

Summary of City of York Council Taxi Licensing Policy Consultation Responses

A summary of the written and email responses to the consultation.

Name	Consultation Reply	Reply
<p>Arfan Asif (Trade Association)</p>	<p>I hope this email finds you well. I am writing to bring to your attention a policy currently implemented by Kirklees Council regarding the management of penalty points for taxi drivers, and to propose its adoption by the City of York.</p> <p>As you may be aware, Kirklees Council allows taxi drivers to accumulate up to 9 penalty points on their driving licence before facing suspension. This policy offers a balanced approach, ensuring that drivers are held accountable for their actions while also acknowledging the challenges and complexities of driving for a living. It provides a reasonable threshold that supports drivers in maintaining their livelihood, without compromising public safety.</p> <p>In the City of York, the current policy appears to be more stringent, which may lead to increased stress and job insecurity for drivers who might otherwise continue to provide safe and reliable service despite minor infractions. By adopting the Kirklees policy, the City of York would be offering a fairer and more supportive environment for taxi drivers, aligning with practices observed in other regions.</p> <p>I believe this change would be beneficial not only for the drivers but also for the wider community, as it would help ensure a stable and consistent taxi service in our city.</p> <p>I kindly request that the City of York Taxi Licensing department review the Kirklees policy and consider its implementation. Your attention to this matter would be greatly appreciated, and I am happy to provide any further information or assistance as needed.</p> <p>Thank you for your time and consideration.</p>	<p>Item to discuss with the working group.</p>

<p>Streamline Private Hire</p>	<p>Thank you for giving members of the public and the trade an opportunity to provide feedback on the newly proposed Taxi Licensing policy.</p> <p>Whilst we have responded to the survey as individuals, there are some points that we would like to raise as a large private hire company in the City of York.</p> <p>The amendments to the policy are generally positive but the points below that we are highlighting are potentially very difficult for us to implement, particularly in regard to servicing the City of York council Home to School transport contract.</p> <p>Streamline Taxis currently provide all home to school taxi transport for CYC. One of the main challenges these days is around finances, we actively work with CYC to keep cost as low as possible, We feel some of the proposals put forward could have a significant impact on those costs,</p> <p>We would like to say that we fully support the initiatives to reduce emissions, and in no way want to suggest that costs are more important than reducing those emissions, but given the severe pressure all Local authority finances are under, we would like to seek compromise that would hopefully benefit both targets.</p> <p>The first one we would like to seek an exemption for is:-</p> <p>13. Licensed drivers shall not allow any child below the age of 10 years to be conveyed in the front of a vehicle.</p> <p>For “normal” taxi journey’s we would support this as drivers turn up unaware of passenger dynamics, and would not therefore have the appropriate seating, we would like to see an exemption for the work we carry out under the CYC home to school transport contract, where all journeys are planned with the correct seating (booster seats etc) for passengers. No passenger is carried without the correct seat in place. The benefit to this exemption is twofold, it means that we can carry more passengers in a vehicle, which reduces the amount of vehicles we need, this reduces not only cost to the local authority but also meets the target of reducing emissions by the fact of less vehicles required.</p>	<p>Consultation point noted and slight amendment has been made to the policy at condition 13.</p>
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The Second condition we would seek exemption for is:-

26.3 Only the following European Standards will be accepted for new private hire vehicle applications, and any subsequent replacement of these vehicles, and all replacement vehicles for both taxi and private hire:

- a petrol or diesel vehicle that is Euro VI or better and less than 10 years old.

- a ULEV* petrol or diesel 'hybrid', or 'plug-in hybrid', electric vehicle.

- any wheelchair accessible vehicle (WAV) that is Euro VI or better. For

the avoidance of doubt, as well as petrol and diesel vehicles that are

Euro VI or better, this includes Euro VI hybrids / plug-in hybrids and all

fully electric WAVs.**

26.6 From (date to be agreed via Committee) a vehicle licence will only be renewed to vehicles meeting the requirements of paragraph 26.3 above.

We ask that an exemption to these conditions are made for all Wheelchair Accessible Vehicles that can carry two or more wheelchairs. The current requirements under the home to school contract is for Euro V and no age limit, we would like to see this remain in place until 2028.

By changing now, during the current contract, will incur significant extra costs, and potentially disadvantage some of the most vulnerable members of society, these types of vehicles are not only used by us for the home to school contract but by several small dedicated operators who provide transport for Adult social care and others. While there are more Wheelchair Accessible vehicles in use these days, most of those are limited to the type and size of wheelchair that can be accommodated, these larger vehicles are equipped with tail lifts and can accommodate any Wheelchair safely.

In terms of licenced vehicles these form a very small percentage of taxi/private hire vehicles, and often cover less mileage than their counterparts, we feel therefore, the benefits of keeping the current guidelines until 2028 of Euro V and no age limit, would outweigh any gains in reduced emissions.

Consultation point noted will be referred to the committee.

Annex 1

	<p>We would also like to add that if these exemptions were approved, we would still be working towards reducing emissions through purchasing newer vehicles. For example, we are currently looking at purchasing a small number of fully electric 8 seater vehicles rather than Euro VI Diesels.</p> <p>We would kindly ask you to consider the points raised above and reiterate that it is the schools contract work that is potentially going to be financially impacted with the changes.</p> <p>We are open to discuss these points in further detail if required.</p>	<p>As Above</p>
<p>Andy Gillah (CYC Air Quality Team)</p>	<p>Please find below the formal response from Environmental Protection on the draft Taxi Licensing Policy.</p> <p>Environmental Protection comments on the Draft Taxi Licencing Policy</p> <p>Para 26.3 – Emission Standards</p> <p>The bullet points under 26.3 outline the standards accepted for new private hire vehicle applications and any subsequent replacement of these vehicles, and all replacement vehicles for both taxi and private hire. Para 26.6 confirms that the standards outlined in para 26.3 will also apply to renewal of a vehicle licence from a date to be agreed.</p> <p>Environmental Protection would suggest some changes to the wording of these bullet points to ensure the standards are not misinterpreted, to ensure a clear hierarchy for environmental / air quality impact and to ensure alignment with wider CYC environmental policies.</p> <p>First bullet point</p> <p>Currently written as ‘A petrol or diesel vehicle that is Euro VI or better and less than 10 years old’</p> <p>Environmental Protection welcome the proposed age limit of 10 years, as this will ensure that pre-Euro 6 diesel vehicles are quickly removed from the fleet post 2025. The Euro 6 standard imposes a further, significant reduction in NOx emissions from diesel engines, making Euro 6 diesel vehicles considerably better for local air quality than Euro 5. Euro 6 engines were introduced in September 2014 for new models and September 2015 for all new car registrations.</p>	

Second bullet point

Currently written as 'a ULEV* petrol or diesel 'hybrid', or 'plug-in hybrid', electric vehicle'

ULEV is defined in the policy as having less than 75g/km CO₂.

Environmental Protection recommend that the definition of a ULEV is updated to 'vehicles emitting less than or equal to 75g/km CO₂, to avoid ambiguity for those vehicles which emit exactly 75g/km CO₂.

Due to the position of the commas in this bullet point, it is not explicitly clear if fully electric vehicles are included. We would recommend that the wording is updated to clarify that this includes 'fully electric vehicles'. Updated wording is suggested below.

This bullet point does not currently allow a taxi driver to license a Euro 6 hybrid vehicle with >75g/km CO₂. It should be noted that this applies to the vast majority of traditional hybrid vehicles currently available for sale (new and second hand). We would recommend that CYC allows Euro 6 hybrid vehicles with >75g/km CO₂ to be licensed as taxis as they will operate with zero tailpipe emissions some of the time and will therefore be better for local air quality than Euro 6 petrol/diesel vehicles (allowed under the first bullet point in 26.3).

Environmental Protection recommend that hybrid vehicles >75g/km CO₂ are included under the first bullet point (i.e. alongside Euro 6 petrol/diesel) thereby introducing a similar 10-year age limit for these types of vehicles. Updated wording is suggested below.

For the avoidance of doubt, Environmental Protection would recommend that the bullet points under 26.3 are rewritten as follows to address the above:

- a petrol/diesel vehicle (or petrol/diesel hybrid vehicle with >75g/km CO₂) that is Euro VI or better and less than 10 years old
- a Ultra Low Emission Vehicle (ULEV*see definition) including fully electric vehicles (EVs) and Plug-in Hybrid Electric Vehicles (PHEVs) that are Euro 6 or better
- any wheelchair accessible vehicle (WAV) that is Euro 6 or better. For the avoidance of doubt, as well as petrol and diesel vehicles that are Euro 6 or better, this includes, Euro 6 petrol/diesel hybrids / plug-in hybrid electric vehicles (PHEVs) and all fully electric WAVs**

Consultation point noted and changed in policy 26.3

Note that the European Emission standards are generally designated by Arabic numerals for light-duty vehicles (e.g. Euro 6) and Roman numerals for heavy-duty vehicles (Euro VI). Environmental Protection recommends that this naming convention is adopted in the policy throughout.

Para 26.5 Idling vehicles

This paragraph states ‘Emissions from licensed vehicles could be reduced further by encouraging better maintenance of vehicles and by switching off engines when stationary or idling, particularly at ranks’.

Environmental Protection suggest that this paragraph is strengthened to highlight that CYC operate a strict anti-idling policy for all vehicle types. It is recommended that the following text is added:

Idling is prohibited for any private hire vehicles or taxis that are parked up and waiting, particularly at ranks, where the cumulative impact of idling taxis can be detrimental to local air quality and health.

Clean Air Zone (CAZ) for Taxis

It should be noted that the current administration are committed to exploring a Clean Air Zone (CAZ) for taxis. The Taxi Licensing Policy (specifically the emission standards that will be accepted) may need to be reviewed in the near future to align with any CAZ proposals, which would be subject to further feasibility work.

Further incentives for Taxis

Consultation point noted and changed in policy 26.5

Annex 1

	<p>It is recommended that wider opportunities for incentivising ultra-low and zero emission taxis beyond Taxi Licensing Policy are explored to ensure alignment with CYC's Fourth Air Quality Action Plan and carbon reduction agenda.</p>	
Alan Brewer	<p>Good Morning David</p> <p>We have been asked by our members to register their objections to the proposed change in the Taxi Licensing Policy that all Hackney Carriages be Black.</p> <p>This proposal goes against the previous T Browne v City of York Council Magistrates Court ruling in 2009.</p> <p>We request that we are informed should the Council apply to the Courts to have this decision overturned as this will affect the whole of the York Taxi Trade and our members can then consider their options.</p>	<p>Consultation Point noted, Uniformity in local taxi services offers numerous benefits, from enhancing public trust to even improving operational efficiency. A standardised approach ensures passengers receive consistent, reliable service, reinforcing the professional image of the public transport option and protect vulnerable customers from falling victim to bogus drivers.</p>
M Aslam B237	<p>I hope this email finds you well. I am writing to bring to your attention a policy currently implemented by Kirklees Council regarding the management of penalty points for taxi drivers, and to propose its adoption by the City of York.</p> <p>As you may be aware, Kirklees Council allows taxi drivers to accumulate up to 9 penalty points on their driving licence before facing suspension. This policy offers a balanced approach, ensuring that drivers are held accountable for their actions while also acknowledging the challenges and complexities of driving for a living. It provides a reasonable threshold that supports drivers in maintaining their livelihood, without compromising public safety.</p> <p>In the City of York, the current policy appears to be more stringent, which may lead to increased stress and job insecurity for drivers who might otherwise continue to provide safe and reliable service despite minor infractions. By adopting the Kirklees policy, the City of York would be offering a fairer and more supportive environment for taxi drivers, aligning with practices observed in other regions.</p> <p>I believe this change would be beneficial not only for the drivers but also for the wider community, as it would help ensure a stable and consistent taxi service in our city.</p>	<p>Item to discuss with the working group.</p>

Annex 1

	<p>I kindly request that the City of York Taxi Licensing department review the Kirklees policy and consider its implementation. Your attention to this matter would be greatly appreciated, and I am happy to provide any further information or assistance as needed.</p> <p>Thank you for your time and consideration.</p>	
Syed Usman Shah	<p>I hope this email finds you well. I am writing to bring to your attention a policy currently implemented by Kirklees Council regarding the management of penalty points for taxi drivers, and to propose its adoption by the City of York.</p> <p>As you may be aware, Kirklees Council allows taxi drivers to accumulate up to 9 penalty points on their driving licence before facing suspension. This policy offers a balanced approach, ensuring that drivers are held accountable for their actions while also acknowledging the challenges and complexities of driving for a living. It provides a reasonable threshold that supports drivers in maintaining their livelihood, without compromising public safety.</p> <p>In the City of York, the current policy appears to be more stringent, which may lead to increased stress and job insecurity for drivers who might otherwise continue to provide safe and reliable service despite minor infractions. By adopting the Kirklees policy, the City of York would be offering a fairer and more supportive environment for taxi drivers, aligning with practices observed in other regions.</p> <p>I believe this change would be beneficial not only for the drivers but also for the wider community, as it would help ensure a stable and consistent taxi service in our city.</p> <p>I kindly request that the City of York Taxi Licensing department review the Kirklees policy and consider its implementation. Your attention to this matter would be greatly appreciated, and I am happy to provide any further information or assistance as needed.</p> <p>Thank you for your time and consideration.</p>	Item to discuss with the working group

Annex 1

<p>Sher Mirza</p>	<p>As an experienced Hackney Carriage driver and proprietor, I would like to express my concerns regarding Proposal 26.3.</p> <p>Firstly, I believe that all hybrid vehicles should be eligible for licensing, regardless of their CO2 emissions. Hybrid vehicles offer significant environmental benefits, especially in urban environments where they primarily operate on battery power, thereby reducing emissions. This is evident in their exemption from the ULEZ, provided they meet the Euro 4 emissions standard.</p> <p>Secondly, I find it perplexing that while City of York taxi licensing collaborates with neighbouring cities such as Wakefield, Leeds, Bradford, Kirklees, and Calderdale on various aspects of licensing and enforcement, there exists a disparity in standards. It is essential to note that many out-of-town private hires operate in York, contributing to a substantial vehicle presence. Therefore, it seems logical to align licensing standards across all vehicles operating in York to ensure consistent efforts towards achieving cleaner air quality.</p> <p>I urge for a reconsideration of Proposal 26.3, taking into account these valid concerns and striving for a more inclusive and effective approach to taxi licensing standards.</p>	<p>26:3 amended Item to discuss with the working group</p>
<p>Ian Hault (Fleet and Operations)</p>	<p>No real comments from me, I would have preferred the maintenance standard to be higher than MOT standard, as MOT is minimum and as we know taxis endure much more arduous work.</p> <p>Not sure if you want to include the new testing check sheet as an appendix for complete transparency but its not a must. Finally, is there going to be a need for the pedicabs to have an examination of some sort or will the safety aspect solely be reliant on pre-use checks of the operator and possible more stringent enforcement checks?</p>	<p>Points noted and no comments</p>
<p>R Lack</p>	<p>A Here are my observations about the Taxi Licensing Policy being consulted on. Please note I use 'taxi' 'taxis' generically. Most glaring typo: "From the (Date to be agreed) the side plates must also clearly bare the City of York coat of arms." This should be 'bear'.</p>	<p>Point noted and typo changed in policy App1 Para 1</p>

Annex 1

Ref "7.1 In preparing this policy the Council has consulted with the following agencies: a) Licence holders b) Hackney carriage and private hire trade associations c) North Yorkshire Police d) Equality Groups e) Disability Groups f) Highways Authority (both local and county) g) School Transport h) Children and Adult Safeguarding i) Other Council Departments j) Service Users k) Business representatives"
Why is CYC not consulting formally with the York Cycle Campaign?

Ref: "26.5 Emissions from licensed vehicles could be reduced further by encouraging better maintenance of vehicles and by switching off engines when stationary or idling, particularly at ranks."
Could switching off engines when waiting, taking a call, at lights, etc, be made mandatory?

Private Hire Driver's Licence Conditions

1. Licensed drivers shall act in a considerate manner ensuring the safety and comfort of passengers travelling in, entering or alighting from their vehicle."

I'd like to see this changes to cover pedestrians/wheelers and cyclists as well as other drivers, so it reads:

"1. Licensed drivers shall act in a considerate manner ensuring the safety and comfort of passengers travelling in, entering or alighting from their vehicle, other users of the public realm and other road users."

I believe the document should start with the reasons a new policy is needed... Most are mentioned but get are lost in the text and/or very far down. For example, the sole reference to a taxi driver being responsible for other road users was only mentioned in 4.12 on p99. Ditto the "Abide by the rules as set out in the Highway Code at all times" was in an appendix for pedicabs on p77.

The consultation was over 12 weeks and was published on the councils internet and social media feeds

Point noted and amendment made in accordance with recommendations from the council air quality team

Point noted the conditions are consistent with those of the hackney carriage bylaws, any driver must comply with the provisions of the Road Traffic Act and the Highway Code.

The objectives are set out in the policy and any driver must comply with the provisions of the Road Traffic Act and the Highway Code.

Annex 1

"4.12 ... A taxi driver has direct responsibility for the safety of their passengers, direct responsibility for the safety of other road users and significant control over passengers who are in their vehicle." [My emphasis.]

4. Public safety: "4.12 Road Safety is a major priority to the Council. A taxi driver has direct responsibility for the safety of their passengers, direct responsibility for the safety of other road users and significant control over passengers who are in their vehicle." [My emphasis.]

Public safety includes all other road users: drivers put other road users at risk by speeding; stopping on corners thereby obstructing sight lines; opening the driver's door onto another road user; actively boarding people in a cycle lane; letting passengers out into a cycle lane; obstructs modal filters, blocks an ASL or access to one;

Public safety also includes users of the public realm: motorists put pedestrians and people in mobility scooters/wheelchairs at risk when a driver opens a door onto a pavement without checking it is clear and safe to do so, when s/he stops where passengers open doors onto pavements... stops on pavements, dropped kerbs...

5. Public health:

- air quality: emissions from running and idling engines but also because every additional vehicle on the streets causes congestion which means other polluting vehicles are in use for longer; tyre wear;
- noise pollution: engines; slamming-sliding doors; conversations;
- active travel - every motor vehicle makes the streetscape less safe- and safe-feeling for non motorised users of all kinds and suppresses cycling, walking, wheeling;

6. The Highway Code – including all updates – sets the rules for all drivers, at all times.

I state again I believe taxi drivers need to be told what modal filters are, where they are in the city, and how to recognise them. Taxi drivers obstructing these whether when waiting, setting down/picking up is a frequent problem for people moving around the city by any means other than a motor vehicle. If other drivers witness this practice they may feel it is permitted or reasonable to emulate it.

Any driver must comply with the provisions of the Road Traffic Act and the Highway Code.

Point noted and amendment made in accordance with recommendations from the council air quality team

Drivers undertake a driving practical test prior to licensing as well as a safeguarding and knowledge test any driver must comply with the provisions of the Road Traffic Act and the Highway Code. Added a paragraph at 42.4

Annex 1

2.3 York... ...is one of the most visited destinations in the country. As such, hospitality, tourism and leisure are key industries. Our visitors also rely on taxis. York races, and other events such as a leading Christmas Market increase the demand for taxi journeys at certain times of the year. The city is also a centre of academic excellence, with two universities, and two colleges of further education – taxis are an important means of transport for students.

2.4 The city is home to a major railway station... It is recognised that taxis play a key role in transporting people at the beginning and end of their train journey. York is compact and the rail/bus stations are centrally located (close to attractions, accommodation, etc). People should be encouraged to walk or take public transport –

2
signage telling people how close the shopping area, the Minster, the registry office, etc, are to the rail station, the bus station... Walking routes and bus stops should be the easiest and first things visitors arriving in this city should see.

I would like this sentence “taxis are an important means of transport for students.” and this sentiment to be removed from this document. The campus of all the centres of learning are very well served by public transport. Young people need to be enabled and encouraged to use active modes of transport and to be confident using public transport. They need to learn and embed healthy lifestyles to set them up for healthier future lives. Suggesting and/or promoting taxis of the student transport of choice:

- undermines the role of public transport and its operators in the city; and
- is not doing the right thing for young people. The city and its institutions should be supporting everyone to use active travel modes and, for young people, embedding these choices for their future healthy lives. The draft policy states in some places and strongly suggests in others that taxis are good thing for the city and good for its residents, visitors, students... “2.5 This policy therefore supports the important contribution that the hackney carriage and private hire trade make to the local transport system within the authority area.” I would like all references that promote using taxis to be removed. It reads like an over reliance on what are in reality extra vehicles making unnecessary journeys. Taxis are no better than a private car making a private journey.

point noted

York Bid do provide signage throughout the city, members of the public do have a choice in their mode of transport

Point noted the Department for transport and the local government association suggest that Taxi and Private hire vehicles are a vital form of local transport

Annex 1

Further, the policy doesn't recognise the need for professional drivers including taxi drivers to set examples of what to do not what not to do. Local taxi drivers very frequently obstruct access to and/or continue into the ASLs. If taxi drivers from other areas and drivers of motor vehicles generally see professional drivers not respecting ASLs or lead-ins to them this gives the signal: it is not important to keep those areas clear.

I also didn't understand this:

"62.1 The Council has the power to set hackney carriage fares for the journeys within their area. Fares, set by the Council, are a maximum and can be negotiated downwards by the hirer. This may be particularly useful to avoid congestion."

Please make it clear how fares can "avoid congestion". If the argument does not stand up, please remove this paragraph.

This paragraph is contradictory and nonsensical.

"26.1 Taxi and private hire vehicles are an essential form of transport in the York area. Many people depend on such vehicles for trips when other forms of transport are unsuitable or unavailable; these persons include the vulnerable and some schoolchildren who are likely to be more susceptible to poor air quality and respiratory illnesses. For the health and environmental reasons above, and because York has a legal duty to improve air quality, it is vital that emissions from licensed vehicles are reduced as far as practicable. It is therefore important that increased efforts are made to reduce emissions of toxic particulates and nitrogen dioxide, and also greenhouse gases that lead to climate change and contribute to flooding in York."

I also didn't understand this:

"62.1 The Council has the power to set hackney carriage fares for the journeys within their area. Fares, set by the Council, are a maximum and can be negotiated downwards by the hirer. This may be particularly useful to avoid congestion."

Please make it clear how fares can "avoid congestion". If the argument does not stand up, please remove this paragraph.

The policy sets out the standards required as a taxi driver. Any driver must comply with the provisions of the Road Traffic Act and the Highway Code.

Point noted and amended

The vehicles specification have been amended on para 26.3

Point noted and amended 63.1

Annex 1

<p>Amjad Munir</p>	<p>I hope this email finds you well. I am writing to bring to your attention a policy currently implemented by Kirklees Council regarding the management of penalty points for taxi drivers, and to propose its adoption by the City of York.</p> <p>As you may be aware, Kirklees Council allows taxi drivers to accumulate up to 9 penalty points on their driving licence before facing suspension. This policy offers a balanced approach, ensuring that drivers are held accountable for their actions while also acknowledging the challenges and complexities of driving for a living. It provides a reasonable threshold that supports drivers in maintaining their livelihood, without compromising public safety.</p> <p>In the City of York, the current policy appears to be more stringent, which may lead to increased stress and job insecurity for drivers who might otherwise continue to provide safe and reliable service despite minor infractions. By adopting the Kirklees policy, the City of York would be offering a fairer and more supportive environment for taxi drivers, aligning with practices observed in other regions.</p> <p>I believe this change would be beneficial not only for the drivers but also for the wider community, as it would help ensure a stable and consistent taxi service in our city.</p> <p>I kindly request that the City of York Taxi Licensing department review the Kirklees policy and consider its implementation. Your attention to this matter would be greatly appreciated, and I am happy to provide any further information or assistance as needed.</p> <p>Thank you for your time and consideration.</p>	<p>Item to discuss with the working group.</p>
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Alan Brewer

We thank you for the opportunity to comment on the Public Consultation of the new Draft Taxi Licensing Policy.

We would like clarification on the difference between *Taxi Licensing Policy” & “Taxi Licensing Conditions” as some of our members are confused over the anomalies between the two of them.

1.3 In formulating this policy the Council has considered the advice contained in the ‘Taxi and Private Hire Vehicle Licensing: Best Practice Guidance’ issued by the Department for Transport (DfT), first published in March 2010, and the Statutory Taxi and Private Hire Vehicle Standards issued by the DfT in July 2020. The DfT also carried out consultation with an extensive range of stakeholders, including taxi operators and drivers, passengers, passengers with a disability and local businesses.

We would like consideration also be made to the Competitions & Markets Authority Guidance “Regulation of Taxis & Private Hire Vehicles: Understanding the impact on competition” / “Competition Impact Assessment” Part 1 & Part 2 published in July 2017 and linked to “Taxi and Private Hire Vehicle Licensing: Best Practice Guidance” issued by the Department for Transport (DfT), published in November 2023. In respect of onerous conditions being imposed affecting the ability to compete both locally and with neighbouring authorities

5.2 Officers within the Licensing Section have delegated powers to determine to:

- Grant or renew an application for a hackney carriage or private hire vehicle licence;
- Grant or renew an application for a hackney carriage or private hire driver’s licence;
- Grant or renew an application for a private hire operator’s licence;
- Refuse an application for the grant or renewal of a hackney carriage or private hire vehicle licence;
- Refuse an application for the grant or renewal of a hackney carriage or private hire driver’s licence;
- Refuse an application for the grant or renewal of a private hire operator’s licence;
- Suspend or revoke a hackney carriage or private hire vehicle licence;
- Suspend or revoke a hackney carriage or private hire driver’s licence; or
- Suspend or revoke a private hire operator’s licence.

Workshop technician within Fleet Services also have delegated authority to suspend a vehicle licence if the

Consideration noted and made.

Vehicle examiners have the delegated powers to issue suspensions the policy has been amended to reflect this

Annex 1

vehicle fails an inspection or no longer complies with the vehicle licence conditions.

19.3 The vehicle inspection carried out by the Council will consist of two parts which will comprise a mechanical examination and an inspection of the condition and fittings of the vehicle, to ensure that the vehicle conforms with the standard conditions attached to the taxi and private hire vehicle licences.

Our previous conditions stated that part 2 of our vehicle test was to be completed by a "Taxi Licensing Officer".

This has been omitted from the new policy.

The only reason that a Workshop Technician would require authority to issue a Section 68 suspension was if a Taxi Licensing Officer was not in attendance.

13.6 From (date to be determined by committee) private hire vehicle must be any colour other than black. This requirement will apply to currently licensed vehicles upon change of vehicle. Private hire vehicles that have been granted the 'Private Hire Vehicle Licence Plate and Signage Exemption' (Executive Vehicles), will be exempt from this requirement.

14.4 From the (date to be agreed via committee) Hackney Carriage Vehicles must be a single colour, black. This requirement will apply to currently licensed vehicle upon change of vehicle.

We refer you to our previous email in respect of the above being against the Magistrates Court ruling

19. Vehicle Testing

We request that the Taxi and private hire vehicle licensing best practice guidance for licensing authorities in England (November 2023) 8.19 Vehicle testing be adopted.

Consultation Point noted, Uniformity in local taxi services offers numerous benefits, from enhancing public trust to even improving operational efficiency. A standardised approach ensures passengers receive consistent, reliable service, reinforcing the professional image of the public transport option and protect vulnerable customers from falling victim to bogus drivers.

Consultation point noted, The current requirements of the council's vehicle inspections are to a MOT mechanical standard and includes vehicle conditions and cleanliness of the vehicle inside and outside, correct plates displayed etc.

Annex 1

26.9 Following the recommendations of an unmet demand survey, undertaken in autumn 2021, and the non-renewal of three hackney carriage vehicle licences, on the 20 October 2022, the Council approved the grant of ten hackney carriage vehicle licences. Members determined that these vehicle licences will only be granted to: • a fully electric wheelchair accessible vehicle; or • a plug-in electric petrol hybrid wheelchair accessible vehicle*. *These vehicles are purpose-built taxis and have CO2 emissions of less than 50g/km and can travel at least 112km (70miles) without any emissions. The vehicle must be black in colour. These vehicles are issued with vehicle licence numbers from 184 to 193.

These specifications have changed from the original approved by the Licensing Committee.

Is the mileage figure based on bench mark figures or what they actually achieve? LEVC's own website states the actual mileage expected under working conditions will average 63 miles. (Less in Winter & More in Summer)

40. Licensed Drivers DVLA Driving Licence Records

40.1 In order for the Council to be able to check DVLA driving licence records as part of the on-going fit and proper assessment, the Council will appoint a company to undertake driving licence checks. These checks will confirm the drivers' entitlement to drive with the DVLA and any unspent endorsements.

40.2 Licensed drivers, shall within one month of the initial the grant of their licence, register with the company appointed by the Council to undertake ongoing DVLA driving licence checks.

44.3 DVLA driving licence checks will be carried out annually.

Some of our members have long questioned being forced under duress to sign up to DriveTech with their terms & conditions allowing access to financial information. Our financial information has nothing to do with having our Driving Licenses being checked. In the past we were assured by Taxi Licensing that only the information required would be accessed and that DriveTech were a reputable company owned by the AA. The AA has since been taken over with the majority of shares being owned by an off shore company.

We request that an alternative process through the DVLA license checking service be made available for drivers who are uncomfortable with DriveTech terms and conditions. (Once yearly as per 44.3)

LEVC vehicle are Euro ^ with an emission rating of 29 g/km (A) the range for battery / own use varies dependant on driving conditions The TX's city technology provides a pure EV range of 78 miles and a total range-extended capacity of 333 miles

No Financial information is provided to Drivetech and the company are compliant with data protection and GDPR

Annex 1

42.3 Licensed drivers shall not smoke (cigarettes or E cigarettes) at any time whilst in the licensed vehicle, or adjacent to it, which results in smoke entering the vehicle, or allow any other person to do so.

This is unenforceable. We have no control over the General Public outside of our vehicle as we have seen with us frequently having to close windows to prevent the odour from marijuana smokers in the area of St Saviougate Taxi Rank.

We also question which takes priority, Licensing Policy, Licensing Conditions or Hackney Carriage Bye Laws?

Appendix 9 PRIVATE HIRE DRIVERS LICENSING CONDITIONS

2. Licensed driver shall not smoke (cigarettes or E cigarettes) at any time whilst in the licensed vehicle, or adjacent to it, which results in smoke entering the vehicle, or allow any other person to do so

Appendix 4 Hackney Carriage Byelaws

16. The driver of a hackney carriage shall not at any time smoke or burn tobacco when in their licensed vehicle.

48.4 It is a condition of licence that the applicant operates from a premises within the controlled district of the Council.

How does this policy work when 50.3 states "Operators may outsource booking and dispatch functions to their staff" which maybe outside controlled district of the Council?

48.5 Application for a private hire operator's licence must be made on the prescribed form, together with the appropriate fee. The Council will then decide whether the applicant is a fit and proper person to hold a licence.

The criteria for an Operators License fit and proper test should not be the same as required to obtain a Driver's License.

Statutory Taxi & Private Hire Vehicle Standards
November 2022

5.4 Fit and proper test

Licensing authorities have a duty to ensure that any person to whom they grant a taxi or private hire vehicle driver's licence is a fit and proper person to be a licensee. It may be helpful when considering whether an applicant or licensee is fit and proper to pose oneself the following question:

Without any prejudice, and based on the information before you, would you allow a person for whom you

Consultation point noted, the law on smoke free vehicles is cover under the Health Act 2006 Section 6 and 8

Noted however wording for 50.3 is private hire operators who outsource booking and dispatch functions shall require evidence that comparable protections are applied by the company to which they outsource these functions.

Noted the criteria for operator fit an proper is not the same as a driver

care, regardless of their condition, to travel alone in a vehicle driven by this person at any time of day or night?

If, on the balance of probabilities, the answer to the question is no, the individual should not hold a licence. The above question is not a defining answer just helpful assistance and has very little to do with becoming an Operator.

Appendix 8

A Policy on Determining the Suitability of Applicants and Licensees as Drivers in Taxi & Private Hire Licensing
1.8 As part of the assessment referred to in paragraph 4 above the Council can consider convictions and cautions but also other outcomes of actions taken by the police, other agencies and the Civil Courts.

1.9 Reference to convictions in this Policy also includes cautions, warnings, reprimands, all forms of fixed penalty notices, restrictive type orders and any other relevant information. These must be reported to the Council in the format and timescales stated in the relevant Policy. In addition any circumstances relating to the licensee is potentially relevant if it is relevant to their safety and suitability to hold a licence.

1.13 The licensing process places a duty on the Council to protect the public. Therefore it is essential that those seeking a living as a driver meet the required standards. As previous offending and other behaviour can be considered as a predictor in determining future behaviour, it is important that the Council considers all relevant factors including previous convictions, cautions, complaints, failures to comply with licence conditions, and the time elapsed since these were committed.

2. Applying the Guidance

2.4 The granting of a licence places an individual in a unique position of trust, and they are expected to act with integrity and demonstrate conduct befitting of the trust placed in them. For this reason, whilst it is possible for an applicant or existing licence holder to have convictions that individually comply with the Policy, the overall offending history and conduct of the applicant/licence holder will be considered. Appropriate weight will be applied where a series of convictions/incidents have been incurred over a period of time.

Noted paragraphs repeated from the policy

Annex 1

48.7 Operators who hold Private Hire Operators licences in other local authority areas may sub-contract or otherwise make arrangements through technology (such as an app) for journeys to be fulfilled by that 'sister operator'. However, when undertaking journeys in the district of York i.e. which start and finish in the city, Operators are advised not to undermine this policy by using drivers who do not meet the suitability policy in respect of the number of points on their DVLA licence or having failed the safeguarding and knowledge test (unless they are booked to re-take it). Operators should also take steps to ensure that all drivers undertaking journeys which start and/or finish in York are familiar with the main routes and destinations in the city without relying on a sat nav. This is to avoid unnecessarily prolonging journeys during periods of congestion (thereby adding to the congestion) or when the road network is altered for roadworks or events. Such drivers should also be aware of the rules relating to the city centre pedestrian zone at different times of the day.

East Riding of Yorkshire Council prioritise subcontracting. Subcontracting is only allowed when there are no locally licensed vehicles available within their licensing area. ie Bookings are allocated to East Riding of Yorkshire Vehicles first.

50.1 Operators may outsource booking and dispatch functions to their staff, they cannot pass on the obligation to protect children and vulnerable adults. The operator must demonstrate to the Licensing Authority that all staff that have contact with the public and/or oversee the dispatching of vehicles do not pose a risk to the public
Refer to 48.4. If booking staff can be outsourced outside the controlled district then how is 48.4 achievable

48.8 It is reasonable for the public of York, when booking a private hire vehicle from a York licensed private hire operator, to expect that City of York Council has determined that the vehicle is suitable, and that the driver is a 'fit and proper' person. Therefore, for transparency and to facilitate customer choice, where a driver and vehicle licensed by another authority are dispatched, the customer should be notified in advance of the booking and offered the opportunity to cancel without charge. This also reduces the regulatory burden on the Council and the cost to the local taxi trade in dealing with complaints about drivers/vehicles who are licensed elsewhere.

Will this really happen other than notification in the

Reviewed ER the policy which states:- "Operators must make every effort that if they accept a booking from a customer that they honour that booking" covered in Section 55 of 76 Act. Cross border is lawful under the Deregulation Act 2016

The operator employs staff to undertaken the booking functions, main point of operations is the office address

Noted question Yes

Annex 1

small print of the App and becoming a condition of using the App?

50.3 Private hire operators who outsource booking and dispatch functions shall require evidence that comparable protections are applied by the company to which they outsource these functions
Refer to 48,4 & 50.1

Noted, reply's given above

55.2 Operators are required to keep records in the form of a log sheet or computer database detailing:

a) Bookings –

- the time and date of the request
- the passengers name
- the times and dates of the booking
- the pick-up point
- the destination
- the name and licence number of the driver
- the registration and licence number of the vehicle
- the name of any individual taking the booking
- the name of any individual who dispatches the vehicle/driver.

Noted 55.2 minor amendment made

In addition to the above East Riding of Yorkshire Council require the time the vehicle was dispatched (adequate time allowed to fulfil the booking) & also the time that the booking was completed or cancelled.

East Yorkshire Council also require an Operator to record the times that drivers log on & off their system to ensure that drivers do not exceed HSE diving hours and place the Public at risk.

63.2 The Council will review the table of fares when requested by the Hackney Carriage Trade. All Associations acting on behalf of the hackney carriage trade must agree to any changes to fares before making the request to the Council. When determining the level of fares consideration will be given to what is reasonable to expect the travelling public to pay as well as the need to give the drivers an incentive to provide a

Noted, the fare increases are put forward by the trade and in accordance with ONS data at the time

service at all times it is needed. Any requests to review the table of fares may be referred to Committee for consideration prior to advertising the variation.

As we have previously encountered this does not work. One association have the ability to hold the rest to ransom. To further complicate things we now have a situation where there can be a tremendous difference in the capital outlay required to fulfil differing licensing conditions. Fares are required to be set at a level where a driver can earn a living whilst taking into consideration the amount that the public are expected to pay.

With the vast differences in capital outlay this is now beyond what the Taxi Trade are capable to calculate. Consideration must also be given to increasing congestion due to road closures affecting the time being taken to complete our journeys. (The Unmet Demand Survey showed that a maximum of 3 journeys per hour could be achieved at peak demand with considerably less at other times)

We therefore request that the Taxi & Private Hire Vehicle Licensing best practice guidance for licensing authorities in England (November 2023) section 10 be fully adopted.

64.2 Private hire operators that use licensed vehicles fitted with a fare meter will provide the Council with a current table of fares. This table must also be displayed in each private hire vehicle so that it is easily visible to all hirers

If a fare meter is not used then no table is required in the vehicle.

Refer to Appendix 1

1.The licensed vehicle shall display the following signs following approval by the Council:-

c) A statement of fares and the means by which these are calculated placed in a prominent position inside the vehicle.66. Overcharging

66.1 All meters must be calibrated to the correct fare scale. It is an offence for the driver to demand more than the fare on the meter.

Only vehicles fitted with meters can be accused of overcharging

Notes 64.2 amended

Annex 1

73.1 Council officers will undertake roadside checks of licensed vehicles and drivers. If a vehicle and/or driver fails the check their licence will be suspended. The suspension will not be lifted until such time that all matters have been rectified. For the suspension to be lifted the driver with vehicle will have to attend the Council's Eco Depot for re-inspection.

74. Joint Working with the Police and/or DVSA

74.1 The Council will work jointly with the Police and/or DVSA to carry out spot checks on licensed vehicles and drivers. The check may be undertaken at the roadside or at the Vehicle Workshop at the Council's Eco Depot.

74.2 Vehicles and/or drivers failing the check will have their vehicle and/or drivers licence suspended. The vehicle licence suspension will not be lifted until all matters have been rectified and the vehicle is presented to the Vehicle Workshop at the Council's Eco Depot for re-inspection. The driver licence suspension will not be lifted until such time that the driver has attended the Council's Eco Depot and officers are satisfied that the driver is "fit and proper".

All authorities use 73.1

We have no objection to the Council continuing to work as they are now doing but ask that the whole of section 74 be removed.

If section 74 is to remain then we ask that clarification is made in respect of being INVITED to go to Hazel Court Licensing Officers have powers for roadside checks (73.3). The Police have powers to complete a roadside check on M1 classified vehicles. The Police only have powers to direct M2 & M3 classified vehicles to a test centre.

16. Any two-way radio or PDA equipment shall be securely fixed to the vehicle.

Previous Licensing Conditions

14. Only one two way radio may be operational at any one time and this shall be an approved radio used exclusively for the hackney carriage or private hire trade and properly licensed. The radio shall be securely fixed to the vehicle.

By only previously allowing one radio it controlled the amount of distraction whilst driving. Radios are virtually obsolete and have been taken over by Apps.

There is a good argument that a driver should only be allowed to work one App as they are visual and more distracting than answering a radio

The Police have the power under (Local Government (Miscellaneous Provisions Act 1976) and the Road Traffic Act.

two way radios must be secure Road Traffic Act, drivers have a choice of operators

Appendix 4

Hackney Carriage Byelaws

Bye Laws have not been updated since February 2000

3 The proprietor of a hackney carriage shall:

i) provide a working electric light in the interior of such carriage for the use of any person hiring such carriage or being driven therein

It is not illegal to drive with the interior lights on. This should be at the discretion of the driver as he is responsible should anything happen should the light be a distraction

16. The driver of a hackney carriage shall not at any time smoke or burn tobacco when in their licensed vehicle.

Refer to 46.3

17. The proprietor or driver of a hackney carriage shall be entitled to demand and take for the hire of the carriage the rate or fare prescribed by the Council, the rate or fare being calculated by distance and time unless the hirer express at the commencement of the hiring his desire to engage by time. Provided always that where a hackney carriage furnished with a taximeter shall be hired by distance and time the proprietor or driver thereof shall not be entitled to demand and take a fare greater than that recorded on the face of the taximeter, save for any extra charges authorised by the Council which it may not be possible to record on the face of the taximeter.

Would this allow a call out fee or Out of Town Charge?

20. The proprietor or driver of a hackney carriage shall, if any property accidentally left therein by any person who may have been conveyed in the carriage, be found by or handed to him:

a) carry it as soon as possible and in any event within 48 hours (if not sooner claimed by or on behalf of its owner) to either the office of the Council (provided that any day on which such office is closed shall be excluded from such calculation) or to a Police station in the district and leave it in the custody of the officer in charge of the office or Police station as the case may be on his giving a receipt for it, and

I do not believe the Police accept lost property now

b) be entitled to receive from any person to whom the property shall be re- delivered, an amount equal to the fare for the distance from the place of finding to the office of the Council or the Police station but not more than five pounds.

Noted: main body of policy covers lost property

Way outdated fare from 2000

Repeal of byelaws

IN WITNESS WHERE OF the COMMON SEAL of the COUNCIL OF THE CITY OF YORK is here to affixed this 5th day of November, one thousand nine hundred and ninety nine in the presence of:

R F Clark

Head of Legal Services to the Council of the City of York

The foregoing byelaws are hereby confirmed by the Secretary of State and shall come into operation on the 14th day of February 2000 76 Draft 2024 Signed by authority of the Secretary of State

E C NEVE 5th January 2000

Appendix 8

A Policy on Determining the Suitability of Applicants and Licensees as Drivers in Taxi & Private Hire Licensing

1.8 As part of the assessment referred to in paragraph 4 above the Council can consider convictions and cautions but also other outcomes of actions taken by the police, other agencies and the Civil Courts.

2.4 The granting of a licence places an individual in a unique position of trust, and they are expected to act with integrity and demonstrate conduct befitting of the trust placed in them. For this reason, whilst it is possible for an applicant or existing licence holder to have convictions that individually comply with the Policy, the overall offending history and conduct of the applicant/licence holder will be considered. Appropriate weight will be applied where a series of convictions/incidents have been incurred over a period of time.

Should be taken into account as part of Fit & Proper Test

Table A

We request further consideration be given to Table A. Both Kirklees Council & Leeds Councils have amended Table A differing from our Draft Policy

Both North & East Yorkshire total their penalty points in a rolling 3 year cycle with retraining options.

We would also point out that the retraining option is available in our current Licensing Policy

35.2 Licensed drivers who accumulate nine or more fixed penalty points may be required to undertake the driving assessments, this will be at the discretion of the Licensing Manager or such other Officer as is authorised by the Council

Item to discuss with the working group.

Appendix 9

Private Hire Driver's Licence Conditions

2. Licensed driver shall not smoke (cigarettes or E cigarettes) at any time whilst in the licensed vehicle, or adjacent to it, which results in smoke entering the vehicle, or allow any other person to do so
Refer to 42.3

9. Licensed drivers will not drive when their ability to do so is impaired by having worked excessive hours or when under the influence of drink or drugs.

We do not see the necessity to include drink or drugs as it is quite obvious and included under driving license regulations.

Excessive hours is an ever increasing problem in order for drivers to earn a living and should be controlled.

13. Licensed drivers shall not allow any child below the age of 10 years to be conveyed in the front of a vehicle. This does not include Hackney Carriages & may affect some school contract work.

Appendix 10

Private Hire Operators' Licence Conditions

21. The licensed operator shall keep and maintain at all times for a period of not less than six months, a record of hiring showing the particulars of every booking of a hackney carriage/private hire vehicle, including any booking accepted at the request of another operator. The record must be kept in the form of a log sheet or computer database detailing:-

a) Bookings –

- the time and date of the request – the 24 hour clock shall be used
- the passenger's name
- the times and dates of the booking
- the pick-point
- the destination
- the name and licence number of the driver
- the registration and licence number of the vehicle
- the name of any individual taking the booking
- the name of any individual who dispatches the vehicle/driver.

b) Details of all hackney carriage/private hire vehicles operating from his/her office (vehicle make/model, colour, registration number and licence number)

c) Details of all hackney carriage/private hire driver's operating from his/her office (name, address and licence number)

d) complaints received from the public

e) Remarks (including details of any sub-contracting to another licensed operator).

42.3 comments above,
noted and 13 amended

Noted amended

All records shall be maintained and kept up to date at all times and shall be available for inspection at all reasonable times, without notice, by an Authorised Officer, the Police or DVSA. For the purpose of further investigation, records may be removed from the premises if so required or copied.

Refer to 55.2

28. The licensed operator shall provide a prompt, efficient and reliable service to members of the public at all times, ensuring that when a private hire vehicle has been hired to be in attendance at an appropriate time and place, that vehicles shall, unless delayed, attend punctually at that time and place.

29. The licensed operator remains accountable for service delivery even upon the transfer of a booking to another licensed operator.

31. When the licensed operator accepts a hiring for a private hire vehicle, they shall ensure that a City of York Council licensed vehicle punctually attends as near to the appointed time as possible and place or make an arrangement under Section 55A of the Local Government (Miscellaneous Provisions) Act 1976 for the booking to be carried out by another licensed operator.

For quite some time now we have been picking passengers up that have had their booking cancelled at the last minute by App companies.

We therefore feel it is important that a record be kept of the time the vehicle is dispatched and also the time the booking is completed or cancelled by the passenger.

Sub Contracting or otherwise using 'sister operator' licences

32. If the licensed operator holds an operators' licence in other licensing districts (the 'sister operators'), the operator must include the names of every private hire driver employed or used by those sister operators and the districts in which each driver is licensed, in a 'schedule of sub-contracted drivers'.

This is going to be a big list. Every Drive, York Cars, Uber etc driver that is on their books?

Question ? Yes

Annex 1

33. When sub-contracting a 'York booking' (namely a journey that either begins or ends in the City of York district), prior to the commencement of that journey, the licensed operator must inform the customer if their booking will be sub-contracted to a private hire operator not licensed by the City of York, making it clear that City of York Council has no regulatory responsibility for that vehicle and driver, and must provide the following information to that customer:

Every App Company with a York Operators License & bookings that either start or finish in York will be classed as bookings taken from their York Office & York License. Out of area cars will be subcontracted. If Hull Council decide to operate in the same way which office is responsible for a job from York to Hull or vice versa? For Private Hire Operators operating over 99 vehicles.

36. The licensed operator must ensure that at least one wheelchair accessible vehicle is in operation at all times (except in circumstances beyond the operator's control). In the event that a vehicle is not in operation, the licensed operator must notify the Council of the reason and the steps being taken to ensure a wheelchair accessible vehicle is in operation.

Swansea have a licensing condition where the Operator had to inspect vehicles personally each day before they started work. Uber got this overturned as it was not practical as their business model allows drivers to come and go as they please. They have no control over who works when & where. Will the same excuse apply in York should they reach 99 vehicles?

Will the 99 vehicles being Operated include subcontractors that are on their books as per Appendix 10.32?

Appendix 11

Hackney Carriage Ranks

FULL TIME RANKS

St. Saviourgate – Rank A 12 cars

St.Saviourgate - Rank A holds 8 cars. Rank B holds 4 cars. 12 cars in total not 16

We would also like to point out that for every pedicab license issued a Hackney Carriage Vehicle space is lost from the ranks

Subcontracting us detailed by the Deregulation Act 2016

Noted

TRO states 12 and 4

Annex 1

Mark Hanson

Have you considered having a policy that states that PHV's can not work in the boundries of york under section 46/1D. As they working illegally. Other cities have implemented this. So why can't you do this.

Cross border hiring is covered by the Deregulation Act and stated cases.