



Name of meeting: Licensing and Safety Committee

Date: Wednesday 28th June 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	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 - 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

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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

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