

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 understand 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 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</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 environments and safeguarding understanding by drivers is often poor in my experience. 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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