

Name of meeting: Licensing and Safety Committee

Date: 11th June 2019

Title of report: West Yorkshire Driver Training Policy

Purpose of report:

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

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

Electoral wards affected: All

Ward councillors consulted: All

Public or private: Public

GDPR Implications:

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

1. Summary

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

2. Information required to take a decision

Background

- 2.1 The Council must ensure that applicants and / or licence holders are and remain fit and proper to hold a private hire / hackney carriage drivers licence, this onerous responsibility involves a detailed examination of the character of the applicant / existing licence holder in order to make a judgement as to their fitness and propriety.
- 2.2 When considering a person’s character the overriding aim of the Council, when carrying out its functions relating to the licensing of Hackney or Private Hire Drivers, Vehicle Proprietors and Operators, must be the protection of the public and others who use (or can be affected by) Hackney Carriage and Private Hire services.
- 2.3 This driver training policy forms part of that overall assessment of an applicant / existing licence holder fitness and propriety, and ensures the travelling public within the West Yorkshire and York region can be confident drivers licensed by each authority have been trained to the highest standard and to a consistent standard; and that they are fully aware of their role and responsibilities as a licensed driver.
- 2.4 The standards set out in this policy are set high, to give the public the assurance it requires when using taxi services. The Council does **not** have to strike a balance between the driver’s right to work and the public’s right to protection. The public are entitled to be protected. This means that the Council is entitled and bound to treat the safety of the public as the paramount consideration.
- 2.5 Taxis are used by almost everyone but they are used regularly by particularly vulnerable groups: children; the elderly; disabled people; and the intoxicated. A taxi driver has significant power over a passenger who places themselves, and their personal safety, in the driver’s hands. Being aware of your role and responsibilities as a driver is a key requirement in ensuring a driver knows how to approach every situation.
- 2.6 The proposed Policy at **Appendix A** has been developed by working in partnership and considering the existing policies in place across West Yorkshire and York.

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

Consultation

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

3 Implication for the Council

3.1 Working with People

The purpose and vision of the changes is to ensure there is a raising of standards and skills amongst licensed drivers in order to protect the travelling public; and ensure people across West Yorkshire are transported safely and protected from harm; that people in Kirklees experience a high quality, clean, sustainable and green environment, as well as improve the customer experience.

3.2 Working with Partners

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

3.3 Place Based Working

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

3.4 Improving outcomes for children

The Council wants to ensure children have the best start in life and to ensure that the people of Kirklees feel safe and are protected from harm. The Council has a duty to protect the travelling public and safeguard children travelling in licensed vehicles and in particular for the purposes of school transport.

3.5 Other (eg Legal/Financial or Human Resources)

Legal

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

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

Taxi and Private hire vehicle licensing in England and Wales is undertaken by licensing authorities, which have the responsibility for ensuring that the public travel in safe, well maintained vehicles driven by competent drivers; as well as providing a fair and reasonable service for the taxi and private hire vehicle trade. Council’s following best practice will meet or communicate regularly with licensing committees and officers in neighbouring councils to ensure critical information is shared and that there is a consistent and robust in decision making.

By working together, local government can make sure that this vital service is safe, respected, and delivering for local communities. The West Yorkshire Leaders are clear that they wish the Councils to work together for the benefit of the traveling public. All or any policies adopted will need to comply with all applicable and relevant taxi legislation, and of course may be subject to a public law challenge. However, the strands of work identified, and the desire for unanimity across the West Yorkshire and York area are seen as desirable in enhancing the service for the public, and clarifying the standards for taxi and private hire vehicle owners and operators. This is also supported by current Government responses and consultation documents.

Equality Implications

The Equality Act 2010 creates the Public Sector Equality Duty (PSED) and in order to fulfil the PSED the Council is required to assess the impact of any proposed action on the equality objectives set out above. The way in which the Council approaches this task is to conduct Equality Impact Assessments (EIA).

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

In summary the assessment is that the level of impact is low although it is acknowledged from day to day contact and interaction with drivers it will impact mainly upon men of Asian ethnic background.

4. Consultees and their opinions

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

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

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

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

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

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

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

4.7 There were 161 responses to the online consultation survey –

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

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

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

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

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

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

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

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

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

5. Next steps and timelines

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

6. Officer recommendations and reasons

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

7. Cabinet portfolio holder's recommendations

- 7.1 Councillor Rob Walker supports the policy review and development of a stronger and more robust policy

8. **Contact officer**

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

- Report to Licensing and Safety Committee – 11th October 2018
<https://democracy.kirklees.gov.uk/documents/s24810/Item%207%202018-10-11%20Licensing%20Report%2011%20Oct%202018%20002%20002.pdf>
- Report to Licensing and Safety Committee – 18 January 2016
<https://democracy.kirklees.gov.uk/documents/s9165/Licensing%20and%20Safety%20002%2018%20Jan%202016%20-%20Constitution%20Taxi%20and%20Private%20Hire%20Vehicles%20-%20Report%20delegat.pdf>
- Background Papers: Institute of Licensing – Guidance on determining the suitability of applications and licensees in the hackney and private hire trades

10. **Strategic Director Responsible**

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