodily harm Robbery Possession of a firearm Riot Assault police Violent disorder Resist arrest Any racially aggravated offence against a person or property Affray Any offence which may be categorised as domestic abuse Any offences including attempted conspiracy to commit offences.	Ten years Licence may be revoked
Obstruction Criminal damage Any public order offence covered under the Public Order Act Any offences including attempted conspiracy to commit offences.	Five years Licence may be revoked
Common assault.	Three years Licence may be revoked
Sexual and indecency offences Rape Assault by penetration Offences involving children or vulnerable adults Trafficking Sexual abuse against children and adults Any offence as defined in the sexual offences act 2003 Making or the distribution of obscene material Possession of indecent photographs depicting child pornography Sexual assault Indecent assault	Will not be granted Existing licence revoked

Soliciting (kerb crawling) Making obscene or indecent phone calls Indecent exposure Any offences including attempted conspiracy to commit offences	
Dishonesty Theft Burglary Fraud Benefit fraud Handling or receiving stolen goods Forgery Conspiracy to defraud Obtaining money or property by deception Other deception Taking a vehicle without consent Any offences including attempted conspiracy to commit offences.	Five years Licence may be revoked
Alcohol and drugs	
Supply	Ten years Licence may be revoked
Possession	Five years Licence may be revoked
Persistent drug and alcohol use misuse or dependency	Five years free from drug and alcohol dependency from completion of detoxification treatment Licence may be revoked
Driving under the influence of alcohol/drug related convictions	Five years Licence may be revoked
Other driving offences	
New applicants who have accrued seven or eight points within the last three years	Required to go on an approved advanced driving course by an approved provider of the Council
New applicants who have accrued nine points or more	Will not be granted a licence
Existing licence holders who accrue seven eight or nine points during their licence period	Suspension and required to attend an advanced driving course by an approved supplier of the council
Existing drivers with more than nine points	

	Licence refused at renewal or revoked
Driving without due care and attention Reckless driving More serious speeding offences, e.g., exceeding 50mph Using a handheld device	<p>New applicants. Licence will not be issued if there is a conviction for one of these offences in the last three years from the date of application</p> <p>Existing applicants Licence may be suspended or revoked if any of these offences occurred in last three years</p>
Licensing offences	
Overcharging Plying for hire Failing to carry disabled person or an assistance dog without an exemption certificate No insurance	<p>Three years Licence may be suspended or revoked</p> <p>Five years. Licence may be suspended or revoked</p>

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Name of meeting: Licensing and Safety Committee

Date: Wednesday 19th July 2023

Title of report: Cumulative Impact Assessment

Purpose of report: The purpose of the report to inform Members of proposals, and to seek approval to, consult on the need for a Cumulative Impact Assessment in Huddersfield and Dewsbury town centres.

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? Decisions having a particularly significant effect on a single ward may also be treated as if they were key decisions.	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 – 19.06.2023 Dean Langton – 08.06.2023 Julie Muscroft - 12.06.2023
Cabinet member:	Councillor Naheed Mather

Electoral wards affected: Newsome and Dewsbury East

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 The purpose of this report is to inform Members of work that has been undertaken with Public Health and West Yorkshire Police to ascertain if sufficient evidence exists to commence consultation on proposals to publish a Cumulative Impact Assessment policy for Huddersfield and Dewsbury town centres.

2. Information required to take a decision

2.1 Section 5 of the Licensing Act 2003 requires a licensing authority to prepare and publish a statement of its licensing policy at least every five years. During the five-year period, the policy must be kept under review and the licensing authority may make any revisions to it as it considers appropriate. The existing Statement of Licensing Policy for Kirklees Council became effective on 15th January 2020.

2.2 In April 2018 the Police and Crime Act 2017 introduced a new provision within the Licensing Act 2003, Section 5A. This provision placed cumulative impact assessments on a statutory footing and provides that a licensing authority may, in appropriate circumstances, publish a cumulative impact assessment ('the Assessment').

2.3 Cumulative impact is the potential impact, on the promotion of the licensing objectives, of a significant number of licensed premises concentrated in one area.

2.4 The Assessment must set out the evidence to support the authority's opinion, must be consulted upon before it is published, it must be reviewed at least every three years, with any review having to be consulted upon and any revisions published along with the evidence.

2.5 By publishing an Assessment, a Local Authority sets down a strong statement of intent about its approach to considering applications for the grant and variation of premises licences or club premises certificates in a specific area(s). The Council must have regard to the Assessment when determining or revising its Statement of Licensing Policy.

2.6 The Assessment does not change the fundamental way that licensing decisions are made, as each application will still be considered on its own merits; and it is open for the Council to grant an application where it is considered appropriate and where the applicant can demonstrate that they would not be adding to the cumulative impact.

2.7 An applicant wishing to obtain a new licence or vary a licence for premises within a cumulative impact area, will be expected to demonstrate through their operating schedule, the steps they intend to take so that the Council and responsible authorities can be satisfied the granting a new or varied licence will not add to the cumulative impact already being experienced.

2.8 The onus is on the applicant to demonstrate to the responsible authorities how their proposal will not add to the cumulative impact.

Existing Statement of Licensing Policy

2.9 The Council's existing Statement of Licensing Policy contains a section with general information on the cumulative impact of licensed premises but at the last review no assessments on specific area were introduced.

2.10 The current policy at paragraph 11.6 states –

'11.6 Any imposition of special provisions to combat the effect of cumulative impact will only be introduced after widespread consultation, including those bodies/persons indicated in section 5(3) of the Act, and the establishment of clear evidence of a problem and its links with licensed activities. Any special policy, once adopted, will be the subject of regular reviews'.

2.11 The Council's existing Statement of Licensing Policy is scheduled to be reviewed during the 23 / 24 financial year with a view to publishing a revised policy in the later stages of 2024 following consultation.

2.12 Notwithstanding the scheduled review of the Council's Statement of Licensing Policy it is felt, given the evidence available and issues being experienced, consultation on introducing and publishing a cumulative impact assessment should take place outside the general review of the policy.

Evidence to Support CIA

2.13 Working with colleagues in Public Health and with data provided by West Yorkshire Police, there is indicative evidence to suggest that offences with links to alcohol are an issue in both Dewsbury Town Centre and Huddersfield Town Centre, this evidence can be seen at appendix I.

2.14 The evidence presented at appendix I, is based on the previous five years data. The police data is an accumulated total for each offence over those five years.

2.15 It can be seen even with the pandemic, alcohol related crime is causing issues. In addition, in the case of Huddersfield Town Centre, in particular LSOA E0101107 (majority of town centre out to Leeds Road) the level of offending is significantly above the Kirklees Average.

2.16 Having considered the police data, it is senior officers view there is sufficient evidence for the authority to consider publishing a cumulative impact assessment for both Huddersfield and Dewsbury town centres.

Consultation

2.17 Before a cumulative impact assessment can be introduced the Council, in its capacity as Licensing Authority, are duty bound to consult with the following –

- West Yorkshire Police,
- West Yorkshire Fire and Rescue,
- Local Health Board,
- Public Health,
- Representatives for the licensed trade,
- Representatives for personal licence holders,
- Such other persons as the licensing authority considers to be representatives of business and residents,

2.18 As part of this consultation the Council must provide those mentioned in paragraph 2.17 above, the following information –

- The reasons why consideration is being given to publishing a CIA,
- A general indication of the part or parts of the area that will form part of the CIA,
- Whether the CIA will apply to all types of licensed premises or only a specified type for example those premises authorised for off sales only,

2.19 The purpose of this consultation is to seek a wider view on the impact the number of premises is having in the affected areas, and whether those consulted agree there is a need to publish a cumulative impact assessment.

2.20 Following consultation, a further report will be presented to Members of the Licensing and Safety Committee on the results and, whether the Council in its capacity as Licensing Authority should seek to amend its statement of licensing policy and introduce a cumulative impact assessment for the affected areas.

3 Implications for the Council

3.1 Working with People

Proposals to introduce a CIA policy requires a thorough consultation process. Officers will work with the Councils Consultation and Engagement team to ensure the consultation reaches as many residents as possible to ensure their views are taken into account.

3.2 Working with Partners

Officers have worked alongside Public Health and West Yorkshire Police to ensure the evidence is robust and can stand up to any potential challenge.

3.3 Place Based Working

Information from Public Health and West Yorkshire Police has been utilised to identify a need to consult upon the introduction of a CIA. By using this information as well as information from Ward Councillors and residents it will be possible to ensure the CIA is targeted where it will be the most effective.

3.4 Climate Change and Air Quality

There is no impact in the context of 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.

3.6 Financial Implications for the people living or working in Kirklees

There are no financial implications for people living or working in Kirklees.

3.7 Other (eg Integrated Impact Assessment (IIA)/Legal/Financial or Human Resources) Consultees and their opinions

Legal

The introduction of a CIA will result in sections of the Council's existing statement of licensing policy being reviewed, which in turn opens the Council to risk of Judicial Review.

As the introduction of a CIA will not impact existing operators, only new applications or applications to vary a premises licence, officers consider this risk to be low.

Finance

There are no financial implications for the Council arising from the recommendations in this report.

Human Resources

There will be no impact on HR in the context of this report. Resources will be required to facilitate the consultation; these will be met by existing staff members within the Licensing Service.

Integrated Impact Assessment (IIA)

An integrated impact assessment has been completed as part of the proposals.

4 Consultation

4.1 Consultation will be carried out in accordance with the requirements of the Licensing Act 2003.

5 Next steps and timelines

5.1 Officers to draw up relevant consultation documents with a view to commencing a 12-week consultation at the end of July. Following consultation a further report will be presented to Committee. Taking into account the evidence available and the results of the consultations Members will be asked to take a decision on whether they feel a cumulative impact assessment should be published.

5.2 If the answer to that question is 'yes' then a further report will be presented to Full Council with a recommendation that Council's statement of licensing policy be amended so as to include the publication of a cumulative impact assessment.

6 Officer recommendations and reasons

6.1 Members are recommended to consider the information in this report and whether there is sufficient evidence to consult on proposals to introduce a 'cumulative impact assessment' for both Huddersfield and Dewsbury town centres.

6.2 If Members agree there is sufficient evidence to consult, Members are recommended to authorise officers to commence formal consultation, with results of the consultation being presented to a future Licensing and Safety Committee meeting.

7 Cabinet Portfolio Holder's recommendations

Councillor Naheed Mather agrees with the officers recommendations.

8 Contact officer

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

9 Background Papers and History of Decisions

- Adoption of current statement of licensing policy - [Agenda for Council on Wednesday 15th January 2020, 5.30 pm | Kirklees Council](#)

10 Service Director responsible

Katherine Armitage

Service Director – Climate Change and Environment
Tel: 01484 221000
Email: Katherine.armitage@kirklees.gov.uk

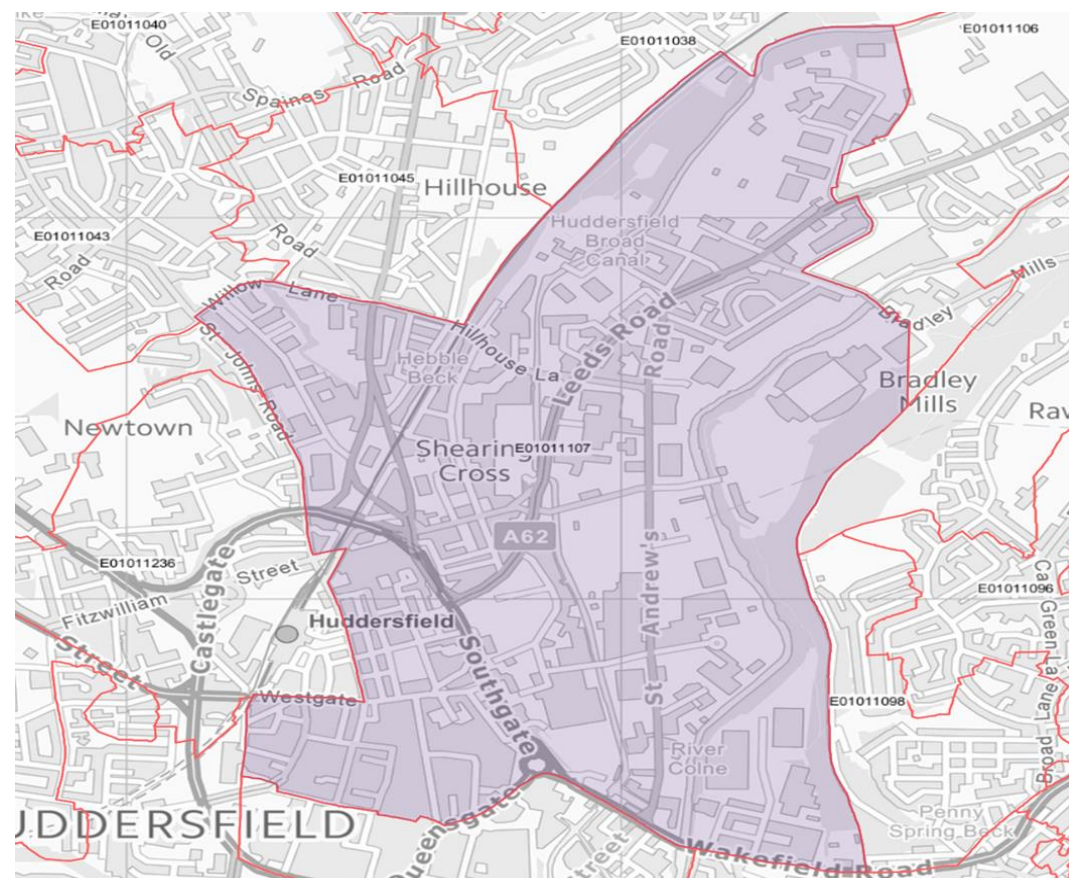
Huddersfield Centre

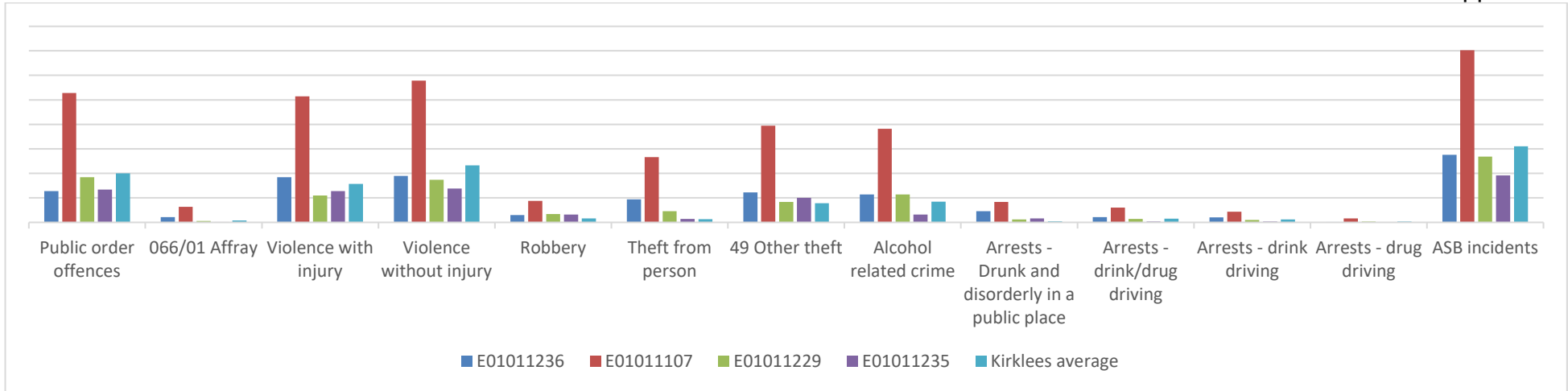
Top of ring road - Trinity Street across to St John's Road
 Majority of town centre and out Leeds Road
 Bottom of centre - Queensgate to Lockwood Road
 Leisure centre, bus station over to Manchester Road

E01011236
 E01011107
 E01011229
 E01011235

- Value less than 50

Offence	LSOA				Kirklees average
	E01011236	E01011107	E01011229	E01011235	
Public order offences	64	264	92	67	100
066/01 Affray					
Violence with injury	92	257	55	64	78
Violence without injury	95	289	87	69	116
Robbery					
Theft from person		133			
49 Other theft	61	197		50	
Alcohol related crime	57	191	57		42
Arrests - Drunk and disorderly in a public place					
Arrests - drink/drug driving					
Arrests - drink driving					
Arrests - drug driving					
ASB incidents	138	351	134	96	155
Total crime	563	2301	850	483	810





Dewsbury Centre

Offence	LSOA	Kirklees average
	E01011130	Kirklees average
Public order offences	166	100
066/01 Affray		
Violence with injury	123	78
Violence without injury	173	116
Robbery		
Theft from person		
49 Other theft	94	
Alcohol related crime	45	42
Arrests - Drunk and disorderly in a public place		
Arrests - drink/drug driving		
Arrests - drink driving		
Arrests - drug driving		
ASB incidents	346	155
Total crime	1480	810

