

## Report of the Strategic Director, Place to the meeting of the Regulatory and Appeals Committee to be held on Thursday 7 February 2019

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Subject:

Private Hire and Hackney Carriage Driver Suitability Policy 2019.

Hackney Carriage Unmet Demand Survey.

Summary statement:

This report seeks the approval of the Regulatory and Appeals Committee to:

- A) Implement new suitability criteria for Private Hire drivers and Hackney Carriage Drivers.
- B) Maintain the current limit of 222 hackney carriage licences following the recommendation of the Unmet Demand Survey.

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Steve Hartley  
Strategic Director, Place

Portfolio:

Healthy People & Places

Report Contact: Carol Stos  
Licensing Service Manager  
Phone: (01274) 437506  
E-mail: [carol.stos@bradford.gov.uk](mailto:carol.stos@bradford.gov.uk)

Overview & Scrutiny Area:

Regulatory and Appeals

## 1. SUMMARY

This report seeks the approval of the Regulatory and Appeals Committee to implement new suitability criteria for Private Hire drivers and Hackney Carriage Drivers.

This focuses on the overall fitness and propriety of the applicants.

## 2. BACKGROUND

- 2.1 The principal 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."
- 2.2 The standards and processing for licensing drivers varies nationally and it is the objective of the West Yorkshire & York (WY) Local Authorities (LAs) that individuals with relevant criminal convictions are not licensed in the WY area.
- 2.3 In April 2018, as a result of issues raised in the Jay and Casey Reports in to Child Sexual Exploitation (CSE) in Rotherham, the Institute of Licensing and the Local Government Association published guidance on assessing the suitability of individuals to hold a taxi and/or private hire driver's licence. This guidance covered the issue of individuals who have criminal convictions or whose behaviour presents a risk to passenger safety. The guidance takes a tough position in respect of these issues and the tariffs (i.e. the periods suggested that must expire before a licence should be granted) are high.
- 2.4 Bradford is working in partnership with all West Yorkshire LAs & York to harmonise, where possible, hackney carriage and private hire (HCPH) policies. A Driver Suitability policy has been agreed across WY which is compliant with this new National Guidance and, in particular, adopts the strict tariffs.
- 2.5 Bradford (before engagement) amended the proposed policy at paragraph 17 (of appendix A) to make greater reference to the possible application of exceptional circumstances as Bradford does not wish to unduly impact existing drivers. The revised proposed policy allows a different approach to accommodate that when determining whether or not a currently licensed driver is "fit & proper" to remain licensed under the new policy, each case will be decided on its own merits and take into consideration the overall conduct of the driver. This amendment is unique to Bradford.
- 2.6 Five of the six WY LAs commenced consultation on the proposed Driver Suitability Policy w/c 5 November 2018, for implementation in April 19. It was agreed that Bradford would follow its own procedures and engage (not consult) with the trades and public between 15 November and 15 December 2018 before submitting a report to Regulatory and Appeals Committee in January for implementation of a new policy by 1 February 2019.

- 2.7 In December 2018, at the request of the other WY LAs, Bradford agreed to delay submission of its engagement survey results to the Regulatory and Appeals Committee from 10 January to 7 February 2019 for policy implementation NLT end of February 2019.
- 2.8 The WY consultation exercise (for the other WY LAs) concludes on 18th January 2019. This will then be considered collectively and appropriate amendments made. The final policy will be considered by the five Councils in February/ March 2019 for adoption in April 2019.
- 2.9 To accommodate any minor policy changes made by the other WY LAs on the outcome of their policy consultation, it is requested that the Chair of the Regulatory and Appeals Committee, in liaison with the Portfolio Holder, be authorised to make any minor changes necessary to Bradford's policy to remain commensurate with the outcomes of the West Yorkshire and York Authorities.

### **3. OTHER CONSIDERATIONS**

3.1 Engagement Survey Results. A full analysis of the survey can be found at appendix E

3.2 Survey Results:

697 people took part, including 410 (59%) members of the public. Of 18 scoring questions: 14 received a majority positive response in favour of adopting a new policy; 3 received a 50/50 response and 1 a negative response:

Key Points:

75% of participants thought that Bradford should bring in a new Policy.

The following questions received a 50/50 or negative response:

- Drivers to continue driving with 7+ penalty points  
49% in favour 51% against
- 5 year ban for using hand held device  
51% in favour 49% against
- 7 year ban for vehicle use offences  
51% in favour 49% against
- 5 year ban for minor traffic/vehicle offences  
35% in favour 63% against

3.3 Changes following the engagement exercise

In consideration of the survey results, Bradford has amended its proposed policy to reduce the period of ban from 5 years to 3 years for minor traffic/vehicle offences. It will also reduce the period of ban for exceeding the maximum number of driving penalty point from 5 years to 3 and new drivers will be required to have had less than the maximum allowed penalty points for 3 years before a licence may be granted.

### 3.4 Hackney Carriage Unmet Demand

An unmet demand survey was commissioned in January 2018 and completed in July 2018. The full report was available December 2018.

The Transport Act 1985 and Town Police Clauses Act 1847 in the legal appraisal the 1985 Act states that a local authority can only refuse an application for a new hackney carriage vehicle licence if it is satisfied there is no significant unmet demand for such additional vehicles in its area.

The full report can be viewed on the website by following this link or typing it into your internet provider:

<https://www.bradford.gov.uk/media/5104/bradford-lvsa-2018-final-report.pdf>

The purpose of the study is to determine:

- Whether there is evidence of significant unmet demand for hackney carriage services in Bradford
- If significant unmet demand is found, recommend how many licenses would be required to eliminate this.

#### Findings of the Study

The 2018 study has identified that there is no evidence of significant unmet demand for hackney carriages in Bradford. This conclusion covers both patent and latent/suppressed demand and is based on an assessment of the implications of case law that has emerged since 2000, and the results of LVSA (Licensed Vehicle Surveys & Assessments) analysis.

On this basis the authority has the discretion in its hackney licensing policy and may either:

- Maintain the current limit of 222 hackney carriage licences;
- Issue any number of additional plates as it sees fit, either in one allocation or a series of allocations; or
- Remove the numerical limit.

Should the authority decide to issue additional plates we would recommend that these be for wheelchair accessible vehicles only.

### **4. NEW PROPOSAL**

The new proposal is attached at Appendix A

### **5. FINANCIAL & RESOURCE APPRAISAL**

None

### **6. RISK MANAGEMENT AND GOVERNANCE ISSUES**

None

## **7. LEGAL APPRAISAL**

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

Legal appraisal has been carried out as both the WY LAs and Bradford Council.

## **8. OTHER IMPLICATIONS**

None

### **8.1 EQUALITY & DIVERSITY**

The Equality Impact Assessment Stage 1 and 2 is attached at Appendix C

## **9. NOT FOR PUBLICATION DOCUMENTS**

None

## **10. OPTIONS**

- 10.1 The Committee approves the proposals outlined in Appendix A
- 10.2 The Committee decides not to approve the proposals outlined in Appendix A
- 10.3 The Committee approves the proposals with specific amendments to Appendix A
- 10.4 Maintain the current limit of 222 hackney carriage licences
- 10.5 Issue any number of additional plates as it sees fit.
- 10.6 Remove the numerical limit.

## **11. RECOMMENDATIONS**

- 11.1 That the policy “Determining The Suitability of Applicants and Licensees as Drivers in Hackney Carriage & Private Hire Licensing” be approved.
- 11.2 That authority be granted to the Chair of the Committee to liaise with the Portfolio Holder to make any minor changes necessary to remain commensurate with the outcomes of the West Yorkshire and York Authorities.
- 11.3 That the option to maintain the current limit of 222 hackney carriage licences be approved.

## **12. APPENDICES**

- A) Policy Document
- B) Snap Survey Results
- C) Equality Impact Assessment (EIA)
- D) Communication History
- E) Survey Results

## **13. BACKGROUND DOCUMENTS**

*Guidance on determining the suitability of applicants and licensees in the Hackney and Private Hire trades (2018): Birkenhead: Institute of Licensing.*

## Appendix A

### **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.
2. 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.
3. 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.
4. *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.
5. 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.
6. 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.
7. 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.
8. 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.
9. 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.

10. 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.
11. 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.
12. 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.
13. 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.
14. 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.
15. 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**

16. 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.
17. 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.
18. 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.

19. 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.
20. 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.
21. Where a licence would normally be granted after an elapsed period there may be circumstances where the elapsed period will be extended.
22. 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.
23. 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**

24. 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.
25. 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.
26. 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.
27. 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.
28. 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.
29. 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.
30. 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.

31. 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.
32. 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.
33. 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.
34. 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.

35. 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.
36. 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.
37. 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.
38. 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.

**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.

<b>Offence</b>	<b>Period Elapsed</b>
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 ~ <b>AND</b> 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
Drink driving/driving under the influence of drugs.	7 years ~ <b>AND</b> 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.

## Appendix B

### Determining the suitability of Applicants and Licensees as drivers

Overall 696 respondents completed this questionnaire. Some respondents identified themselves in more than 1 category and this is reflected in the overall breakdown figures listed in the summary below. The overall figures and the break down figures may have a variance of up to 10% in some cases.

Q1) I am taking part in this survey as:

- A) Member of the Public (410) 59%
- B) Licensed Driver (259) 37%
- C) Licensed Private Hire Operator (41) 6%
- D) Proprietor (17) 2%

The information listed below has been separated into questions and responses. The responses are categorised by 'Type' as above, i.e. Member of public ("A"), Licensed Driver ("B"), Licensed Private Hire Operator ("C") and Proprietor ("D"). Please note that automated system rounds figures up and therefore on occasions the total will sometimes be shown as 101%.

Q2) Do you think Bradford should bring in a new Policy to make sure the travelling public are confident licenced drivers are suitable for their role and the standards applied are the same across all areas?

- A) Yes (519) 75%
- No (173) 25%

	A	B	C	D
Yes	367 (90%)	139 (54%)	25 (61%)	12 (71%)
No	41 (10%)	120 (46%)	16 (39%)	5 (29%)

Q3) Do you think that a new policy should allow currently licenced drivers to continue driving if they already hold more penalty points or have a conviction which would contravene the stricter requirements of a new policy?

- A) Yes (337) 49%
- No (356) 51%

	A	B	C	D
Yes	139 (34%)	180 (70%)	26 (63%)	11 (65%)
No	271 (66%)	78 (30%)	15 (37%)	6 (35%)

Q4) Crimes resulting in death of another person or was intended to cause the death or serious injury to another person - New Licences will not be granted. Existing licences will be taken away.

- A) Agree (554) 80%
- Disagree (138) 20%

	A	B	C	D
Agree	367 (90%)	170 (66%)	28 (68%)	12 (71%)
Disagree	42 (10%)	88 (34%)	13 (32%)	5 (29%)

Q5) **Exploitation - New Licences will not be granted. Existing licences will be taken away.**

- A) Agree (574) 83%  
Disagree (114) 17%

	A	B	C	D
Agree	372 (91%)	182 (71%)	36 (90%)	15 (88%)
Disagree	35 (9%)	75 (29%)	4 (10%)	2 (12%)

Q6) **Offences involving violence – A licence will not be granted for a minimum of 10 years. Existing licences will be taken away.**

- A) Too Long (315) 46%  
Agree (272) 39%  
Too Short (103) 15%

	A	B	C	D
Too Long	85 (21%)	210 (81%)	26 (63%)	12 (71%)
Agree	228 (56%)	39 (15%)	13 (32%)	4 (24%)
Too Short	94 (23%)	9 (4%)	2 (5%)	1 (6%)

Q7) **Possession of a weapon or any other weapon related offence – A licence will not be granted for a minimum of 7 years. Existing licences will be taken away.**

- A) Too Long (241) 34%  
Agree (234) 34%  
Too Short (218) 32%

	A	B	C	D
Too Long	66 (16%)	156 (61%)	24 (59%)	9 (53%)
Agree	143 (35%)	85 (33%)	11 (27%)	7 (41%)
Too Short	201 (49%)	17 (7%)	6 (15%)	1 (6%)

Q8) **Sex and indecency Offences - New Licences will not be granted. Existing licences will be taken away.**

- A) Agree (639) 92%  
Disagree (54) 8%

	A	B	C	D
Agree	393 (96%)	223 (86%)	40 (98%)	15 (88%)
Disagree	17 (4%)	35 (14%)	1 (2%)	2 (12%)

Q9) **Dishonesty Offences - A licence will not be granted for a minimum of 7 years. Existing licences will be taken away.**

- A) Too Long (314) 46%  
Agree (276) 40%  
Too Short (100) 14%

	A	B	C	D
Too Long	105 (26%)	193 (75%)	23 (58%)	12 (71%)
Agree	215 (53%)	54 (21%)	14 (35%)	3 (18%)
Too Short	88 (22%)	11 (4%)	3 (8%)	2 (12%)

**Q10) Drugs supply - A licence will not be granted for a minimum of 10 years. Existing licences will be taken away.**

- A) Agree (352) 51%  
 Too Short (176) 25%  
 Too Long (163) 24%

	A	B	C	D
Too Long	61 (15%)	97 (38%)	13 (33%)	4 (24%)
Agree	187 (46%)	148 (57%)	23 (58%)	11 (65%)
Too Short	160 (39%)	14 (5%)	4 (10%)	2 (12%)

**Q11) Drugs use - A licence will not be granted for a minimum of 5 years. Existing licences will be taken away.**

- A) Agree (288) 42%  
 Too Short (227) 33%  
 Too Long (175) 25%

	A	B	C	D
Too Long	59 (15%)	107 (41%)	14 (36%)	9 (53%)
Agree	146 (36%)	127 (49%)	22 (56%)	6 (35%)
Too Short	203 (50%)	25 (10%)	3 (8%)	2 (12%)

**Q12) Discrimination – any conviction involving or connected with discrimination in any form - A licence will not be granted for a minimum of 7 years. Existing licences will be taken away.**

- A) Too Long (314) 46%  
 Agree (297) 43%  
 Too Short (78) 11%

	A	B	C	D
Too Long	103 (25%)	197 (76%)	21 (53%)	12 (71%)
Agree	237 (58%)	49 (19%)	17 (43%)	4 (24%)
Too Short	67 (17%)	12 (5%)	2 (5%)	1 (6%)

**Q13) Driving under the influence of drugs/alcohol - A licence will not be granted for a minimum of 7 years. Existing licences will be taken away.**

- A) Agree (300) 43%  
 Too Short (236) 34%  
 Too Long (156) 23%

	A	B	C	D
Too Long	52 (13%)	97 (38%)	14 (35%)	7 (41%)
Agree	145 (36%)	138 (53%)	22 (55%)	8 (47%)
Too Short	212 (52%)	24 (9%)	4 (10%)	2 (12%)

**Q14) Driving whilst using a hand-held telephone or other device - A licence will not be granted for a minimum of 5 years. Existing licences will be taken away.**

- A) Too Long (339) 49%  
 Agree (242) 35%  
 Too Short (108) 16%

	A	B	C	D
Too Long	108 (26%)	210 (82%)	29 (73%)	13 (77%)
Agree	203 (50%)	35 (14%)	9 (23%)	3 (18%)
Too Short	98 (24%)	11 (4%)	2 (5%)	1 (6%)

**Q15) Minor traffic or vehicle related offences - A licence will not be granted for a minimum of 5 years. Existing licences will be taken away.**

- A) Too Long (436) 63%  
 Agree (216) 31%  
 Too Short (37) 4%

	A	B	C	D
Too Long	176 (43%)	239 (93%)	34 (85%)	14 (82%)
Agree	203 (50%)	12 (5%)	4 (10%)	2 (12%)
Too Short	28 (7%)	7 (3%)	2 (5%)	1 (6%)

**Q16) Major traffic or vehicle related offences - A licence will not be granted for a minimum of 7 years. Existing licences will be taken away.**

- A) Too Long (310) 45%  
 Agree (243) 36%  
 Too Short (133) 19%

	A	B	C	D
Too Long	94 (23%)	199 (77%)	25 (63%)	13 (77%)
Agree	189 (47%)	47 (18%)	13(33%)	2 (12%)
Too Short	122 (30%)	11 (4%)	2 (5%)	2 (12%)

**Q17) Serious hackney carriage and private hire offences (e.g. plying for hire, driving without a HCPH Licence) - A licence will not be granted for a minimum of 7 years. Existing licences will be taken away.**

- A) Agree (294) 43%  
 Too Long (278) 40%  
 Too Short (117) 17%

	A	B	C	D
Too Long	95 (23%)	166 (64%)	23 (59%)	7 (44%)
Agree	213 (52%)	74 (29%)	14 (36%)	7 (44%)
Too Short	99 (24%)	18 (7%)	2 (5%)	2 (13)

Q18) **Vehicle use offences - A licence will not be granted for a minimum of 7 years. Existing licences will be taken away.**

- A) Too Long (332) 49%  
 Agree (287) 42%  
 Too Short (64) 9%

	A	B	C	D
Too Long	109 (27%)	209 (82%)	23 (61%)	11 (69%)
Agree	245 (61%)	34 (13%)	12 (32%)	3 (19%)
Too Short	50 (12%)	12 (5%)	3 (8%)	2 (13%)

Q19) **Do you agree drivers should be required to produce a certificate of good conduct?**

- A) Yes (459) 66%  
 No (232) 34%

	A	B	C	D
Yes	356 (87%)	95 (37%)	21 (51%)	7 (41%)
No	53 (13%)	162 (63%)	20 (49%)	10 (59%)

Q20) **Do you have any other comments or suggestions in relation to the questions on this survey?**

- A) No (449) 66%  
 Yes (232) 34%

	A	B	C	D
Yes	142 (35%)	87 (35%)	10 (26%)	5 (29%)
No	264 (65%)	165 (66%)	29 (74%)	12 (71%)

### **Responses to Free Text questions**

696 participants took part in the survey broken down as follows:

Members of the Public 59%  
 Licensed Drivers 37%  
 Licensed Operators 6%  
 Proprietors 2%

For the question should a new policy be introduced, 17% of total survey participants commented (free text box) on this question; the main themes emerged as follows:

41 participants felt the current standard was good and the rules stringent enough.

14 participants commented the policy was too harsh.

For the question should licenced drivers be allowed to continue driving if they held more points than the new policy allowed, 34% of total survey participants commented (free text box) on this question; the main themes emerged as follows:

33 participants said existing drivers should have the same standards as new drivers.

18 participants said they felt drivers should have clean licenses.

For the question should drivers should produce a certificate of good conduct if they left the country for more than 3 months, 19% of total survey participants commented (free text box) on this question; the main themes emerged as follows:

41 participants thought a DBS was sufficient for checks against a driver

14 participants commented certificates of good conduct could be fake / forged especially in countries with corruption.

When Participants were asked if they had any further comments about the survey, 35% of total survey participants responded on this question; the main themes emerged as follows:

37 participants thought the policy was too strict with consequences too long for certain offences.

12 participants thought the survey was confusing to read and understand with comments of the questions not being worded right.

**Appendix C**

**Equality Impact Assessment Stage 1**

The purpose of this assessment is to help consider the potential impact the policies will pose.

<b>Directorate:</b>	<b>Senior officer responsible for service/policy:</b>
Place	Carol Stos
<b>Service:</b>	<b>Lead officer responsible for this EIA:</b>
Fleet and Transport	Sadiya Patel
<b>Specific service area/policy:</b>	<b>Date of EIA (Stage 1):</b>
Taxi Licensing – Determining the suitability of applicants and licensees as drivers in Hackney Carriage & Private Hire Licensing	November 2018

<b>What is your proposal?</b>
The purpose of this assessment is to outline a new policy to be introduced by Bradford Council. The policy is named ' <i>Determining the suitability of applicants and licensees as drivers in Hackney Carriage &amp; Private Hire Licensing</i> ' The aim of this document is to highlight the potential impacts this policy may have.
<b>Please outline briefly the aims/purpose of making this change:</b>
<p>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.</p> <p>It is a function of the Council to issue Hackney Carriage and Private Hire licences under the Local Government Miscellaneous Provisions Act 1976. 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.</p> <p>To achieve this, engagement with licence holders, Trade members, Operators, Service users and the general public will be significant to the process. There will be an increased significance surrounding social media and how to utilise these platforms to their full potential. This will collect opinions from all named above and will be collated into a report to support the progression of the policy.</p>

#### What positive and negative impact do you feel the policies will have:

- ❖ The policy will apply to all licence holders regardless of; age, disability, gender reassignment, marriage or civil partnership (in employment only), pregnancy and maternity, race, religion or belief, sex, sexual orientation. This covers all 9 protected characteristics as set out in the equality act 2010. This will increase confidence from the licence holders as well as the engaging public surrounding the authority as an all-inclusive nature will be promoted.
- ❖ This policy will apply to all drivers whether they are a new applicant or an existing license holder. Existing licence holders however will have the policy conditions applied to them at the point of renewal. If at the time of renewal the licence holder has penalty points/convictions which are higher than the new policy allows, then the overall conduct of the licence holder will be taken into consideration before a decision to re-licence them or not is made. This will ease worries for existing licence holders as this policy is not a move to penalise any licence holders. Rather it is a means to increase safety as well as demonstrating a fair approach for all.
- ❖ The statement '*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.*' Although this will assure the travelling public as well as those entrusting licence holders with transporting their loved ones, the opinion of licence holders may differ. Although a good point licence holders may consider this a 'guilty before proven innocent' scenario. This could potentially encourage licence holders to not report any instances as they will be deemed at fault before investigation. This point needs to be clarified at the quarterly Trade, Hackney Rep and Operator meetings as well as at the road shows.
- ❖ All offences will be considered regardless of if these occurred in the UK or abroad. This will promote the councils stance of thorough investigation and a display of candour towards all. This will ease any negative opinions of any licence holders as well as the public towards those of non-UK nationalities.

#### How will you collect data to represent the thoughts of licence holders, Trade members, Operators, Services users and the general public?

The questionnaire includes the opportunity to collect quantitative as well as qualitative data to capture free thought and opinions as well as hard data. The data will provide valuable insight as well as promoting democracy and inclusion during the process.

There will be the opportunity to complete the questionnaire as a survey – through snap survey – as an electronic means to participate. Access to paper copies of the questionnaire will also be made available; however this will be purely for descriptive purposes. The survey will only be available to complete online, this fact will be continuously empathised directing people to the web link. The team will also embark on a total of 3 road shows to promote and increase awareness around the new policy and encouraging a wider public engagement.

## **EIA additional information and explanation**

### **Employee Impact**

Members of the licensing service, as the front facing employees will bear the brunt of the consequences initially as a result of these policies. It is advisable to keep staff members informed during the process to minimise distress and issues for front facing as well as back office staff.

### **Licence Holder Impact**

This allows licence holders the opportunity to feel valued and promotes a participative culture. This allows them to be part of the process on a policy that will ultimately affect them.

### **Public Impact**

This will give the travelling public increased assurance that licence holders will be correctly vetted and deemed 'fit and proper' in a standardised manner.

### **Characteristics Impact**

No persons with protected characteristics will be eliminated during the engagement process. All areas of the community will participate with questionnaires and all licence holders will be given the opportunity to complete the questionnaires.

### **Mitigation**

It will be imperative to have continual transparency throughout the engagement process by providing regular updates at the quarterly Trade, Hackney Rep and Operator meetings.

### **Conclusion**

Consideration should be given to engagement being undertaken by generating different leads and expanding networks to ensure we can capture data from a wider audience to really gather a whole community engagement and opinion. Also to establish any other impacts the new policy may have.

A further EIA stage 2 will be completed once data has been collated and engagement complete to identify any lessons learned and what worked well during the process to continue good practice.

## Equality Impact Assessment Stage 2

The purpose of this assessment is to learn if any impacts the policies will pose.

<b>Directorate:</b>	<b>Senior officer responsible for service/policy:</b>
Place	Carol Stos
<b>Service:</b>	<b>Lead officer responsible for this EIA:</b>
Fleet and Transport	Sadiya Patel
<b>Specific service area/policy:</b>	<b>Date of EIA (Stage 1):</b>
Taxi Licensing – Determining the suitability of applicants and licensees as drivers in Hackney Carriage & Private Hire Licensing	December 2018

### What is your proposal?

The purpose of this assessment is to outline a new policy to be introduced by Bradford Council. The policy is named '*Determining the suitability of applicants and licensees as drivers in Hackney Carriage & Private Hire Licensing*'. The aim of this document is to highlight the potential impacts this policy may have.

### **Please outline briefly the aims/purpose of making this change:**

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.

It is a function of the Council to issue Hackney Carriage and Private Hire licences under the Local Government Miscellaneous Provisions Act 1976. 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.

To achieve this, engagement with licence holders, Trade members, Operators, Service users and the general public will be significant to the process. There will be an increased significance surrounding social media and how to utilise these platforms to their full potential. This will collect opinions from all named above and will be collated into a report to support the progression of the policy.

## **EIA Stage 2 information and explanation**

### **Employee Impact**

All staff members have been kept informed throughout the progress of this engagement. This was done to inform them throughout the process to minimise any distress when dealing with customers. Staff members are often the first point of contact for customers.

### **Licence Holder Impact**

This allowed licence holders the opportunity to feel valued and promoted a participative culture. This allowed them to be part of the process on a policy that will ultimately affect them.

**Public Impact**

The public were included by allowing them the chance to complete the survey as well. This ensured the viewpoint of the travelling public was taken into account.

**Characteristics Impact**

No persons with protected characteristics were intentionally eliminated during the engagement process. All areas of the community were given the opportunity to participate with questionnaires and all licence holders will be given the opportunity to complete the questionnaires. A lesson learnt from this engagement would be to provide the survey in an alternative format for severely visually impaired participants. As we do not have any severely visually impaired drivers this was not needed. If a need for a member of public to have the questionnaire in an alternative format was requested the best efforts would have been made to accommodate this.

It was felt the Service had a neutral impact on the remaining characteristic groups.

**Mitigation**

We have been sure to remain continually transparent throughout the engagement process. We have actively engaged with trades via 3 road shows, 2 x Bradford at Richard Dunn and 1 x Keighley at Victoria Hall. An update will be provided at the next quarterly Trade, Hackney Rep and Operator meetings.

**Conclusion**

A conscious effort was made to engage with external organisations by contacting external organisations and publishing the survey details on the Bradford Schools Online website. This was done to really gather a whole community engagement and opinion.

## Appendix D

### Key Communications with the Trade

- The Survey was launched on 12<sup>th</sup> November 2018 and placed on HCPH Service website with links to Policy and Survey.
- We actively engaged with members of the Trade by writing / emailing the following groups:

Licensed Drivers

Licensed Operators

Licensed Proprietors

- The service held engagement sessions with trades via 3 road shows, 2 x Bradford and 1 x Keighley. Response started with initial concerns over proposed policy; this turned around with the majority of attendees to positive agreement towards the majority of changes proposed.
- The service engaged with members of the public via local paper (T&A) and by contacting various others (T4 Managers, Schools, Keighley transport watch group; Keighley peoples first; Guide dogs; Bradford Mobility Planning Group; various Schools and Children's Centre etc.)
- Multiple communication reminders were issued via email and the service website to highlight the survey.
- The Survey finally closed at midnight on 15<sup>th</sup> December 2018.