



**Notice of a public meeting of
Licensing and Regulatory Committee**

To: Councillors Melly (Chair), Cuthbertson (Vice-Chair),
Baxter, Clarke, Hook, Kilbane, Knight, Mason, D Myers,
Nicholls, Ravilious, Smalley, Widdowson, Warters and
Wilson

Date: Monday, 2 September 2024

Time: 5.30 pm

Venue: West Offices

AGENDA

- 1. Declarations of Interest** (Pages 1 - 2)
At this point in the meeting, Members and co-opted members are asked to declare any disclosable pecuniary interest, or other registerable interest, they might have in respect of business on this agenda, if they have not already done so in advance on the Register of Interests. The disclosure must include the nature of the interest.

An interest must also be disclosed in the meeting when it becomes apparent to the member during the meeting.

[Please see attached sheet for further guidance for Members].

- 2. Minutes** (Pages 3 - 16)
To approve and sign the minutes of the meeting held on 11 June 2024.

3. **Public Participation**

At this point in the meeting members of the public who have registered to speak can do so. Members of the public may speak on agenda items or on matters within the remit of the committee.

Please note that our registration deadlines are set as 2 working days before the meeting, in order to facilitate the management of public participation at our meetings. The deadline for registering at this meeting is 5:00pm on Thursday 29 August 2024.

To register to speak please visit www.york.gov.uk/AttendCouncilMeetings to fill in an online registration form. If you have any questions about the registration form or the meeting, please contact Democratic Services. Contact details can be found at the foot of this agenda.

Webcasting of Public Meetings

Please note that, subject to available resources, this meeting will be webcast including any registered public speakers who have given their permission. The meeting can be viewed live and on demand at www.york.gov.uk/webcasts.

During coronavirus, we made some changes to how we ran council meetings, including facilitating remote participation by public speakers. See our updates (www.york.gov.uk/COVIDDemocracy) for more information on meetings and decisions.

4. **Taxi Licensing Update Report** (Pages 17 - 20)
This report is to advise Members of the current situation relating to the new Hackney Carriage Vehicle (HCV) licence allocations.
5. **Taxi Licensing - Unmet Demand Survey and Hackney Carriage Vehicle Allocation** (Pages 21 - 42)
This report invites Members to instruct officers on the council's approach to the hackney carriage 'unmet demand survey'.
6. **Enforcement Action Update report** (Pages 43 - 48)
This report is to inform Members of the enforcement activity undertaken by the Licensing Enforcement Officers in 2023-24. There are no recommendations as there is no decision to be taken.

7. Urgent Business

Any other business which the Chair considers urgent under the Local Government Act 1972.

8. Forward Plan

(Pages 49 - 50)

To consider the Committee's Forward Plan for the 2024-25 municipal year.

Democracy Officer:

Angela Bielby

Contact Details:

- Telephone – (01904) 552599
- E-mail – a.bielby@york.gov.uk

For more information about any of the following please contact the Democracy Officer responsible for servicing this meeting:

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports and
- For receiving reports in other formats

Contact details are set out above.

Alternative formats

If you require this document in an alternative language or format (e.g. large print, braille, Audio, BSL or Easy Read) you can:



Email us at: cycaccessteam@york.gov.uk



Call us: **01904 551550** and customer services will pass your request onto the Access Team.



Use our BSL Video Relay Service:
www.york.gov.uk/BSLInterpretingService

Select 'Switchboard' from the menu.



We can also translate into the following languages:

我們也用您們的語言提供這個信息 (Cantonese)

এই তথ্য আপনার নিজের ভাষায় দেয়া যেতে পারে। (Bengali)

Ta informacja może być dostarczona w twoim własnym języku. (Polish)

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

یہ معلومات آپ کی اپنی زبان (ہولی) میں بھی مہیا کی جاسکتی ہیں۔ (Urdu)

This page is intentionally left blank

Declarations of Interest – guidance for Members

- (1) Members must consider their interests, and act according to the following:

Type of Interest	You must
Disclosable Pecuniary Interests	Disclose the interest, not participate in the discussion or vote, and leave the meeting <u>unless</u> you have a dispensation.
Other Registrable Interests (Directly Related) OR Non-Registrable Interests (Directly Related)	Disclose the interest; speak on the item <u>only if</u> the public are also allowed to speak, but otherwise not participate in the discussion or vote, and leave the meeting <u>unless</u> you have a dispensation.
Other Registrable Interests (Affects) OR Non-Registrable Interests (Affects)	Disclose the interest; remain in the meeting, participate and vote <u>unless</u> the matter affects the financial interest or well-being: (a) to a greater extent than it affects the financial interest or well-being of a majority of inhabitants of the affected ward; and (b) a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest. In which case, speak on the item <u>only if</u> the public are also allowed to speak, but otherwise do not participate in the discussion or vote, and leave the meeting <u>unless</u> you have a dispensation.

- (2) Disclosable pecuniary interests relate to the Member concerned or their spouse/partner.
- (3) Members in arrears of Council Tax by more than two months must not vote in decisions on, or which might affect, budget calculations, and must disclose at the meeting that this restriction applies to them. A failure to comply with these requirements is a criminal offence under section 106 of the Local Government Finance Act 1992.

This page is intentionally left blank

City of York Council

Committee Minutes

Meeting	Licensing And Regulatory Committee
Date	11 June 2024
Present	Councillors Melly (Chair), Cuthbertson (Vice-Chair), Baxter, Clarke, Hook, Knight, Mason, D Myers, Nicholls, Ravilious, Rose, Smalley, Widdowson And Warters (until 21:02)
In Attendance	Matthew Boxall (Public Protection Manager) Sandra Branigan (Senior Lawyer) David Cowley (Taxi Licensing Manager)
Apologies	Councillor Kilbane

CHAIR'S OPENING REMARKS (17:34)

The Chair opened the meeting and explained that the Council's Director of Governance had provided legal advice that it was appropriate for the Committee meeting to go ahead that day to determine the application by Uber for a private hire operator's licence. She explained that the Director of Governance had made his decision with reference to the Code of Recommended Practice on Local Authority Publicity, published by central government, and the associated guidance provided by the Local Government Association (which notes that "*you are allowed to ... continue to discharge normal council business (including budget consultations or determining planning applications, even if they are controversial)*").

The Chair added that in the Director of Governance's legal opinion there was no reason for the meeting not to continue as scheduled. The Director of Governance had noted that the key focus of the pre-election period restrictions is publicity issued by the Council, rather than the business of the Council itself. Whilst matters directly impinging on local or national policy should be avoided (to ensure the decisions do not impact on the outcome of the election), the ordinary 'day-to-day' decisions of the Council should continue, even if those decisions may be controversial.

The Chair reminded anyone watching that when making their decision on the Uber application, the Committee needed to

consider national legislation and the Council's taxi licensing policy. She explained that the decision to be made lawfully could not be political or include considerations of matters such as market competition or support for local businesses or trade unions. She added that the decision could only be made within the regulatory framework on whether Uber was "fit and proper" to hold an operator's licence.

A Member noted that his opinion differed to that of the Monitoring Officer and asked whether the Committee could go into private session to make its determination. The Senior Lawyer advised that hearings for applications for premises licenses operated under a different legal framework which allow a sub-committee to deliberate in private and the taxi application was governed under separate legislation for committee meetings. She added that the Committee could only go into private session for specified reasons, and she could not see why the committee could go into private session in this case.

The Chair then read out the procedure for the determination of the application for a Private Hire Operators Licence.

50. DECLARATIONS OF INTEREST (17:41)

Members were invited to declare any personal interests not included on the Register of Interests, any prejudicial interests, or any disclosable pecuniary interests that they might have in respect of business on the agenda. Cllr Nicholls noted that he knew Matthew Freckelton (Uber Head of Cities, UK) and had not spoken with him regarding the Uber application. There were no further declarations of interest.

51. MINUTES (17:41)

Resolved: That the minutes of the meeting held on 16 January 2024 be approved and signed by the Chair as a correct record.

A Member asked for an update on hackney carriages vehicle licence waiting list. The Taxi Licensing Manager explained that there were six vehicles in operation, two vehicles had confirmed delivery and three applicants were sourcing vehicles. He added that there would be an update report at a future meeting and that the taxi licensing consultation ended on 14 July 2024.

52. PUBLIC PARTICIPATION (17:43)

It was reported had been eight registrations to speak at the meeting under the Council's Public Participation Scheme.

Flick Williams spoke under the general remit of the committee on progress towards getting additional wheelchair accessible vehicles on the road. She noted that in June 2022 there was a report to committee including information on wheelchair accessible taxis and that she had spoken at previous meetings on the matter. She was disappointed to see that it had not been included on the agenda and noted that there should be another unmet demand survey this year. She added that approving the Uber application would make the situation worse for disabled people and she explained how inequity for disabled people had worsened. He noted her inequality concerns with disabled people being refused taxis. She urged refusal of the Uber application.

The remaining seven registrations to speak were on agenda item 4 Application for a Private Hire Operator's licence - Mr Neil McGonigle on behalf of Uber Britannia Limited ('Uber').

Suba Miah urged the committee to consider the Local Government (Miscellaneous Provisions) Act 1976. He noted that it was almost seven years since the previous Uber application was refused. He added that that every day he saw out of town Uber vehicles the rules and he believed that this was due to surge pricing. He noted York taxi drivers fare charges. He noted that the out of town Uber drivers had not completed the York safety test and he noted his concerns about their insurance. He asked the committee to ensure a fair playing field to allow all already licensed in York, including hackney carriages, to apply for an Uber licence.

Daniel Smith explained that Uber broke section 6 of the Local Government (Miscellaneous Provisions) Act 1976 adding that Labour had promised to change that law. He noted that Uber were not fit and proper to have a York licence. He gave examples of the practices of Uber drivers which included picking up illegal passengers at ranks. He stated there was a lack of the monitoring of it and that York operators did monitor this. He expressed concern that how safe the cars used by Uber were and that the Uber office would be empty and not manned. He added that public safety was a huge risk with Uber drivers.

Arfan Asif explained that Uber operated in York and not under York rules. He added that all Uber drivers will be able to apply for a York

licence and could work for York operators. He asked a number of questions about Uber and urged the committee to refuse the licence to reaffirm its commitment to just and fair and making it safe for visitors.

Muhammad Sulaman noted that Uber did not have a licence and operated in York. He explained that he had passed his taxi knowledge test and added that when he outside drivers were seen this made York taxi drivers feel low. He noted that he was unsure why Uber drivers work in York and break so many rules. He noted that since Uber had come to York, York drivers worked extra hours and could not spend time with their families.

Darren Avey (Director of York Station Taxis and Chair of YPTA) urged the committee not to grant the licence and work in grey areas. He gave examples of how Uber worked, and the fines imposed to settle claims across the world. He noted the safety of passengers and added that there were too many reports of accidents by Uber drivers. He noted that their business model was unethical, and he highlighted the impact on local drivers. He explained the increase in Uber drivers on race days and the impact of it. He noted it was imperative to prioritise the wellbeing of local communities.

Gary Graham (Member of YHCA and YTAD) explained the reasons why Uber should not be granted a licence and why it was not fit and proper. He noted that Uber was a middle man and facilitator. He noted the unfair working practices by Uber and it's pricing. Her added that if York taxi companies were run like that, they would have their licences removed. He noted that if the licence was granted, the council would not be fit and proper.

Arshad Mahmood (Chairman of York City Taxi Association) noted that there were 84 wheelchair users. He added that the report was misleading and did not include out of town drivers operating illegally. He explained that Uber ruined the livelihoods of York hackney carriage drivers and that wheelchair access hackney carriages were not available. He asked why York should trust Uber and asked for conditions to stop using out of town vehicles and user York hackney carriages.

Written representations had also been received from Phil Atkinson (Head of Operations, York Racecourse) and Mariya Miteva.

53. APPLICATION FOR A PRIVATE HIRE OPERATOR'S LICENCE - MR NEIL MCGONIGLE ON BEHALF OF UBER BRITANNIA LIMITED ('UBER') (18:10)

Members considered a report that sought their determination of an application for a private hire operator's licence by Mr Neil McGonigle on behalf of Uber Britannia Limited ('Uber'), operating from Tower Court, Oakdale Road, Clifton Moor, York, YO30 4XL.

In coming to their decision, Members took into consideration all the information and submissions that were presented, and determined their relevance to the issues raised including:

1. The application form and the papers before it.
2. The Public Protection Manager's report and comments at the meeting
3. The oral representations made at the meeting by the applicant and the public speakers.

The Public Protection Manager outlined the report. He explained that the Local Government (Miscellaneous Provisions) Act provides that the council should, upon receipt of an application, grant a private hire operator's licence.... unless it considers the applicant was not a 'fit and proper person' to hold such a licence or is disqualified by reason of their immigration status. He noted that the applicant was not barred by reason of their immigration status and that the committee was determining whether the applicant is fit and proper to hold a licence. He then provided background information on the application.

The Public Protection Manager detailed a number of aspects of taxi licensing case law in the context of the application. He explained that it had long been established that private hire operators could only dispatch vehicles and drivers that were re licenced by the same local authority as the operator. This is known as the 'triple licensing rule' and by similar phrases. He cited the case of *Shanks v North Tyneside Council, 2001* in which it was established that *the operator can use the vehicles within his organisation for journeys both inside and outside of the local authority in which he was licensed and, indeed, can use such vehicles and drivers which ultimately have no connection with the area in which they are licensed*'. He added that under those under these provisions, Uber had been lawfully enabling passengers to take journeys in York using vehicles and drivers from other licensing authorities in York. He highlighted that granting the application would not prevent them using 'out of town drivers' in York and that refusing the application would not prevent them carrying on and using out of town drivers in York and that the application was enable Uber to recruit York licensed drivers on to their platform, which they currently could not do.

The Public Protection Manager detailed the location of the premises at Clifton Moor (the operating address) noting that it had planning permission. He noted that customers and drivers would interact with Uber via the app and not by visiting the premises. He added that Uber provided a 24/7 emergency line for council officers in the event of any concerns, and he detailed the hours of operation to be 24 hours every day of the week. He detailed the annexes and advised Members that they should grant the licence unless they considered that the applicant was not fit and proper to have one. He explained that 'Fit and Proper' was not specifically defined in the Act and detailed Button's suggestions on the questions Members should ask as detailed in his textbook on Taxi licensing Law, Button on Taxis. He then detailed the options available to the committee in their determination of the application.

In addition to the Public Protection Manager, the Taxi Licensing Officer was in attendance to answer questions from Members. They were asked and explained that:

- The applicant was Neil McGonigle on behalf of Uber. Clarification was given on all the licences listed.
- The outcome of the decision was not a precedent and if the applicant appealed the decision it would go to Magistrates Court. It was noted when a different application went to appeal recently, the Magistrate granted the licence with standard conditions.
- Uber would be able to clarify the employment status of Uber drivers.
- All taxi drivers were self-employed and were given workers' rights through a set to case.
- The taxi office had to be a physical space.
- York carried out enhanced standard tests.
- Regarding whether the 31 complaints regarding Uber was standard, this number fluctuated.
- The applicant was an individual on behalf of Uber Britannia Limited. In York it was a requirement for an individual to apply.
- Officers were not aware of any additional conditions imposed by other authorities.
- The council was not involved with Uber data breaches as Uber was not licensed in York.
- Taxi complaints went through the operators and the council had access to the complaints records for taxi operators licensed in York.
- Taxi fares were brought to the committee to determine and fare tables were displayed.

- Customers would know what the fare was as it would be displayed on the app.
- If a decision was made to grant the licence, Uber would be able to operate in York.
- The different offences recorded in complaints made was explained.
- Uber were responsive to complaints from its own drivers.
- Regarding whether the business model for pricing could be considered as part of the test, Members would need to go back to the test. Button's comments were noted, and it was highlighted that business models were not specified by Button. The Senior Lawyer advised that Members needed to approach the test by looking at the purposes of legislation.
- It was confirmed that the two conditions regarding fare charts could be complied with.
- When complaints were made to police, they were passed onto the authority at which the operator was licensed.
- Fare charts were displayed at the operator's premises and in the vehicle.
- Magistrates could grant a licence for 5 years.
- All offences were listed in complaints.

Regarding the political manifesto referred to by a public participant, the Senior Lawyer advised that the Monitoring Officer had given legal advice on the meeting. The Chair noted that the Labour, the Conservatives and the Green Party had not published their manifestos.

[The meeting adjourned from 18:48 to 19:02]

4. The oral representations made by Matthew Freckelton (Uber Head of Cities, UK), who spoke on the application on behalf of the applicant. He was joined by colleagues Paul Kane (Head of Safety), Scott Preswick (Counsel) and Neil McGonigle (Applicant on behalf of Uber Britannia Limited ('Uber') and Head of Driver Operations), to give a presentation on the application as detailed at Annex 6 of the published report.

During their presentation they explained:

- They explained how the Uber app works.
- The Uber app, noting that there was an in app emergency button.
- Uber had a partnership with the Crisis Prevention Institute for de-escalation training and work with the Survivors Trust on sexual misconduct.

- If any driver failed the real time hybrid check they would be investigated.
- Uber only used licensed drivers. It was explained that driver and vehicle on boarding included an in person ID check, document uploading, and document checking, and drivers would only be eligible when all checks had been completed.
- An explanation given on booking records.
- The safety complaints process was detailed noting how it operated in the app, the process for complaints and how complaints were investigated, including those from licensing authorities.
- The technology for enhanced pick up and drop offs was outlined, noting that this included hackney carriage ranks.
- Regarding complaints, Uber had a dedicated team that responded to requests for information from law enforcement and public health officials.
- The use of electric vehicles on the platform as explained.
- It was the third anniversary of the Uber and GMB signing the first national union recognition agreement in the gig economy.
- Regarding drivers, they were guaranteed the national living wage, holiday pay and a pension fund.
- Marketplace health was detailed. Noting that dynamic pricing played a significant role.
- The growing ridership of Uber included the launch of new services like Uber Reserve, Pet and Assist. Uber were also adding other items onto the app.

Members then asked Matthew Freckelton, Paul Kane, Scott Preswick, and Neil McGonigle several questions to which they responded that:

- Uber drivers were classified as workers. Plying for hire or picking up from taxi ranks was the responsibility of drivers. Uber had gone to some councils to ask for more detailed complaint reporting and they could not think of one council that did not use the standard conditions.
- Data breaches were reported to the ICO and Uber operated under GDPR.
- Regarding whether data breaches were passed onto local authorities, that would depend on the particular conditions of that particular licensing authority.
- Most complaints came through the app and number of complaints in York could be provided in a letter to the Chair after the meeting. They did not have an estimate of the number of complaints and 99.9% of trips operated without complaints.

- Regarding the business model of having a staffed booking office for driver welfare, drivers were not wed to visiting an operator base. They may have partnerships with other groups regarding conveniences and restrooms.
- Driver use of the app was built with safety in mind. The app was compatible with Apple carplay and other navigations apps. It was noted that the navigation apps were audible. Touches in the app were minimised to remove distractions.
- All hackney carriage ranks were geofenced and they had been working with York Racecourse on pick up and drop offs.
- Regarding Uber's commitment to wheelchair accessible vehicles, Uber did not own the vehicle, the driver did. Wheelchair accessible vehicles were a challenge across the country.
- The emergency button for safety contacted 999, the emergency services.
- The ride check was automated.
- Regarding how many times the rejection of a driver would spark concern, this would depend on the type of complaint and the history of the driver. If a rider made a complaint about a driver, Uber would unmatch them.
- Regarding FAQs on being blank about the living wage, it should be populated. Wages were based on HMRC expense rates.
- Regarding Electric Vehicles (EVs) and there being less wheelchair accessible vehicles, this was not unique to Uber, the supply of electric vehicles was lagging behind. Uber would take a pragmatic approach to electric wheelchair accessible vehicles.
- They did not have the information on how many of the 16,000 vehicles were wheelchair accessible. It was noted that electric vehicles tended to be smaller, and they would take a pragmatic approach towards 2030. Asked GMB's view on this, Uber worked closely with the GMB on a national level, and they could not comment on the local approach to York. They had made progress with drivers over the worker benefits that Uber provides.
- After the emergency button was pressed, they would contact the rider and driver.
- If the licence was granted, they would look to take on York drivers. When they were licensed recently in Stockton on Tees, drivers from outside had applied and they looked to on board local drivers.
- Concerning complaints about picking up from taxi ranks and them being geofenced, an explanation was given on how geofences were set up and it was believed that they work. They were happy to discuss geofences with licensing officers. They explained how

the technology worked noting drivers could not physically be stopped from sitting on a rank.

- Uber acted on complaints made to them and where required would report to the local authority, investigate, and take action if necessary. [At this point an officer noted that this was in the authority that the operator was licensed in].
- Uber had a programme to aid drivers to obtain driver operator licences, including financial support.
- Regarding unmet demand, they did not want to create oversupply. If licensed in York they could look at this with licensing officers. A explanation of how dynamic pricing works was given, noting that multiple factors were taken into account for it in getting the optimum price for the rider and the driver. From a safety perspective it was worse if a person could not get home.
- Regarding what would happen if a person could not walk to the pickup, in York city centre the driver and rider could communicate in the app or ring (anonymously) to arrange a collection point.
- There was a guide dog policy.
- Regarding private hire vehicles having access to the city centre to pick up blue badge holders, Uber did not ask riders to identify if they had a disability. They could work with licensing officers on this. [At this point officers confirmed that Uber were consulted on blue badge access to the city centre].
- Rides to blue badge holders were not denied, they did not discriminate and did not sub contract bookings. Uber Access was noted, and it was noted that they were aware of the Equality Act.
- All cities that had Uber Access were linked to Uber X.
- Drivers could not pick and choose riders unless there was a medical exemption to take passengers with an assistance dog or a wheelchair user. They could investigate if passengers with assistance needs had journeys turned down and they noted the steps taken should this happen.
- They had a dedicated team to investigate allegations. They would contact the rider and driver regarding their version of events, and take action and report to the licensing authority.
- There was a whole range of scenarios regarding drivers being revoked and it was noted that it depended on the nature and severity of the allegation.
- Greyball was not used in the UK. Uber in 2015/16 was a different company and it now enjoyed positive relationships with all 61 authorities. It was an on shore business and paid all UK taxes. No councils had contacted Uber after 2022.
- It was confirmed that they would be happy to display charges and surge pricing, which were in the app.

[At this point a Member asked if the committee could condition the applicant to make sure the operating model was not disenfranchised by blue badge access. Officers advised that they could work with the applicant and that if the licence was granted they would operate under York (licensing authority), including the York knowledge test and there wouldn't need to be a condition. The applicant noted that they would need to look at how the technology on the blue badge side. A Member asked if drivers had equalities training. Officers advised that all new applicants had training on equalities and safeguarding through the local knowledge test. The applicant explained that all new drivers watched videos on that and they could look at this with officers].

- Since 2017 Uber had changed its third party risk analysis and it was explained how personal data was protected. Meetings were held to review data protection breaches. They noted that everyone was empowered to report a breach in data protection, and it was confirmed that they were there to develop a regulatory relationship with York.
- Cities with Uber Access was based on sufficient supply of wheelchair accessible vehicles. Regarding Uber X, this was the cheapest Uber product in the UK which was why Uber Access was tethered to it.
- There was Uber Access and Uber Assist to request wheelchair accessible vehicles.
- Regarding the role of local knowledge, for example road closures, Uber had its own mapping technology and if the driver saw that the route needed to change, they could change the route. If the driver wanted to take a different route to the mapping technology, they could, and the price could change.
- The technology used was industry leading and Uber could investigate reports of different drivers using a vehicle.
- The driver driving the vehicle was in the driver profile given to the rider. It was explained how trips were accepted by the rider.
- The actions taken if a trip was rejected was explained. They did not want drivers to cancel trips and there was a threshold for the cancellation of trips that worked across all products. There were different thresholds for Uber Access and Uber Assist.
- Drivers were paid a higher fare to take Uber Access.
- Regarding wheelchair accessible vehicles it would be for the driver to have a wheelchair accessible vehicle. They did not have sufficient supply of wheelchair accessible vehicles in York.
- In the cities with Uber Access there was sufficient supply of the availability of those drivers.

[A Member asked if the committee could stipulate the number of wheelchair accessible vehicles in a fleet. Officers advised that in the policy being consulted on included was the largest operator supplying one wheelchair and if this was not possible, they had to give a reason why. Officers were not sure if the committee could stipulate the number of wheelchair accessible vehicles. At this point the Senior Lawyer reminded Members that their questioning should not turn into cross examination of the applicant].

- Concerning a driver breaking the law for access reasons there was no set reporting condition for to have a consequence for a specific breach.
- Uber did not have the ability for the rider to accept a driver licenced in the York area.

[Cllr Warters left the meeting at 21:03]

[The meeting adjourned from 21:03 until 21:11]

The applicant made closing remarks, thanking the Chair and Councillors. They noted that they had been questioned and answered questions extensively and believed that they met the fit and proper test. They added that they had been licenced in 60+ authorities.

The Chair reminded anyone watching that when making their decision on the Uber application, the Committee needed to consider national legislation and the Council's taxi licensing policy. She explained that the decision to be made lawfully could not be political or include considerations of matters such as market competition or support for local businesses or trade unions. She added that the decision could only be made within the regulatory framework on whether Uber is "fit and proper" to hold an operator's licence.

Having regard to the above information, the Committee considered the steps which were available to them to take under Sections 55 and 57 of the Local Government (Miscellaneous Provisions) Act 1976:

Option 1: Grant a private hire operator's licence as requested, with the standard conditions attached for a period of one year.

Option 2: Grant the private hire operator's licence with the standard conditions and any additional conditions considered reasonably necessary for a period of one year.

Option 3: Refuse the application providing the grounds for refusal.

Members debated the application at length. During debate a Member asked if the committee could add a condition relating to the geofencing of hackney carriage ranks. The applicant expressed that they did not feel that it needed to be a condition but if it was a condition, they would meet with officers to discuss the matter. A Member noted that they would like a confirmation that information on blue badge users was filtered to drivers. Members were advised that the wording of such a condition would need to be looked at.

During debate Cllr Myers proposed refusal of the licence on the grounds of Uber failing the “fit and proper” test from the scale of the files released in 2022 and the data breach being worse than seven years ago, along with the lack of welfare provision (handwashing and toilet facilities) in the office facilities. This was seconded by Cllr Baxter. Officers were asked and noted their concerns regarding some of the reasons put forward noting the reasons needed to be reasonable and proportionate, and that it would be a struggle if challenged on the reasons for refusal. Members were advised that that there would need to be reason as to how public safety would be addressed and that it was a legal requirement to give reasons. On being put to the vote with three voting in favour, eight against, and one abstention, the motion fell.

Cllr Rose proposed Option 2, to grant the private hire operator’s licence with the standard conditions and an additional conditions considered reasonably necessary for a period of one year. The additional conditions were for geo fencing around hackney carriage ranks and to take action against drivers in breach of parking at hackney carriage ranks. Members were advised that it would be the council that took action against taxi drivers parking in hackney carriage ranks.

Cllr Mason then proposed Option 2, to grant the private hire operator’s licence with the standard conditions and any additional conditions considered reasonably necessary for a period of one year. The additional conditions related to the geofencing of hackney carriage ranks to prevent parking at hackney carriage ranks and Uber cascading information regarding blue badge access to support disabled users’ access to the city centre. This was with the wording of the conditions delegate to the Chair and Vice Chair in conjunction with Officers. The proposal was seconded by Cllr Nicholls. On being out to the vote with ten Members voting in favour and three against, it was;

Resolved: That approval be given to Option 2, to grant the private hire operator’s licence with the standard conditions and any additional conditions considered reasonably necessary for a period of one year.

The additional conditions related to the geofencing of hackney carriage ranks to prevent parking at hackney carriage ranks and Uber cascading information regarding blue badge access to support disabled users' access to the city centre. This was with the wording of the conditions delegate to the Chair and Vice Chair in conjunction with Officers.

Reasons:

- (i) The Committee were satisfied that:
 - a. you are a fit and proper person to hold an operator's licence.
 - b. The Committee considered that two additional conditions are reasonably necessary in order to ensure that there was a reduction in the number Uber vehicles standing / waiting / picking up on designated hackney carriage ranks and at other inappropriate locations within the authority's area and to demonstrate that the operator ensures that its drivers have an understanding of the city centre pedestrian zone in order to assist Blue Badge holders with their booking requirements and to promote equalities in service delivery.

Cllr Melly, Chair

[The meeting started at 5.30pm and finished at 9.45pm].



Licensing & Regulatory Committee

2 September 2024

Report from the Director – Environment, Transport and Planning

Taxi Licensing Update Report

Summary

1. This report is to advise Members of the current situation relating to the new Hackney Carriage Vehicle (HCV) licence allocations.

Background

Hackney Carriage Vehicle Licence Allocations

2. On 7th June 2022, Members of this committee considered a report relating to the unmet demand for hackney carriages and resolved that it be recommended to Executive to make available nine new hackney carriage vehicle licences (two licences that had not been renewed at that time, plus seven additional licences) to bring the total number of licensed vehicles up to 190. This was the number recommended within the unmet demand survey dated February 2022. It was further recommended that the vehicles be black in colour, wheelchair accessible and fully electric or plug-in electric hybrid. That resolution was subsequently approved by the Executive (28 July 2022) and Council (20 October 2022), in the process another licence became available and so making ten licences available in total.
3. A second report was agreed by the Licensing and Regulatory Committee on the 10th October 2023. This report asked approval for officers to contact everyone currently on the hackney carriage vehicle licence waiting list, to see if they would like to submit an expression of interest in relation to one of the available licences. Anyone submitting an expression of interest should be in a position to obtain and submit a vehicle for licensing. NB. A further accessible hackney carriage licence became available – making eleven in total – which officers also offered as part of this process.

4. Officers undertook members' instructions, and as a result twenty-two positive expressions of interest for a hackney carriage vehicle licence were received. This number has since increased and thirty-four expressions of interest (since the report in October 2023).

The current situation

5. Officers have progressed through the list, inviting applicants in turn to submit an application for a hackney carriage vehicle licence.
6. Some of the applicants on the list withdrew from the application process after a licence had been offered. This led to a delay in the implementation of all new licences.
7. To date, eight of the new accessible hackney carriage vehicle licences have been issued and these are now in operation, the other three have been offered to applicants and are expected to be in operation by the end of October 2024 (if the offer is accepted).
8. There are still five individuals remaining on the expression of interest list.
9. At the end of the allocation process when all the HCV licences have been issued, the current waiting list will be re-evaluated and everyone remaining will be informed of their current position.

Consultation

10. As this is an update report there has been no consultation in relation to it.

Analysis

11. As this is an update report there is no analysis of recommendations.

Council Plan

12. The updates support the Council Plan priorities for:

- A fair, thriving, green economy for all
- Sustainable accessible transport for all

Implications

13. The implications arising directly from this report are:

- **Financial** – There are no direct financial implications.
- **Human Resources (HR)** – There are no HR implications.
- **Equalities** – It is recognised that licensed taxis and private hire vehicles are a particularly important method of transport for people with disabilities and other vulnerable passengers including school children because of the door-door service they provide.
- **Legal** – There are no legal implications arising directly from this update report.
- **Crime and Disorder** – There are no crime and disorder implications.
- **Information Technology (IT)** – There are no IT implications.
- **Property** – There are no property implications.
- **Other** – There are no other implications.

Risk Management.

14. There are no known risks involved with this update report.

Contact Details.

Author:

David Cowley
Taxi Licensing Manager
Ext 2422

Chief Officer Responsible for the report:

James Gilchrist
Director Environment, Transport & Planning

**Report
Approved**

✓

Date 22.8.24

Wards Affected: All.

Background Papers

Committee report 7th June 2022.

<https://democracy.york.gov.uk/documents/s159390/Unmet%20demand%20report%202022%20-%20final.pdf>

Committee report 11th October 2023.

<https://democracy.york.gov.uk/documents/s170214/Information%20Report%20HCV%20Licences%202023.pdf>

Committee report 16th January 2024.

<https://democracy.york.gov.uk/documents/s172352/Information%20Report%20HCV%20Licence%20Allocations%20and%20Policy.pdf>

Annexes

None



2 September 2024

Licensing & Regulatory Committee

Report from the Director – Environment, Transport and Planning

Taxi Licensing – Unmet Demand Survey and Hackney Carriage Vehicle Allocation

Summary

1. This report invites Members to instruct officers on the council's approach to the hackney carriage 'unmet demand survey'.

Recommendations

2. Given there are three Hackney Carriage Vehicle (HCV) licences still available, and the Best Practice Guidance now recommends that 'unmet demand surveys' are conducted at least every five years, officers recommend Members choose option two in this report.

Reason: To enable officers to issue all the outstanding hackney carriage vehicle licences and ensure that the full impact of these additional licences is observed when undertaking the next unmet demand survey.

Background

Legal Requirements and Department for Transport Best Practice Guidance

3. Provisions within Section 16 of the Transport Act 1985 allow local authorities to set quantity restrictions on the number of licences issued in relation to hackney carriage vehicles (taxis), but only if it is satisfied that there is no significant unmet demand for taxi services in its area.

4. Department for Transport (DfT) Best Practice Guidance, initially issued in March 2010, and further updated in Updated 17 November 2023, advises that local licensing authorities do not impose quantity restrictions; and they regard this as best practice. The Guidance recommends that where restrictions are in place, authorities regularly reconsider this matter. The Guidance asks local licensing authorities to consider the benefits or disadvantages to the travelling public (users of taxis) from having quantity restrictions in place; and what the benefits or disadvantages would result for the public if the quantity restrictions were removed.
5. The 2010 Best Practice Guidance recommended that where quantity restrictions are in place, an 'unmet demand survey' is conducted at least every three years. As the Council's existing Taxi Licensing policy is based on this, it also states that the Council will conduct an unmet demand survey every three years. However, the 2023 update to the Guidance recommended extending the time period to every five years.
6. The Council last completed an unmet demand survey in February 2022. The survey included analysis of the availability of taxis at the ranks, including demand and supply to disabled customers, as well as consultation with key stakeholders including user groups and the trade.

Current Hackney Carriage Vehicle Licence Allocation

7. The Council's current restrictions are 190 licensed hackney carriage vehicles, of which 55 are wheelchair accessible (by condition of licence). As noted in this report, three licences (for black, electric wheelchair accessible vehicles) are unallocated but in the process of being issued.

Options

8. Members are invited to consider the following options:
9. Option 1: Continue the current position – as stated in the existing taxi licensing policy - and undertake the unmet demand survey in February 2025.

10. Option 2: Finalise and issue the three outstanding hackney carriage vehicle licences before undertaking the unmet demand survey.
11. Option 3: Undertake the unmet demand survey in February 2027 in accordance with the Best Practice Guidance.

Consultation

12. No consultation has been undertaken at this stage. Public consultation with key stakeholders including taxi users and the trade is part of the unmet demand survey.

Analysis

13. Option one will meet the council's current policy. However, if this option is taken, and any of the three hackney carriage licences remain unallocated, the survey may not be truly indicative of the intended market position.
14. Option two enables officers to complete the allocation of the three outstanding licences, before progressing with the survey. Officers will aim to conduct the survey within six months of the last vehicle licence being issued (subject to the availability of the specialist contractors who undertake the survey). This option may not meet the council's current policy requirement to survey unmet demand by February 2025. However, it will enable Members to consider the impact of the additional licences before determining i) whether or not to continue to restrict the number of Hackney Carriage Vehicle licences, and/or ii) the number and type of vehicle they should be issued to.
15. Option 3 will ensure that the survey is conducted in accordance within the maximum period recommended in the updated Best Practice Guidance. This option may also not meet the council's current policy requirement, however members may decide to deviate from its own policy if appropriate or reasonable to do so.

Council Plan

16. The decision taken contribute towards the Council Plan priorities to provide 'a fair, thriving and green economy for all' and 'sustainable accessible transport for all'.

Implications

17. The implications arising from the report are as follows:
 - **Financial** – There are no direct financial implications to the council.
 - **Human Resources (HR)** – There are no HR implications.
 - **Equalities** – It is recognised that licensed taxis and private hire vehicles are a particularly important method of transport for people with disabilities and other vulnerable passengers including school children because of the door-door service they provide. An equalities impact assessment accompanies this report at Appendix 1.
 - **Legal** - There are two potential avenues of legal challenge. Any decision made by Members may be subject to challenge by way of judicial review. Applicants could appeal against the refusal of a licence to the Courts.

Section 16 of the Transport Act 1985 gives local authorities the power to limit the number of hackney carriage licences provided that the local authority is satisfied that there is no significant demand for taxis which is unmet in its area. Because of its policy of limiting numbers, from time to time the Council must commission an independent study to establish whether there is any significant unmet demand for the service of hackney carriages.

The Council may, exceptionally, decide to deviate from its own policy if appropriate or reasonable to do so.

- **Crime and Disorder** – There are no direct crime and disorder implications arising from the report.
- **Information Technology (IT)** – There are no IT implications.

- **Property** – There are no property implications.

Other – There are no other implications.

Risk Management

18. The report sets out proposals to undertake the next unmet demand survey, the current policy states that a survey should be undertaken every three years, existing Best Practice Guidance recommends at least every five years. The report asks members to instruct officers of its approach to the survey and as such there is little risk of successful legal challenge.

Contact Details.

Author:

David Cowley
Taxi Licensing Manager
Ext 2422

Chief Officer Responsible for the report:

James Gilchrist
Director Environment, Transport & Planning

**Report
Approved**



Date 22.8.24

Wards Affected: All.

Background Papers

Licensing & Regulatory Committee Report and printed minutes (7th June 2022)

<https://democracy.york.gov.uk/ieListDocuments.aspx?CId=606&MId=13445&Ver=4>

Annexes

Annex 1 – Equalities Impact Assessment

City of York Council
Equalities Impact Assessment

Who is submitting the proposal?

Directorate:	Environment, Transport and Planning		
Service Area:	Public Protection (Licensing)		
Name of the proposal :	Unmet Demand Survey		
Lead officer:	David Cowley		
Date assessment completed:	12 August 2024		
Names of those who contributed to the assessment :			
Name	Job title	Organisation	Area of expertise
Iain MacDonald	Proprietor	LVSA (Licensed Vehicle Surveys and Assessment)	Consultation – including taxi users

David Smith	Access Officer	City of York Council	Accessibility and Disability Groups Consultation
-------------	----------------	----------------------	--

Step 1 – Aims and intended outcomes

1.1	What is the purpose of the proposal? Please explain your proposal in Plain English avoiding acronyms and jargon.
	<i>The proposal to issue the three outstanding Hackney Carriage licences prior to undertaking a survey will ensure that the forthcoming unmet demand survey (used to control the appropriate number of taxis where demand matches supply) can be undertaken in the market conditions that the current policy is intended to create. The survey will also include public consultation.</i>

1.2	Are there any external considerations? (Legislation/government directive/codes of practice etc.)
	<p><i>Under Section 16 of the Transport Act 1985, Local Authorities may set quantity restrictions on the number of hackney carriage licences they issue, but only if it is satisfied that there is no significant 'unmet demand' in its area. City of York Council, like many others in the surrounding region, currently restricts the number of hackney carriage vehicle licences it issues. At the current time, the council has provision for 190 licences of which 55 have to be 'wheelchair accessible' by condition of licence, this includes the three electric/plug in electric hybrid vehicles that are available.</i></p> <p><i>Please note, there is currently no provision in law to restrict the number of private hire vehicle licences issued or the ability to specify that they are wheelchair accessible. There are currently 443 licensed private hire vehicle, 49 (11%) of which are wheelchair accessible.</i></p>

1.3**Who are the stakeholders and what are their interests?**

Taxi passengers – residents and visitors to York including passengers with a disability who often rely on the ‘door to door’ service for everyday transportation that taxis provide. Residents and visitors also rely on taxis for leisure purposes, to get to hospital/medical appointments and to take people to/from work and school amongst other things. Passengers with a disability expressed particular concern in the last unmet demand consultation about i) the availability of suitable taxis and ii) the drivers’ understanding of their needs. Such concerns continue to be raised by public speakers at Licensing and Regulatory Committee meetings.

Businesses – rely on taxis to transport their staff and customers

Taxi drivers – Hackney carriage and private hire. Some are owners of the vehicles, some rent them from vehicle owners and there are other arrangements. There was a reduction in the number of drivers following the covid pandemic, however a recent recruitment campaign is seeing increasing numbers of people apply for licences again. Twenty drivers have passed the Knowledge and Safeguarding test – the pre-cursor to the application – in the two months prior to writing.

People on the waiting list for a hackney carriage licence. These are predominantly, but not all, existing taxi drivers. Feedback from those who have been offered (and declined) the available licences is that the ‘upfront cost’, and ‘reliability’ were the principal reasons for them failing to take up the offer of a licence. There are however three people currently actively seeking a vehicle and a further waiting list of five people.

Private Hire operators – those who operate private hire companies and arrange pre-booked journeys for their customers. There is likely to be increased competition if the number of hackney carriage licences on the road is increased particularly if it is to cleaner, greener and more accessible vehicles.

Other vulnerable members of the public – poor air quality is associated with a number of adverse health conditions which disproportionately affects some of the most vulnerable members of society, particularly those with chronic breathing difficulty. Vehicle emissions are a major source of air pollution (particularly NO₂).

While air quality in the city is generally improving and is within legal targets in most places, there are still areas in the Air Quality Management Area (around the Inner Ring Road) in breach. The taxi drivers themselves are some of those most exposed to poor air quality.

Step 2 – Gathering the information and feedback

2.1	<p>What sources of data, evidence and consultation feedback do we have to help us understand the impact of the proposal on equality rights and human rights?</p> <p>Please consider a range of sources, including: consultation exercises, surveys, feedback from staff, stakeholders, participants, research reports, the views of equality groups, as well your own experience of working in this area etc.</p>
Source of data/supporting evidence	Reason for using
<i>Unmet demand survey, for City of York Council, February 2022 (LVSA)</i>	<i>This survey, conducted by LVSA on the City of York Council’s behalf - included consultation with taxi users and in particular passengers with a disability. The survey also profiled respondents in terms of gender, age and ethnicity.</i>
<i>Draft Air Quality Status Report 2023 and monitoring review</i>	<i>Report on air quality around the City of York, including the air quality management area (around the inner ring road).</i>
<i>‘FS13- Future of Transport – Equalities and Access to opportunity, rapid evidence review’ for the Department of Transport by Mott MacDonald Ltd, 28 September 2020</i>	<i>A ‘rapid review’ of reports and literature to provide ‘insight into the risks and opportunity that future transport technologies and services could prevent for different sections of society... to inform the Future of Transport Regulatory Review’</i>

Step 3 – Gaps in data and knowledge

3.1	What are the main gaps in information and understanding of the impact of your proposal? Please indicate how any gaps will be dealt with.		
Gaps in data or knowledge		Action to deal with this	
<i>The unmet demand survey was a snapshot of views in time.</i>		<i>On-line research, including the 'FS13 report,' has been undertaken to help identify any impacts which were not identified in the consultation</i>	

Step 4 – Analysing the impacts or effects.

4.1	Please consider what the evidence tells you about the likely impact (positive or negative) on people sharing a protected characteristic, i.e. how significant could the impacts be if we did not make any adjustments? Remember the duty is also positive – so please identify where the proposal offers opportunities to promote equality and/or foster good relations.		
Equality Groups and Human Rights.	Key Findings/Impacts	Positive (+) Negative (-) Neutral (0)	High (H) Medium (M) Low (L)
Age	<i>Public transport, including taxis, play a crucial role in helping people to stay connected and maintain independence when they are unable to drive, and are therefore of particular significance to what the FS13 report identifies as 'older people' (over 65) and younger people (16-24).</i>	<i>Positive</i>	<i>High</i>

	<p><i>The report also identifies that ‘older people’ are more likely to have a disability or longer term health problem which sees this group facing many of the similar needs of people with a disability – see below. It also highlights that those in rural areas, which often have a higher proportions of older people, are often dependant on car journeys to travel when they want/need to. Furthermore, that aging is linked with a reduction in personal car use (and people being more reliant on taxis and ‘lifts’).</i></p> <p><i>The FS13 report identifies that although there are more younger people learning to drive, vehicle ownership tends to be lower in this group. This group relies on all forms of public transport, including taxis, for access education, training, employment as well as recreation. Children generally lack the ability to travel independently due to their age, and some rely on taxis to get to school/nursery. For them, the availability of public transport is also highlighted in the F13 report as important for extracurricular activities if parents do not have a car. The impact of pollutants from cars may also have a disproportionate impact on children because of their height, and those in pushchairs are even closer to emission sources.</i></p> <p><i>Identifying demand to control the number of hackney carriages may benefit older and younger people in particular.</i></p>		
Disability	<i>As noted, taxis are a particularly important method of transport for disabled passengers because of the door to door nature of the service. Just over one fifth of respondents</i>	<i>Neutral</i>	<i>High</i>

(21.8%) in the last unmet demand survey said that they or someone they travelled with had a mobility/visual impairment or travelled in a wheelchair. Furthermore, just under half of these respondents (48.1%) said that that this had caused difficulty when travelling. In order of decreasing popularity, the difficulties related to the following circumstances:

- Lack of availability of wheelchair accessible vehicle*
- Cannot see if vehicle has arrived (visually impaired)*
- Vehicle cannot fit wheeled walker*
- Taxis cannot access all destinations, so need to walk further to reach the destination.*

The solutions were identified as a mix of more accessible taxis and improved driver awareness.

Properly identifying demand in order to control the number of hackney carriages (including accessible vehicles) will help in relation to the former, the latter being addressed through compulsory driver refresher training. Whilst delaying an unmet demand survey may mean under supply in the short term, an over supply may decrease the number of accessible taxis in the long term (if it is not sustainable to trade). The purpose of controlling the number of hackney carriages is to ensure demand meets supply. With three licences outstanding, the current situation does not reflect the intended market conditions.

Gender	<p><i>Taxis provide a safe method of transport for males and females alike. However, the FS13 report identifies that ‘as women are more likely than men to live on low incomes, work part-time and undertake paid work in the home and in the community, such as being carers for dependent relatives, poor quality unreliable and expensive transport has a far bigger impact on the lives of women’. The report also identified that women may not have access to a car during the day as they ‘either cannot afford one or the family car is being used by a partner’.</i></p> <p><i>The F13 report also identifies that women make greater use of taxis than men, increasing with age, where women over 70+ make double the amount of trips than men (14 trips per person per year compared to 7 trips per person per year).</i></p> <p><i>Identifying demand to control the number of hackney carriages is particularly important for female passengers who may otherwise use less safe methods such as walking alone late at night or using unlicensed vehicles.</i></p>	Positive	High
Gender Reassignment	<p><i>The FS13 report highlights how discrimination is part of daily life for trans people and generates ‘behaviours of avoidance’, particularly to using public transport. This can potentially reduce this group’s pool of wider employment, educational, health and recreational opportunities. Identifying demand to control the number of hackney carriages appropriately may improve confidence in travelling safely.</i></p>	Positive	High
Marriage and civil partnership	<p><i>There may not be a readily identifiable specific benefit to groups with this protected characteristic, but identifying</i></p>	Neutral	Low

	<i>demand for licensed taxis should make transportation safer for all.</i>		
Pregnancy and maternity	<p><i>Taxis are a common form of transport used to attend appointments relating to childbirth. Furthermore. the FS13 report identifies how public transport plays a vital role in supporting social inclusion for many parents with young children. Taxis can be a preferred choice of travel for parents of children under three because of the ability to use a car seat. Exposure to poor air quality is also reported to have the potential to impact foetal development, and the impact on children in pushchairs has been identified above.</i></p> <p><i>Identifying demand in order to appropriately control the number and type of hackney carriages licensed e.g cleaner and low emission may benefit this group.</i></p>	<i>Positive</i>	<i>High</i>
Race	<i>The FS13 report identifies that ‘people from a BAME background are less likely to have access to a private vehicle, be more reliant on public transport to access employment, and live in densely populated urban areas – increasing their exposure to air pollution’. Furthermore, ‘for many people from a BAME background having regular, affordable, clean and efficient transport is essential’. Fear of safety, from racially motivated attacks, is also reported to be a barrier to using public transport networks. Identifying demand may assist.</i>	<i>Positive</i>	<i>High</i>
Religion and belief	<i>The FS13 report identifies that certain groups of people, particularly Muslims, face an increasing risk of being victims of religious hate crime. For people who have a marked religious identity through clothing there is a heightened risk</i>	<i>Positive</i>	<i>High</i>

	<i>for harassment or discrimination. It is reported that this is particularly true for women who are already more vulnerable regardless of the way they dress. Taxis also transport some children to attend particular schools which accord to their religion or belief. Identifying demand may assist in this regard.</i>		
Sexual orientation	<i>The FS13 report identifies that as with religious and faith protected groups, safety and security (and perceptions of them) are key for lesbian, gay and bisexual people and may influence how they choose/prefer to travel. It also says that a 2018 LGBT survey pointed to public transport as the most common place where respondents avoided being open about their sexual orientation and that it may even be avoided altogether. Identifying demand may assist here.</i>	<i>Positive</i>	<i>High</i>
Other Socio-economic groups including :	Could other socio-economic groups be affected e.g. carers, ex-offenders, low incomes?		
Carer	<i>How those caring for others with protected characteristics may be affected by this proposal are dealt with above. Properly identifying demand including for accessible and easily recognisable hackney carriages is likely to assist carers.</i>	<i>Positive</i>	<i>High</i>
Low income groups	<i>There is no proposed changes to fares for those using the newly licensed taxis.</i>	<i>Neutral</i>	<i>Medium</i>
Veterans, Armed Forces Community	<i>As noted, reducing unmet demand with more licensed taxis will make transportation safer for all although there may not be a particular benefit to this specific group.</i>	<i>Neutral</i>	<i>Low</i>
Other	<i>The proposal that the new hackney carriage licences be issued to fully electric/plug in electric hybrid vehicles is likely</i>	<i>Positive</i>	<i>High</i>

	<i>to improve the local air quality impact from more vehicles on the road. Whilst the Air Quality Status report identifies that air quality is generally improving (excluding the results of 2020 which was an atypical year) there are still a limited number of areas around the inner ring road where levels breach air quality targets. Poor air quality has a detrimental health impact on vulnerable people including those with chronic breathing difficulties like asthma amongst other conditions.</i>		
Impact on human rights:			
List any human rights impacted.	<i>No negative impacts on human rights have been identified.</i>		

Use the following guidance to inform your responses:

Indicate:

- Where you think that the proposal could have a POSITIVE impact on any of the equality groups like promoting equality and equal opportunities or improving relations within equality groups
- Where you think that the proposal could have a NEGATIVE impact on any of the equality groups, i.e. it could disadvantage them
- Where you think that this proposal has a NEUTRAL effect on any of the equality groups listed below i.e. it has no effect currently on equality groups.

It is important to remember that a proposal may be highly relevant to one aspect of equality and not relevant to another.

<p>High impact (The proposal or process is very equality relevant)</p>	<p>There is significant potential for or evidence of adverse impact The proposal is institution wide or public facing The proposal has consequences for or affects significant numbers of people The proposal has the potential to make a significant contribution to promoting equality and the exercise of human rights.</p>
<p>Medium impact (The proposal or process is somewhat equality relevant)</p>	<p>There is some evidence to suggest potential for or evidence of adverse impact The proposal is institution wide or across services, but mainly internal The proposal has consequences for or affects some people The proposal has the potential to make a contribution to promoting equality and the exercise of human rights</p>
<p>Low impact (The proposal or process might be equality relevant)</p>	<p>There is little evidence to suggest that the proposal could result in adverse impact The proposal operates in a limited way The proposal has consequences for or affects few people The proposal may have the potential to contribute to promoting equality and the exercise of human rights</p>

Step 5 - Mitigating adverse impacts and maximising positive impacts

5.1	<p>Based on your findings, explain ways you plan to mitigate any unlawful prohibited conduct or unwanted adverse impact. Where positive impacts have been identified, what is been done to optimise opportunities to advance equality or foster good relations?</p>
<p><i>As noted above, only positive impacts have been identified in this assessment. In addition to providing safer methods of transport for all, properly assessing demand to ensure there is not over or under supply is aimed at ensuring the availability of suitable vehicles to passengers with protected characteristics, it will help improve local air quality (or at least not add to existing pollution levels). This is also consistent with the Council plan priorities for</i></p> <ul style="list-style-type: none"> - <i>A fair, thriving, green economy for all</i> - <i>Sustainable accessible transport for all</i> 	

Step 6 – Recommendations and conclusions of the assessment

6.1	<p>Having considered the potential or actual impacts you should be in a position to make an informed judgement on what should be done. In all cases, document your reasoning that justifies your decision. There are four main options you can take:</p>
<ul style="list-style-type: none"> - No major change to the proposal – the EIA demonstrates the proposal is robust. There is no potential for unlawful discrimination or adverse impact and you have taken all opportunities to advance equality and foster good relations, subject to continuing monitor and review. 	

- **Adjust the proposal** – the EIA identifies potential problems or missed opportunities. This involves taking steps to remove any barriers, to better advance quality or to foster good relations.
- **Continue with the proposal** (despite the potential for adverse impact) – you should clearly set out the justifications for doing this and how you believe the decision is compatible with our obligations under the duty
- **Stop and remove the proposal** – if there are adverse effects that are not justified and cannot be mitigated, you should consider stopping the proposal altogether. If a proposal leads to unlawful discrimination it should be removed or changed.

Important: If there are any adverse impacts you cannot mitigate, please provide a compelling reason in the justification column.

Option selected	Conclusions/justification
No major change to the proposal	<i>As noted throughout, the recommendation to review the number of hackney carriage licences when all the outstanding licenses have been issued will have a positive impact on equality with no negative impacts having been identified.</i>

Step 7 – Summary of agreed actions resulting from the assessment

7.1 What action, by whom, will be undertaken as a result of the impact assessment.			
Impact/issue	Action to be taken	Person responsible	Timescale
<i>N/a</i>			

Step 8 - Monitor, review and improve

8. 1	How will the impact of your proposal be monitored and improved upon going forward? Consider how will you identify the impact of activities on protected characteristics and other marginalised groups going forward? How will any learning and enhancements be capitalised on and embedded?
	<i>The proposal is to consider unmet demand under the intended market conditions in due course.</i>



Licensing & Regulatory Committee

2 September 2024

Report from the Director – Environment, Transport and Planning

Enforcement Action Update report

Summary

1. This report is to inform Members of the enforcement activity undertaken by the Licensing Enforcement Officers in 2023-24. There are no recommendations as there is no decision to be taken.

Background

2. The Council's Licensing Enforcement Officers sit within the Public Protection service and undertake a range of activities to ensure compliance with licences granted to traders under various Acts and Regulations. However, the officers' time is predominantly spent regulating the taxi trade, and ensuring premises licensed for alcohol and other age restricted products (such as vapes) are meeting their obligations.
3. The enforcement activity consists of proactive and reactive activity. Proactive work – aimed at ensuring businesses get things right - include advice to businesses and routine inspections in accordance with the risk of a breach. There is also a significant amount of reactive work such as following up complaints and other information/intelligence about problems which have arisen. This also includes arranging 'test purchasing' to help identify illegal activity.
4. All enforcement action is undertaken in accordance with the 'Public Protection, Housing and Community Safety Enforcement Policy'. This ensures we are compliant with the Regulators' Code amongst other things. NB. A new enforcement policy – covering all the council's enforcement activity – is being considered by the Executive on 12 September 2024. Over the past year, the Public Protection Management team, including the Taxi licensing Manager have made a significant contribution to the new draft policy which will be considered by Executive members.
5. A summary of the enforcement activity is as follows:-

Taxis

6. The proactive activity by Licensing Enforcement Officers included conducting routine checks on 187 taxis at the roadside. These predominantly occur at the weekend (into the early hours of the morning), and involve officers checking that the taxi drivers are licensed and some basic vehicle checks on tyres, lights, wipers and signage. As a result of joint enforcement powers with the West Yorkshire taxi licensing authorities, it also includes drivers and vehicles licensed by them. There have been no instances of unlicensed drivers.
7. Working with North Yorkshire Police, the Driving & Vehicle Standards Authority (DVSA) and other partners – including enforcement officers from City of Wolverhampton Council from time to time – officers also undertake more detailed checks on taxis. These checks involve the vehicles attending Hazel Court for a thorough examination of their condition (including items such as brakes, suspension, steering) by DVSA officers. In total, there were 13 vehicles suspended, and 79 drivers were issued with advice/rectification notices as a result of this more detailed checking.
8. It is important to stress that this report only covers work by Licensing Enforcement Officers. All City of York licensed taxis are of course checked annually by City of York Council's mechanics. Furthermore, hackney carriages over one year of age and private hire vehicles over three years old are also required to supply an MOT certificate to Licensing Officers to help satisfy that all vehicles remain safe. In 2023-24, the Licensing team also introduced checks to ensure that vehicles have not previously been insurance write-offs.
9. In 2023-24 there were 182 complaints and other information under the category of 'taxis'. Please note, that this is a total of all complaints received whether or not they were 'accepted complaints' (i.e more likely than not to be substantiated). Most complaints are however 'accepted' or referred to the drivers local licensing authority to deal with. The reactive work resulted in 13 revocations of driver licences, and there were a further 18 such licences suspended (mainly for failing to complete administrative requirements such as medical checks). Details of the revocations are included in the more detailed summary of enforcement activity in Appendix 1.
10. Officers have also conducted covert 'test purchasing' of private hire journeys without a prior booking i.e plying for hire. Two vehicles agreed

to take officers on a journey from York Racecourse 'there and then' into the city centre for cash. The two drivers were successfully prosecuted, again there are more details of the results of the convictions in the summary in Appendix 1.

11. In 2022-23 Licensing Enforcement Officers also obtained powers to issue penalty notices for vehicles parking on taxi ranks. Officers do not routinely patrol for such offences, however whilst working on other things, officers have issued 13 tickets to vehicles illegally parked on ranks. Officers also advise motorists seen idling to switch off their engines. It is an offence to fail to continue idling if asked to stop. There have been no offences for continued idling. Finally, Licensing Enforcement Officers have issued fixed penalty tickets to taxi drivers smoking in their vehicles as part of the legislation prohibiting smoking in public places.

Alcohol (tobacco and vaping)

12. Licensing Enforcement Officers were part of the high visibility enforcement presence (organised by York BID) during the Ebor Race festival to help deter the anti-social behaviour in the city centre. Working with the Police, BID Rangers and the Council's Neighbourhood Enforcement Officers, the team conducted routine inspections on licensed premises to help ensure compliance with conditions relating to the supply of alcohol. NB Similar activity took place this year.
13. Licensing Enforcement Officers also organised a series of 'test purchases' using volunteers under the age of 18 to attempt to purchase alcohol, and because of the concerns about youth vaping, e-cigarettes. In total, eight premises were visited, resulting in one sale of a vape to a 14 year old (from a pedlar, not a licensed premises). The subsequent prosecution was however unsuccessful.
14. Licensing Enforcement Officers are planning to include spray paints in this year's activity due to complaints about vandalism and graffiti in some areas. We typically receive very few complaints about illegal sales of spray paints, so historically the focus has been on other age restricted products (alcohol, tobacco, vapes and knives). It is however illegal to sell spray paint to anybody under 18 and including it in this year's programme will enable officers to see if it is an issue that has emerged.
15. Licensing Enforcement Officers have assisted Trading Standards Officers on a visit in which resulted in 174 packets of alleged cheap illegal cigarettes, 58 pouches of illicit hand rolling tobacco and 147 illegal/oversized vapes being seized. Officers used a detection (sniffer)

dog, supplied by funding from National Trading Standards to undertake this work. This will be the subject of a premises licence review on 5th September. Furthermore, Licensing Enforcement have assisted Trading Standards to seize 1100 illegal vapes from a further three premises in the city.

Other activity

16. In addition to the above, other work includes checking street traders are compliant with their street trading consent, and that others trading in the city are doing so legally, for example they have a pedlar's certificate enabling them to do so. Checks on those buying and selling tickets at York Racecourse last year, identified that they held pedlars' certificates enabling them to do so legally.
17. Finally, one of the Licensing Enforcement Officers has carried out the majority of the animal licensing inspections at breeders, kennels and catteries whilst Licensing Officers have been obtaining the necessary qualification. This is a growing area of work for the licensing team.

Consultation

18. As this is an update report there has been no consultation in relation to it.

Analysis

19. As this is an update report there is no analysis of recommendations.

Council Plan

20. The updates support the Council Plan priorities for:
 - A fair, thriving, green economy for all
 - Sustainable accessible transport for all

Implications

21. The implications arising directly from this report are:

- **Financial** – There are no direct financial implications.
- **Human Resources (HR)** – There are no HR implications.
- **Equalities** – There are no equalities considerations in respect of the matters in this report.
- **Legal** – As noted above, all formal enforcement action is undertaken in accordance with the Public Protection, Housing and Community Safety enforcement policy.
- **Crime and Disorder** – The report identifies action taken in respect of criminal activity.
- **Information Technology (IT)** – There are no IT implications.
- **Property** – There are no property implications.
- **Other** – There are no other implications.

Risk Management

14. There are no known risks involved with this update report.

Contact Details.

Author:
David Cowley
Taxi Licensing Manager
Ext 2422

Chief Officer Responsible for the report:
James Gilchrist
Director Environment, Transport & Planning

**Report
Approved**



Date 22.8.24

Wards Affected: All.

Background Papers

City of York Council Public Protection, Housing and Community Safety
Enforcement Policy

<https://www.york.gov.uk/EnforcementPolicy>

Appendix 1

Detailed enforcement action

Forward Plan

Licensing and Regulatory Committee

Date	Report
8 October 2024	Taxi Licensing policy
4 November 2024	Pavement Café licensing policy Gambling Act policy
4 February 2025	Licensing Act policy Street Trading Consent policy - provisional

This page is intentionally left blank