



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

- To:** Councillors Melly (Chair), Cuthbertson (Vice-Chair)  
Clarke, Hook, Kent, Kilbane, Knight, Mason, Nicholls,  
Ravilious, Rose, Smalley, Warters, Wells and  
Widdowson
- Date:** Wednesday, 11 October 2023
- Time:** 5.30 pm
- Venue:** The Snow Room - Ground Floor, West Offices (G035)

**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 - 6)

To approve and sign the minutes of the meeting held on 8 August 2023.

### **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 Monday 9 October 2023.**

To register to speak please visit [www.york.gov.uk/AttendCouncilMeetings](http://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](http://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](http://www.york.gov.uk/COVIDDemocracy)) for more information on meetings and decisions.

### **4. Taxi Licensing Report on Delegated Decisions (Pages 7 - 14)**

This report provides statistical information regarding decisions delegated to officers in the taxi licensing team under the Council's constitution from 1st January 2022 to 1st September 2023.

### **5. Taxi Licensing - New Hackney Carriage Vehicle Licence Allocation Update (Pages 15 - 38)**

This report updates Members of the current situation in relation to the new Hackney Carriage Vehicle Licence allocations, and invites members to instruct officers on an approach to meet the unmet demand for hackney carriage vehicles.

## 6. Work Plan

(Pages 39 - 40)

Members are asked to consider the Committee's work plan for the 2023/24 municipal year.

## 7. Urgent Business

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

Democracy Officer:

Name: Reece Williams

Contact Details:

- E-mail – [reece.williams@york.gov.uk](mailto:reece.williams@york.gov.uk)

**This information can be provided in your own language.**

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 (بولی) میں بھی مہیا کی جاسکتی ہیں۔ (Urdu)

 **(01904) 551550**

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

Contact details are set out above.

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### 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) <b>OR</b> 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) <b>OR</b> 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.

City of York Council

Committee Minutes

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Meeting	Licensing and Regulatory Committee
Date	8 August 2023
Present	Councillors Melly (Chair), Kent, Rose, Wells, Cuthbertson, Hook, Knight, Mason, Smalley, Widdowson and Warters
In attendance	Matthew Boxall, Head of Public Protection Lesley Cooke, Licensing Manager David Cowley, Taxi Licensing Manager Frances Harrison, Head of Legal Services (remotely)
Apologies	Councillors Clarke, Kilbane, Ravilious and Nicholls

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**33. DECLARATIONS OF INTEREST (17:34)**

Members were asked to declare at this point in the meeting any disclosable pecuniary interest or other registerable interest they might have in respect of business on the agenda, if they had not already done so in advance on the Register of Interests. None were declared.

**34. MINUTES (17:35)**

Resolved: That the minutes of the meeting held on 13 June 2023 be approved and then signed by the Chair as a correct record subject to the wording of the phrase 'The applicant did not have a connection with Gladstone Garage as it was a separate legal entity' in section two of the Application for a Private Hire Operators licence - Mohammed Iqbal, trading as York Cars (Private Hire) being updated to reflect what was said at the meeting.

**ELECTION OF VICE CHAIR FOR THE MEETING (17:37)**

Cllr Cuthbertson was appointed as Vice Chair for the meeting.

**35. PUBLIC PARTICIPATION (17:38)**

It was reported that there had been one registration to speak at the meeting under the Council's Public Participation Scheme. Williams Swords had registered to speak on matters within the Committee's remit. He asked for an update on the ten unissued hackney carriage licences and asked what the council's policy was on tinted windows in private hire vehicles. He read out the DfT guidance on tinted windows in private hire vehicles. His comments were noted and the Chair undertook to contact him following the meeting.

**36. LICENSING ACT 2003 & GAMBLING ACT 2005 SUB-COMMITTEE HEARINGS (17:42)**

Members considered a report asking them to determine the format of licensing sub-committee hearings held by the City of York Council (the Council), as the licensing authority, when determining applications made under the Licensing Act 2003 (the 2003 Act) and Gambling Act 2005 (the 2005 Act) that had been opposed. The Council's current practice of holding remote of sub-committee hearings had been queried by some members of the Committee and it was important that Members agreed whether to hold sub-committee hearings remotely or in person in the future.

The Chair introduced the item and the Licensing Manager confirmed that holding the hearings in person or remotely were legal and that in future there may be case law on the matter. She noted that there had never been a Sub Committee Hearing under the Gambling Act 2005 (the 2005 Act) and that prior to the pandemic all hearings had been held in person and the return to in person hearings was now practice for at other councils in the region, including the East Riding of Yorkshire Council. She noted the comments from consultees.

The Licensing Manager detailed the four options available to Members:

Option 1 – Determine that Licensing Act 2003 and Gambling Act 2005 sub-committee hearings will continue to be held remotely.



Option 2 – Determine that Licensing Act 2003 and Gambling Act 2005 sub-committee hearings will be held in person. Stipulating an implementation date for when this change will take effect.

Option 3 – Determine that format of Licensing Act 2003 and Gambling Act 2005 sub-committee hearings will be determined on a case-by-case basis depending on the nature of the application and the number of representations. That the Chair and Vice Chair of this Committee will agree a procedure to aid officers when determining the format of the meeting. Stipulating an implementation date for when this change will take effect.

Option 4 – Determine that format of Licensing Act 2003 and Gambling Act 2005 sub-committee hearings will be held in a hybrid format, with Members and officers attending in person at West Offices and the applicant and representors being given the option to participate in person or remotely. Stipulating an implementation date for when this change will take effect.

In response to Member questions, Licensing Manager explained that:

- Asking the applicant about their preference for a hearing being held in person or remotely could be unfair to representors in not giving them a choice for the format of the hearing.
- The police preferred remote hearings.
- The cost associated with in person hearings would be that a room would be needed.
- Concerning changing the format subject to representor(s) not being able to be online, there were timescales that needed to be adhered to and the council needed to advertise when and where the meeting would be held.

Following debate with a number of suggestions made regarding the format of hearings, Cllr Warters proposed option 2, to determine that Licensing Act 2003 and Gambling Act 2005 sub-committee hearings will be held in person. Stipulating an implementation date for when this change will take effect. This was seconded by Cllr Hook. Following a vote with six in favour, two against and one abstention it was:

Resolved: That, in accordance with option 2 Licensing Act 2003 and Gambling Act 2005 sub-committee hearings will be held in person.

Cllr Mason then proposed that the return to in person hearings would come into effect from 1 September 2003. This was seconded by Cllr Hook and following a unanimous vote it was.

Resolved: That, in accordance with option 2 Licensing Act 2003 and Gambling Act 2005 sub-committee hearings will be held in person with effect from 1 September 2023.

Reason: To make sure sub-committee hearings are held in accordance with the requirements of the Licensing Act 2003 and Gambling Act 2005, and their associated Regulations and Guidance.

**37. MEMBER REQUEST FOR UPDATE UNDER URGENT BUSINESS (18:26)**

A Member asked for an update on Drive private hire vehicles under urgent business. This was declined by the Chair as it did not meet the requirements of Urgent Business under the Local Government Act 1972. A further Member requested that a forward plan be included on future agendas.

Councillor Melly, Chair

[The meeting started at 5.30 pm and finished at 6.26 pm].



## Licensing & Regulatory Committee

11 October 2023

Report from the Director – Environment, Transport and Planning

### Taxi Licensing Report on Delegated Decisions

#### Summary

1. This report provides statistical information regarding decisions delegated to officers in the taxi licensing team under the council's constitution.
2. This report contains information on decisions taken from 1st January 2022 to 1<sup>st</sup> September 2023.

#### Background

3. All officer decisions taken are done so with regard to council policy, conditions and application criteria approved by Licensing Committee and in accordance with the council's Constitution.
4. In England, outside London, Hackney carriage (taxi) and private hire licences are issued by district Councils to control the safe operation of Hackney carriage and private hire vehicles being used for hire and reward on public roads.
5. It is the Council's responsibility help ensure that the correct standards of safety and comfort are satisfied by all licensed drivers, vehicles and operators.
6. The overriding principle is the safety of the travelling public, and we are committed to contributing to a high-quality transport service and continuous development and improvement within the taxi and private hire trade which encompasses quality of service issues.
7. It is recognised that those who are licensed by Taxi Licensing are the biggest providers of transport in the evening and nighttime economy and the safe licensing and monitoring of licensed drivers and vehicles contributes significantly to the safety of the travelling public.

8. The Taxi Licensing team is self-financing (setting fees to administer the function as defined within the controlling legislation), we have responsibility for issuing licences to:
  - Hackney carriage drivers
  - Hackney carriage vehicles,
  - Private hire drivers
  - Private hire operators
  - Private hire vehicles

### **Fit and Proper test**

9. Particular attention is paid to ensuring that all licence holders are 'fit and proper' to hold a licence.
10. All applicants undertake a criminal records disclosure (DBS) to check for the existence and content of any criminal record. Applicants are also checked against the National Refusal and Revocation, Suspension database.
11. Applicants must pass a safeguarding and knowledge test (which includes how to recognise and report the signs of abuse, customer care, equalities, knowledge of the routes around the city and other licensing requirements). Drivers must also pass a driving assessment and have fewer than 7 penalty points.
12. Before granting vehicle licences, on-site examinations are conducted to ensure that the vehicle meets MOT standards and that certain criteria are met, as set out in our current licensing conditions.
13. Further proactive enforcement activity is undertaken by the means of on street inspections, investigations and operator base visits to ensure compliance with legal requirements and licence conditions whilst ensuring the comfort, safety and appearance of vehicles.

### **Licensing Statistics**

14. City of York currently has the following number of licences in place.
  - 240 Hackney carriage drivers
  - 180 Hackney carriage vehicles
  - 457 Private hire drivers
  - 443 Private hire vehicles
  - 48 Private hire operators

## Decisions Taken

15. The application, refusal, suspension and revocation of licence figures for 1<sup>st</sup> January to 31<sup>st</sup> December 2022, and 1<sup>st</sup> January 2023 to the 1<sup>st</sup> September 2023 is set out in the table below

	Applications	Refusals	Suspensions	Revocations
2022	48	4	18	12
2023	39		12	9

16. When considering the above information, it is important to note that there is no direct correlation between the number of suspensions and revocations in any period.

## Refusal and Revocation Decisions

17. The application, refusal, suspension, and revocation of licence figures for 1<sup>st</sup> January 2022 to 31<sup>st</sup> December 2022 and 1<sup>st</sup> January 2023 to 1<sup>st</sup> September 2023 are set out in the table below.

	2022		2023	
	Refusal	Revocation	Refusal	Revocation
Dishonesty	1	1		
Drugs				
Violence		1		
Sexual		2		1
Driving	2	4		5
Plying for hire				
Inappropriate conduct	1	2		3
Medical		2		
No right to work in UK				
Safeguarding				
TOTAL	4	12		9

18. Between 1<sup>st</sup> January – 31<sup>st</sup> December 2022, 4 licence was refused and 12 licences were revoked. Between 1<sup>st</sup> January – 1<sup>st</sup> September 2023, 0 licences were refused, and 9 licences were revoked.

19. In relation to suspensions, 18 drivers were suspended between 1<sup>st</sup> January 2022 to the 31<sup>st</sup> December 2022 and 12 drivers between 1<sup>st</sup> January 2023 to the 1<sup>st</sup> September 2023. The reasons for suspensions are set out in the table below.

<b>Reason for suspension</b>	<b>2022</b>	<b>2023</b>
Fail to comply with conditions	12	2
Inappropriate behaviour		
No right to work in UK		
Medical reason	6	10
DVLA licence expired		
<b>Total</b>	<b>18</b>	<b>12</b>

20. Members will note that the largest category of suspension in 2022 relate to fail to comply with conditions, these specifically relate to failure to complete DBS requirements. Licences were not renewed in majority of these suspensions. The increase in the number of suspensions for medical reasons can be attributed to the expiry of Group II medical reports, the majority of which have been rectified.

### Appeals Received

21. To date, 4 appeals have been received in 2023 in comparison to the 8 appeals received in 2022. The reason for the appeal and outcome is set out below.

<b>2022 Type of Appeal</b>	<b>Volume</b>	<b>Court</b>	<b>Result</b>
Against refusal to grant	0	York MC	
Against revocation	8	York MC & Crown	Upheld x 0
			Dismissed x 4
			Withdrawn x 4
Against conditions	0	York MC	
Against suspension	0	York MC	
<b>Total</b>	<b>8</b>		<b>Dismissed x 4</b>
			<b>Withdrawn x 4</b>
			<b>Upheld x 0</b>

<b>2023 Type of Appeal</b>	<b>Volume</b>	<b>Court</b>	<b>Result</b>
Against refusal to grant	0	York MC	
Against revocation	2	York MC	Upheld x 0
			Dismissed x 0
			Withdrawn x 1
			Ongoing x 1
Against conditions	2	York MC	Ongoing x 2
Against suspension	0	York MC	
<b>Total</b>	<b>4</b>		<b>Dismissed x 0</b>
			<b>Withdrawn x 0</b>
			<b>Upheld x 0</b>
			<b>Ongoing x 4</b>

### **Further Proactive Incentives and Enforcement Activity**

22. The Taxi Licensing team has also secured funding from the North Yorkshire Police and Crime Commission, safer street fund to assist in the reduction of violence against women and girls (VWAG). This funding has been allocated to two separate incentives to assist the trade and public safety.
23. Currently we are funding (free) Knowledge and Safeguarding Training / Tests for anyone wishing to apply to become a licensed driver until the 31<sup>st</sup> December 2023. We are also funding a limited amount free of in-car CCTV systems again until the 31<sup>st</sup> December 2023.
24. Along with the annual inspection of each licensed vehicle, officers also undertake various multi agency operations throughout the year with the North Yorkshire Police, British Transport Police, DVSA, Immigration and other licensing authorities with a view to ensuring that compliance with legal requirements and licence conditions. To date seven operations have been undertaken since 2022.
25. Further proactive enforcement activity is undertaken by the means of on street inspections. In 2022, 307 additional inspections were undertaken

on vehicles that were operating in the City of York area, any non-compliance issues identified were enforced by means of suspension or rectification notices. Any issues with out-of-town vehicles were also reported to the driver/vehicle's primary licensing authority.

26. Currently in 2023, officers have undertaken 241 on street vehicle compliance inspections.

### **Conclusions**

27. Decisions taken by officers are in accordance the council's constitution, council policy, conditions and criteria approved by Licensing Committee and every case has been judged proportionately on its own merits. There have been no successful appeals against officer decisions in the time period referred to in paragraph 2 of this report.

### **Recommendations**

28. That Members note the information in this report.

Reason: To keep the Committee updated on decisions delegated to officers in the Council's taxi licensing team.

### **Consultation**

29. There is no requirement for consultation with this report.

### **Analysis.**

30. 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.

### **Council Plan.**

31. The decisions taken contribute towards the (draft) Council Plan priorities to provide a fair thriving and green economy for all.

### **Implications.**

32. 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. Officers take this into consideration before taking licensing decisions.
- **Legal** – There are no direct legal implications arising from the report.
- **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.**

33. There are no known risks involved with this information report.

**Contact Details.**

<b>Author:</b>	<b>Chief Officer Responsible for the report:</b>		
David Cowley Taxi Licensing Manager Ext 2422	James Gilchrist Director Environment, Transport & Planning		
	<b>Report Approved</b>	✓	<b>Date</b> 02/10/2023

**Wards Affected:** All.

**Background Papers**

Taxi Licensing Policy – <https://www.york.gov.uk/downloads/download/54/taxi-licensing-policy>

**Annexes**

None

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## Licensing & Regulatory Committee

11 October 2023

Report from the Director – Environment, Transport and Planning

### Taxi Licensing - New Hackney Carriage Vehicle Licence allocation update

#### Summary

1. This report updates Members of the current situation in relation to the new Hackney Carriage Vehicle Licence allocations, and invites members to instruct officers on an approach to meet the unmet demand for hackney carriage vehicles.

#### Recommendations

2. Members are asked to instruct officers to progress the issuing of ten new hackney carriage vehicle licences in accordance with Option 2.

**Reason:** To enable officers to make swifter progress in ensuring new vehicles are placed on the roads and meet the unmet demand for hackney carriage vehicles.

#### Background

##### **New Hackney Carriage Vehicle Licence Allocation.**

3. On 7<sup>th</sup> 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) with immediate effect to bring the total number of licensed vehicles up to 190 as recommended within the unmet demand report. 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), except that in

the process another licence had become available and so making *ten* licences available in total. The committee report from the 7<sup>th</sup> June 2022 contains important background information and should be read in conjunction with this report (see link below).

4. The Taxi Licensing policy therefore specifies as follows:

‘New hackney carriage vehicle licences will only be issued to the following type of vehicles:

- Black Fully electric wheelchair accessible vehicles
- Black Plug in electric petrol hybrid wheelchair accessible vehicles\*

\*These vehicles are purpose-built taxis and have CO2 emissions of less than 50g/km and can travel at least 112km (70 miles) without any emissions at all. For the avoidance of doubt, this includes new grants after existing licences are surrendered or otherwise not renewed.’

5. In addition to the London taxi type vehicle (LEVC TXE), there are now a number of vehicles that are on the market which are capable of meeting the above requirements. Examples of vehicles identified by officers as suitable are outlined in Annex 1.
6. The Taxi Licensing team hold a ‘waiting list’ of people wishing to acquire a hackney carriage vehicle licence. The ‘Hackney Carriage waiting list’ currently contains 180 people. This is up from 157 in June 2022.
7. As a result of Members’ approval, the licences were initially offered to the applicants who were at the top of the hackney carriage vehicle waiting list. Although there was some initial interest, it failed to materialise into any new licences being granted. Potential applicants report the initial financial outlay, the limited numbers of vehicles available and concerns with the reliability of the plug-in electric hybrid vehicles already in the fleet as reasons not to take up a licence. It will be recalled that a public speaker has attended the last two Licensing and Regulatory Committee meetings and raised concerns along the same lines.

8. Members are also being invited to instruct officers to set clear time scales to help ensure that the expressions of interest result in new hackney carriage vehicles on the road.

### **Options.**

9. Members are invited to consider the following options:
10. Option 1: Continue the current position and contact in turn each person on the list and ask if they wish to acquire a hackney carriage vehicle licence for a vehicle of the type specified above. The proposed timescale is to confirm interest in acquiring a vehicle within one month of the letter inviting them to confirm their interest being sent, to place an order for a suitable vehicle within two months of the aforementioned letter, and to obtain delivery and licence the vehicle within four months of the letter (unless there is a delay beyond their control, and delivery is in the opinion of licensing officers imminent). Anyone choosing not to take the offer of a licence or otherwise failing to comply with the timescales will be removed from the waiting list and invited to reapply, whereupon they will be put at the bottom of the list.
11. Option 2: Contact everyone on the waiting list simultaneously seeking expressions of interest as to their position if a licence was to be offered, providing details of the type of vehicle specified above, setting out the timetable for application and ask for a response within one month of the letter. Offer the available licences to the ten highest placed persons on the waiting list who respond within the timescale, and confirm they are in a position to submit a vehicle for licensing, according to the requirements. The proposed time frame for those respondents to place an order, obtain delivery and licence the vehicle are the same as detailed in Option 1 above. Anyone who does not express an interest or otherwise fails to comply with the timescales for acquiring a hackney carriage vehicle licence will be removed from the waiting list and invited to reapply, whereupon they will be put at the bottom of the list. Those who express an interest but are unsuccessful because they are not one of the ten highest place respondents will move up the list for future allocations. This will include being offered in due order the licence of any person further up the list who fails to meet the above requirements.

12. Option 3: members instruct officers to take a different way forward.

### **Consultation**

13. Extensive consultation was undertaken in respect of the previous report.

### **Analysis.**

14. Option one will ensure that officers begin to make progress towards putting new hackney carriage vehicles on the road and meet the unmet demand for such vehicles. However, the pace of progress will be slower than Option two. Anyone who remains interested in holding a hackney carriage vehicle licence in future can re-join the list for an application at a later date (when licences are made available).
15. Option two enables officers to make swifter progress in ensuring new hackney carriage vehicles are placed on the roads and meet the unmet demand. Again, anyone who remains interested in holding a licence at a future date can re-join the list for an application at a later date.
16. Analysis on option 3 will depend on Members' instructions.

### **Council Plan.**

17. The decisions taken contribute towards the (draft) Council Plan priorities to provide 'a fair, thriving and green economy for all' and 'sustainable accessible transport for all'.

### **Implications.**

18. 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.

- **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 will be required to commission a further survey to assess demand in 2024.

- **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.**

19. The report sets out proposals to expedite the allocation new Hackney Carriage vehicle licences to meet unmet demand and as such there is little risk of successful legal challenge.

**Contact Details.**

<b>Author:</b>	<b>Chief Officer Responsible for the report:</b>		
David Cowley Taxi Licensing Manager Ext 2422	James Gilchrist Director Environment, Transport & Planning		
	<b>Report Approved</b>	✓	<b>Date</b> 02/10/2023

<b>Wards Affected:</b> All.
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**Background Papers**

**Licensing & Regulatory Committee Report and printed minutes (7<sup>th</sup> June 2022)**

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

**Annexes**

Annex 1 - Examples of vehicles identified by officers as suitable

Annex 2 – Equality Impact Assessment



## Annex 1 **Examples of Wheelchair Vehicles**

- **Citroen e-Berlingo**  
50 kWh, full electric vehicle.  
Range 130 miles  
RRP, £31,500
- **Citroen e-Spacetourer**  
50 kWh, full electric vehicle.  
Range 134 miles  
RRP £37,045 to £50,000 depending on variant.
- **Nissan e-NV200 Combi (5 seater)**  
40 kWh, full electric vehicle.  
Range 124 miles  
RRP, £49,000.
- **Peugeot e-Rifter**  
50 kWh, full electric vehicle.  
Range 172 miles  
RRP, £31,000.
- **Vauxhall Vivaro-e Life**  
50 kWh, full electric vehicle.  
Range 141 miles  
RRP, £32,500.
- **Mercedes EQV**  
90 kWh, full electric vehicle.  
Range 211 miles  
RRP, £80,000.

- **LEVC TX**

full-electric hybrid drivetrain (range extender)

Range 78 miles (333 total with range extender)

RRP, £63.000

**City of York Council  
Equalities Impact Assessment**

**Who is submitting the proposal?**

<b>Directorate:</b>	Place		
<b>Service Area:</b>	Public Protection (Licensing)		
<b>Name of the proposal :</b>	New Hackney Carriage Licences		
<b>Lead officer:</b>	David Cowley		
<b>Date assessment completed:</b>	29/09/2023		
<b>Names of those who contributed to the assessment :</b>			
<b>Name</b>	<b>Job title</b>	<b>Organisation</b>	<b>Area of expertise</b>
Iain MacDonald	Proprietor	LVSA (Licensed Vehicle Surveys and Assessment)	Consultation – including taxi users  (Unmet demand survey 2021)

## Step 1 – Aims and intended outcomes

<p><b>1.1</b></p>	<p><b>What is the purpose of the proposal?</b> Please explain your proposal in Plain English avoiding acronyms and jargon.</p>
	<p><i>The proposal is to help speed up the process of issuing ten new hackney carriage vehicle licences to help meet unmet demand for hackney carriage vehicles. The vehicles they are to be issued to are black, wheelchair accessible fully electric or plug in electric hybrid vehicles to benefit users with a disability, as well as providing a more readily identifiable and environmentally friendly hackney carriage fleet to those with other protected characteristics.</i></p>
<p><b>1.2</b></p>	<p><b>Are there any external considerations?</b> (Legislation/government directive/codes of practice etc.)</p>
	<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, with 180 in Some 55 of the city’s hackney carriages have to be wheelchair accessible by condition of licence, this includes the ten 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	<p><b>Who are the stakeholders and what are their interests?</b></p> <p><i>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 have expressed particular concern in the unmet demand consultation about i) the availability of suitable taxis and ii) the drivers’ understanding of their needs.</i></p> <p><i>Businesses – rely on taxis to transport their staff and customers</i></p> <p><i>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 has been a reduction in the number of drivers following the covid pandemic, although a recent recruitment campaign is seeing increasing numbers of people apply for licences. Twenty drivers have passed the Knowledge and Safeguarding test – the pre-cursor to the application – in the two months prior to writing.</i></p> <p><i>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 a vehicles is that the upfront cost, and concerns about reliability of the vehicles based on the experience of other drivers in York in relation to some of the vehicles are the principle reasons for them failing to take up the offer.</i></p> <p><i>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.</i></p> <p><i>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 NO<sub>2</sub>). While air quality in the city is generally improving and is within legal targets in most places, there are still</i></p>
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*three 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><b>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?</b></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>
<b>Source of data/supporting evidence</b>	<b>Reason for using</b>
<i>Unmet demand survey, for City of York Council, February 2022 (LVSA)</i>	<i>This survey 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

<b>3.1</b>	<b>What are the main gaps in information and understanding of the impact of your proposal? Please indicate how any gaps will be dealt with.</b>
<b>Gaps in data or knowledge</b>	<b>Action to deal with this</b>
<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.

<b>4.1</b>	<b>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.</b>		
<b>Equality Groups and Human Rights.</b>	<b>Key Findings/Impacts</b>	<b>Positive (+) Negative (-) Neutral (0)</b>	<b>High (H) Medium (M) Low (L)</b>
<b>Age</b>	<p><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></p> <p><i>The report also identifies that 'older people' are more likely to have a disability or longer term health problem which sees</i></p>	<i>Positive</i>	<i>High</i>

	<p><i>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>Reducing unmet demand by increasing the number of hackney carriages which are cleaner and low emission may benefit older and younger people in particular.</i></p>		
<p><b>Disability</b></p>	<p><i>As noted, taxis are a particularly important method of transport for people with a disability because of the door to door nature of the service. Just over one fifth of respondents (21.8%) in the unmet demand survey said that they or</i></p>	<p><i>Positive</i></p>	<p><i>High</i></p>



	<p><i>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:</i></p> <ul style="list-style-type: none"> <li><i>• Lack of availability of wheelchair accessible vehicle</i></li> <li><i>• Cannot see if vehicle has arrived (visually impaired)</i></li> <li><i>• Vehicle cannot fit wheeled walker</i></li> <li><i>• Taxis cannot access all destinations, so need to walk further to reach the destination.</i></li> </ul> <p><i>The solutions were identified as a mix of more accessible taxis and improved driver awareness.</i></p> <p><i>The recommendation to increase the number of wheelchair accessible vehicles is intended to help in relation to the former (the latter being addressed through the compulsory driver refresher training).</i></p>		
<p><b>Gender</b></p>	<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</i></p>	<p><i>Positive</i></p>	<p><i>High</i></p>

	<p><i>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>Reducing unmet demand is particularly important for female passengers who may otherwise use less safe methods such as walking alone late at night or using unlicensed vehicles. Increasing the number of easily recognisable (black) hackney carriages is aimed at having a positive impact in this regard.</i></p>		
<b>Gender Reassignment</b>	<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. Reducing unmet demand with more licensed taxis may improve confidence in travelling safely.</i></p>	<i>Positive</i>	<i>High</i>
<b>Marriage and civil partnership</b>	<p><i>There may not be a readily identifiable specific benefit to this protected characteristic, but reducing unmet demand with more licensed taxis should make transportation safer for all.</i></p>	<i>Neutral</i>	<i>Low</i>
<b>Pregnancy and maternity</b>	<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</i></p>	<i>Positive</i>	<i>High</i>

	<p><i>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>Reducing unmet demand by increasing the number of hackney carriages which are cleaner and low emission may benefit this group.</i></p>		
<b>Race</b>	<p><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. Reducing the unmet demand for taxis by making more hackney carriages available may assist.</i></p>	<i>Positive</i>	<i>High</i>
<b>Religion and belief</b>	<p><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 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. Reducing the unmet demand for taxis by</i></p>	<i>Positive</i>	<i>High</i>

	<i>making more hackney carriages available may assist in this regard.</i>		
<b>Sexual orientation</b>	<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. Reducing the unmet demand for taxis by making more hackney carriages available may assist here.</i>	<i>Positive</i>	<i>High</i>
<b>Other Socio-economic groups including :</b>	<b>Could other socio-economic groups be affected e.g. carers, ex-offenders, low incomes?</b>		
<b>Carer</b>	<i>How those caring for others with protected characteristics may be affected by this proposal are dealt with above. Reducing the unmet demand for taxis by making more accessible and recognisable hackney carriages available is likely to assist carers.</i>	<i>Positive</i>	<i>High</i>
<b>Low income groups</b>	<i>There is no proposed changes to fares for those using the newly licensed taxis.</i>	<i>Neutral</i>	<i>Medium</i>
<b>Veterans, Armed Forces Community</b>	<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>
<b>Other</b>	<i>The proposal that the new hackney carriage licences be issued to fully electric/plug in electric hybrid vehicles is likely 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</i>	<i>Positive</i>	<i>High</i>

	<i>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>		
<b>Impact on human rights:</b>			
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><b>High impact</b> (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><b>Medium impact</b> (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><b>Low impact</b> (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><b>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?</b></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, there are opportunities to improve 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's declaration of a climate emergency and the draft council plan priorities for</i></p> <ul style="list-style-type: none"> <li>- <i>A fair, thriving, green economy for all</i></li> <li>- <i>Sustainable accessible transport for all</i></li> </ul>	

## Step 6 – Recommendations and conclusions of the assessment

6.1	<p><b>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:</b></p>
<ul style="list-style-type: none"> <li>- <b>No major change to the proposal</b> – 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.</li> </ul>	

- **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.

<b>Option selected</b>	<b>Conclusions/justification</b>
No major change to the proposal	<i>As noted throughout, the recommendation to increase the number of hackney carriage licences 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
N/a			

**Step 8 - Monitor, review and improve**

8. 1	<p><b>How will the impact of your proposal be monitored and improved upon going forward?</b> 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?</p>
	<p><i>An unmet demand survey is conducted at least every three years (next due 2024) whereupon the impact of the decision taken by Members can be evaluated. Furthermore, Members of the Committee are asked to review various aspects of the taxi licensing policy from time to time, and which always involves consultation with the public on any changes proposed.</i></p>

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## Work Plan for Licensing & Regulatory Committee 2023-24

<b><u>Meeting Date</u></b>	<b><u>Items</u></b>	<b><u>Notes</u></b>
11 October 2023	<ul style="list-style-type: none"><li>• New hackney carriage vehicle licences</li><li>• Review of delegated decisions</li><li>• Review of Work Plan</li></ul>	David Cowley  David Cowley Matt Boxall
16 January 2024	<ul style="list-style-type: none"><li>• Taxi Licensing policy progress update</li></ul>	David Cowley
12 March 2024	<ul style="list-style-type: none"><li>• Enforcement update</li></ul>	David Cowley

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