

Review of Taxi Licensing Policy - Final Report

Summary

1. This report presents the final report arising from the review of the Taxi Licensing Policy. As Chair of the Taxi Licensing Review Task Group at the time of the review, Councillor Watt will attend this meeting to present the report.

Background

2. In coming to a decision to review this topic, the Community Safety Overview & Scrutiny Committee agreed the following key objectives for the review:
 - i) To consider the future allocation of hackney carriage vehicle licences having regard to the Department for Transport's Best Practice Guidance for Taxi & Private Hire Licensing, in meeting the needs of all potential members of the travelling public
 - ii) To examine the provision and usage of taxi ranks in the city
 - iii) To examine conditions attached to vehicle licences, in particular with regard to accessibility, emissions, vehicle colour and window tinting
 - iv) To look at innovative ways in which the licensed taxi and private fleet may enhance the public transport provision both within the city and in rural communities
3. The Community Safety Overview & Scrutiny Committee set up a Task Group of their members to carry out the review on their behalf. The Task Group met three times between November 2010 and February 2011 and at the end of their review, they drafted a final report for the full committee's consideration.

4. The Task Group's draft final report was presented to the Community Safety Overview & Scrutiny Committee in March 2011 and the following points were discussed:
 - Recommendation iv – 'For a 12-month trial period, the rank at Duncombe Place be made available for use on a full-time basis'
 - Whilst Members supported the recommendation and believed that there was public demand for a full-time rank at this site, some concerns were raised regarding the impact this arrangement could have on local residents and residents at the nearby hotel. Officers explained the difficulties that they were facing in enforcing the existing arrangements and that while complaints continue to be received from both the Dean Court Hotel and the residents association, taxis are still using the rank after 22.00hrs, and the council has little evidence to substantiate that the use of the rank gives rise to disturbance.
 - Members asked if consideration had been given to requiring all hackney carriages to have black livery with the crest. The Chair of the Task Group confirmed that although the Task Group supported the council's policy, as a result of the outcome of a legal challenge that had been lodged on this issue, the Task Group had deemed that this could only be advisory as it was not enforceable.
 - In respect of achieving improvements to air quality through the introduction of vehicle charging points, it was noted that taxis did not necessarily only travel within the city and hence this would need to be taken into account.
5. Having discussed the final report at length (see copy at Appendix 1), the Community Safety Overview & Scrutiny Committee agreed to endorse all of the recommendations arising from the review, as listed at paragraph 10 below.

Consultation

6. As part of the review the Task Group considered information provided by the Head of Licensing, Bereavement and Registry Services and officers from CYC Licensing Unit. A number of interested parties were also invited to participate in the review as detailed in paragraph 11 of the final report.

Options

7. A number of the recommendations arising from the review relate specifically to revisions required to the Licensing Authority's current Taxi Licensing Policy (Recommendations i and v – xv). The responsibility for considering revisions to that policy lies with this Licensing, Gambling & Regulatory Committee. Having considered the findings contained within the final report and its annexes attached, this Committee may choose to recommend appropriate changes to the policy to Council.
8. Recommendations ii – iv & xvi however, falls within the delegation of the Director of City Strategy and as such he may choose whether or not to approve those recommendations. Alternatively, he may decide that those recommendations be considered for approval by the relevant Cabinet Member. This does not preclude this committee commenting on those recommendations for the Director of City Strategy's consideration.

Analysis

9. An analysis of all of the information gathered, is shown within the final report at Appendix 1, and information in support of the findings is shown at Annexes A – D.

Recommendations Arising from the Review

10. The recommendations arising from the review are as follows:
 - i. Not to introduce deregulation. Future increases in the number of taxi licenses to be subject to the findings from future unmet demand surveys and the forthcoming quota to be set by the Government for wheelchair accessible vehicles. Outside of this, in an effort to introduce/increase the number of environmentally friendly vehicles into the city's taxi fleet, two additional licences to be made available to applicants with a hybrid or electric vehicle every 6 months.
 - ii. CYC Planning Dept to encourage the siting of new/additional taxi ranks adjacent to major new developments e.g. outside the new stadium or near the new council offices or major retail centres / supermarkets

- iii. CYC to produce a map showing York's taxi ranks indicating times of use and incorporated into other local maps, to raise public awareness of little-used ranks in the city centre. Map to be made available on CYC website and hard copies to be provided to relevant external parties e.g. Visit York
- iv. For a 12 month trial period, the rank at Duncombe Place to be made available for use on a full time basis.
- v. To reduce the emissions from hackneys and PHVs, the following European standards only to be accepted for replacement vehicles, as from 1 June 2012 for hackneys and 1 November 2012 for PHVs.
 - For petrol cars – Euro 4 petrol vehicle class
 - For diesel cars – Euro 5 diesel vehicle class
- vi. The number of low emission vehicles and to meet the forthcoming quota to be set by the government for wheelchair accessible vehicles, a hierarchy should be applied to issuing new licences in priority order as follows:
 - those applicants providing an electric car
 - those applicants providing a hybrid car or euro 3 standard gas fuelled car
 - those applicants providing a wheelchair accessible diesel car
 - those applicants providing a petrol car
- vii. No additional hackney carriage vehicle licences will be issued to 'non wheelchair accessible' diesel cars.
- viii. Where there are a number of applicants with cars of the same type (i.e. types shown above) the order they are issued plates should be based on the length of time they have been on the waiting list in line with the council's current policy.
- ix. CYC Taxi Licensing Unit to monitor emissions and the number of wheelchair accessible vehicles in York's taxi fleet (Hackneys and PHVs) by revising their annual inspection regime to ensure the gathering and recording of the relevant information, within the new Licensing Unit computer system (once its commissioned)

- x. Introduce as soon as is practicable, a requirement for new taxi drivers to undertake an Eco-driving course prior to the issue of a taxi licence.
- xi. Support for the council's current policy in regard to livery of the city's taxi fleet, but in the light of the court judgement, it be made advisory.
- xii. Subject to the adequate progression with new technologies making the application practical and the introduction of vehicle charging points as shown in the implementation plan at Annex D of the final report, introduce a zero tail pipe emissions policy similar to the Mayor's plan for London for hackneys and PHVs by 2021.
- xiii. the council be sympathetic towards the introduction of taxi buses for use in rural areas and work with possible future providers to investigate how such services may be introduced.
- xiv. In regard to taximeters, the policy to include a new specification - 'the taximeter must comply with the Measuring Instruments (Taximeter) Regulations 2006 and must be of the calendar control type which is locked and sealed by an approved manufacturer/supplier and/or installer' The application of any GPS system must provide a comparable level of security for the customer.
- xv. The new specification to initially apply to new vehicle applications only and subsequently will apply to all existing vehicles, both hackney and private hire(where fitted) with effect from 1 April 2015.
- xvi. The council to continue to assist in raising all drivers awareness of the training programme currently offered by Visit York.

Corporate Strategy

- 11. This topic falls supports a number of the aims of the council's Corporate Strategy i.e. to make York a thriving city with a successful economy, and a safer city.

Implications Associated with the Recommendations Arising from the Review

121. **Financial** – There are no financial implications for the council directly arising from this report. However, there may be financial implications for taxi drivers associated with the suggested recommendations in this final report. These include the purchase of newer vehicles, the phasing out of diesel cars and the replacement of meters. This may lead to legal challenge in the future which would result in added costs to the authority.
13. **Legal** – Given the approach that has been adopted for the review and the consultation that has taken place (in line with the DfT Guidance), the recommendations arising from the review are robust, and any legal challenge could therefore be resisted.
14. There are no known HR, Equalities, Crime & Disorder, ITT, Property or other implications associated with the recommendations arising from this review.

Risk Management

14. There is a risk to the council of future legal challenge associated with the recommendations made within this report, as detailed at paragraph 65 above. In order to mitigate against such challenge and/or be robust in any defence, all licence conditions imposed a Licensing Authority must be ‘reasonably necessary’. In order to satisfy this, any proposals need to be fully researched, any new requirements need to be seen as reasonable, and any significant proposals should be consulted upon prior to any policy being determined. However, the legal advice offered in this report suggests that the approach that has been adopted for the review and the consultation that took place, was in line with the DfT Guidance, and therefore any legal challenge could be resisted.

Recommendations

15. Members are asked to:
- i. Note the contents of the Taxi Licensing final report attached, and its annexes
 - ii. Consider Recommendations i and v – xv, as shown at paragraph 10 of this cover report and agree any

recommendations to Council for changes required to the Licensing Policy.

iii. Comment on Recommendations ii – iv and xvi, if appropriate.

Reason: To fully inform the Cabinet of the outcome of the review of the council's Taxi Licensing Policy.

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Report Approved **Date** 29 June 2011

Specialist Implications Officer(s)

Wards Affected:

All

For further information please contact the author of the report

Background Papers: None

Annexes:

Appendix 1 – Final Report

Annex A – Consultation Responses

Annex B – Briefing Note on Taxi Rank at Duncombe Place

Annex C – Information on Emissions from York's Taxi Fleet

**Annex D – Briefing Note on LTP3 – The Introduction of Charging Points
Across the City**

Task Group Members:

Cllr Joe Watt (Chair)

Cllr Dave Merrett

Cllr Christian Vassie