



AGENDA SUPPLEMENT

Licensing & Regulatory Committee

- To:** Councillors Mason (Chair), Wells (Vice-Chair), Barker, S Barnes, Galvin, Hook, Hunter, Melly, D Myers, Norman, Orrell, Pearson, Warters, D'Agorne and Wann
- Date:** Tuesday, 17 November 2020
- Time:** 5.30 pm
- Venue:** Remote Meeting

The Agenda for the above meeting was published on Monday 9 November 2020. The attached additional documents are now available for the following agenda item:

**6. Review of a Private Hire Operators Licence – (Pages 1 - 8)
Mohammed Iqbal t/a York Cars (52/2016)**

This is the Statement of Mr Iqbal and his Proposed Undertakings in relation to the Review of the Private Hire Operators Licence.

This agenda supplement was published on Monday 16 November 2020.

Democracy Officer:
Name: Angela Bielby
Contact Details:
Telephone – (01904) 552599
Email – a.bielby@york.gov.uk

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

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

Contact details are set out above.

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**

Application for a Review of a Private Hire Operator's Licence

Mohammed Iqbal
Licence No. 52/2016

Statement of Mohammed Iqbal

1. My name is Mohammed Iqbal. I am the holder of a City of York PHV Operator's Licence No. 52/2016. I was first granted York operator's licence in May 2014.
2. I have been involved in the private hire/ Hackney trade since 1989. First, as a licensed Hackney driver in Middlesbrough; and subsequently as a licensed operator and driver in both Middlesbrough and York, as a licensed operator in Selby, and as a Private Hire company manager in Leeds. I have also owned Hackney/private hire vehicles licensed in Middlesbrough, Stockton, York and Selby.
3. Neither I, nor any business with which I have been involved, has ever been subject to regulatory enforcement. None of the licences held by me or my businesses has ever been reviewed until now.
4. 34 Cars Ltd. was incorporated in May 2014. It was granted an operator's licence (trading as York Cars) by Wolverhampton Council in October 2019.
5. It is not, and it never has been, my intention to compromise public safety. *My purpose* in licensing 34 Cars Ltd. as a PHV operator in Wolverhampton was not to undermine York's policies, but to enhance the commercial benefit of my York PHV licence by having available to me, by way of subcontracting, a greater number of licensed drivers and cars to fulfil bookings taken by me in York. Before embarking on that course, I took legal advice as to its being lawful. As is correctly stated in paragraph 5 of the Report before the Committee, *"such a practice is lawful, and is a model operated by other firms"*. My motivation, namely, to exercise my statutory rights to commercial advantage, is no different from that of the numerous licensed operators up and down the country who operate similar models.
6. I appreciate that there are concerns that Wolverhampton-licensed drivers may not have needed to demonstrate the training and/or skills which York-licensed drivers have had to. There are undoubtedly differences in the requirements to be met by applicants for licences in Wolverhampton and York, but they should not be exaggerated. Wolverhampton requires high standards to be met by all its licensed drivers. I do not think it can realistically be said that Wolverhampton-licensed drivers pose a public-safety threat when undertaking bookings in York. If that was so, I would not subcontract bookings to them. Such differences as there are, I will address in the following paragraphs.

7. The following summary of the principal similarities/differences in training and testing of drivers licensed by Wolverhampton and York is taken from the respective Council's websites –

City of York Knowledge and Safeguarding Training Day / Test

All applicants must attend Knowledge and Safeguarding training. This is a full day's training course and the day will end with a test on the subject areas. This training day is provided by the Council's Workforce Development Unit, it runs regularly throughout the year and costs £84.00.

The training day will cover a variety of topics aimed at helping you in your new role. These topics include: • Disability Awareness • Child and Adult Safeguarding • Sexual Exploitation • Equality Awareness • Legislation, Conditions of Licence and Byelaws • York's Pedestrian Zone awareness.

Applicants are also required to complete and pass a **taxi driving assessment** with either Green Penny or The Blue Lamp Trust.

Wolverhampton Private Hire Training and Assessment Programme

Applications for a Licence to Drive a Private Hire Vehicle will only be processed when an applicant has undertaken the one-day training and assessment course.

This course is operated by Worcestershire County Council.

The driver assessment process consists of the following subject areas:

Safeguarding children and vulnerable adults • CSE awareness • Modern Slavery • County lines • Face to face English assessment (followed by a recorded interview where there are any concerns) • Licence conditions • Vehicle conditions • The licensing process • Enforcement and compliance • Plying for hire • The Health Act 2006 • Environmental Protection Act 1990 • Customer safety • Customer care • Disability awareness • Road and passenger safety • Personal safety

The course lasts approximately 6 hours and applicants must sit and pass a written multiple-choice test following the training, 75% correct is required to pass.

Both the course and the test are only available in English. No translation or interpretation of the training or test is available.

8. On 2 February 2020, acting on my behalf, David Wilson (of A2Z Licensing) wrote to Mr. Boxall (of York city Council), saying:

My client refutes, as I am sure the City of Wolverhampton Council would, that its standards are inferior to those applied by the City of York Council. It is acknowledged that there may be differences, but in some regards, the City of Wolverhampton Council's standards may be higher than those of the City of York Council.

If the City of York Council could expand upon its concerns as to any actual or perceived difference between its knowledge test and safeguarding course and those applied by the City of Wolverhampton Council, as a responsible operator, my client would be prepared to look to see if any actual deficiencies can be addressed.

9. Although Mr. Boxall's reply of 7 February did not point to any such perceived differences, I remain ready and willing to address any material deficiencies in Wolverhampton's training and testing of its licensed drivers before I subcontract bookings to them.

Localised Training

10. York drivers' training includes "York's Pedestrian Zone awareness", which for obvious reason Wolverhampton's does not. To redress that, York Cars gives each of its Wolverhampton-licensed drivers an on-road training session in the streets of York (including the York Pedestrian Zone, city centre roads and routes, and important venues such as hospitals, the railway station, tourist attractions, etc.). We have given this training since December 2019. It lasts 2-3 hours.

Driver Assessment

11. Wolverhampton does not require an assessment of its licensed drivers. York does. If that is a matter of concern, I would propose that before fulfilling a sub-contracted booking each Wolverhampton-licensed driver must take and pass a driving assessment similar to that required of York-licensed drivers.

Wolverhampton drivers who have failed the "York Knowledge and safeguarding test"

12. I am aware of concerns that some 5 Wolverhampton drivers, used by me to fulfil bookings in York, have failed the "York Knowledge and safeguarding test". I would like to make it clear that I did not set out to recruit drivers known to have failed the test, nor do I encourage such drivers to apply for Wolverhampton licences. However, I have been told by my lawyers that it is my statutory right, as 34 Cars Limited, to use drivers licensed by Wolverhampton. Unless and until the law is changed, it is a *consequence* of exercising that right, but not my *purpose* in doing so, that some drivers may have been refused a licence elsewhere.
13. It is also important to emphasise that I have been given legal advice that I am not required by law to be satisfied that any Wolverhampton-licensed driver to whom a subcontracted booking is passed is a driver who has not failed the testing requirements of a different licensing authority. I do understand the expressed concerns, however, and would address them by undertakings drafted to ensure that drivers who have failed the York "Knowledge and safeguarding test" are no longer onboarded to the 34 Cars Ltd. platform. A list of proposed undertakings is attached to this statement.
14. The 5 named drivers who are already working for 34 Cars Ltd. will be required to pass York's "Knowledge and safeguarding test" within 6 months. If they cannot do so they will be released from the 34 Cars platform. Since they are licensed drivers, lawfully fulfilling bookings taken by York Cars and subcontracted to 34 Cars Ltd., I think it would be wrong - especially during the covid-19 pandemic - to deprive them of their livelihoods on shorter notice.

Complaints about drivers

15. Complaints about drivers by rival operators, intended to do commercial damage and by no means necessarily true, are commonplace in the taxi and PHV industry. It is regrettable that in the case of York Cars and 34 Cars Ltd., false allegations are sometimes accompanied by racial slurs. My approach is to try to ignore those, and to get on with the task of providing a good PHV service. It goes without saying that all complaints against our drivers are investigated.

Facebook Post

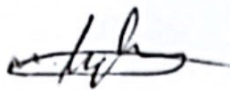
16. I have been shown what is said to be a Facebook post (EX MB/6). York Cars does have a Facebook account, but exhibit MB/6 was not posted on it, or by me anywhere else. The exhibit appears to be edited: its concluding words have been cut-off, as has the heading – which would show the name of the account on which the material was posted.
17. The text of the document seems to have been taken from an internal newsletter emailed by my son, Billy, to all our drivers. I do not know how it came to be copied and posted onto Facebook, who was responsible, and with what motive.
18. Billy and I do not agree as to how best to respond to the Uber challenge. Nor do some of our drivers agree with me. I think that the best response to Uber is to compete with as good a service as we can provide. I am aware, however, of strong feelings within the York industry that action should be taken against Uber, who (unlike York Cars) is not a York-licensed operator.

690 Taxis & Street Cars

19. These are alternative trading names for York cars, which we were advised by our Internet marketing company (SMEG) would increase our SEO rankings on Google and increase Internet traffic to York Cars. They are not legal entities, only marketing names. The telephone numbers on the website pages for these trading names automatically transferred to York Cars. It was clear to anyone telephoning those numbers that they were speaking to York Cars. All bookings were made with York Cars.
20. Following concerns being expressed as to our use of these trading names, we have taken down their respective websites, but we have kept the domain names alive together with the (unpublished) content of their websites, for possible future use. Our preference would be for my licence to read T/A York Cars, Street Cars and 690 Taxis.

Testimonials

21. These would appear to be a hangover from testimonials that were on the Street Cars website. There is no reason to believe that they were not genuine when first published. I refute in the strongest terms the suggestion that I posted manufactured (false) testimonials. I have taken down the respective websites and will ensure that these historical testimonials are removed if/when on any future date I decide to use the website *content* of Street Cars and/or 690 Taxis in relation to the business of York Cars. It should be understood that good website design is extremely expensive. I think that the design of the Street Cars and 690 Taxis websites is excellent, and I would not want to throw it away before seeing if it could legitimately be used elsewhere.

Signed 

Date 12/11/20

This page is intentionally left blank

Mohammed Iqbal

Proposed Undertaking to City of York Council

In connection with the review of his private hire operator's licence, Mohammed Iqbal proposes to give undertakings to the City of York Council as follows:

Mr. Iqbal as licensee of York Cars and as sole director of 34 Cars Ltd. hereby undertakes -

- (1) Not to recruit any driver licensed by the City of Wolverhampton ("Wolverhampton-licensed drivers") onto the 34 Cars Ltd. platform who is known to have taken and failed the York knowledge and safeguarding test within the previous 3 years, unless the driver has subsequently passed the test.
- (2) To require Wolverhampton-licensed drivers who wish to be recruited onto the 34 Cars Ltd. platform to state if they have previously taken and failed the York knowledge and safeguarding test within the previous 3 years. Drivers' answers to be verified with the City of York Council.
- (3) To require Wolverhampton-licensed drivers who wish to be on-boarded to the 34 Cars Ltd. platform to sign an appropriate form (in accordance with the requirements of the GDPR and Data Protection Act 2018) authorising information as to their having taken, or otherwise, the City of York knowledge and safeguarding test, as well the result of any such test, to be given to Mr. Iqbal and/or York Cars and/or their representatives.
- (4) 34 Cars Ltd. will not on-board a Wolverhampton-licensed driver if, within three working days of submitting the driver's signed authority by email to the City of York Council, the Council advises by email that the driver has taken and failed the York knowledge and safeguarding test within the previous 3 years and has not subsequently passed the test.
- (5) To require that before fulfilling a sub-contracted booking from York Cars, each Wolverhampton-licensed driver must complete topographical training, namely 2-3 hours of in-house training consisting of classroom and in-car training, including the York Pedestrian Zone, city centre roads and routes, and important venues such as hospitals, the railway station, tourist attractions, etc.

- (6) To require that before fulfilling a sub-contracted booking from York Cars, each Wolverhampton-licensed driver must take and pass a driving assessment administered by The Blue Lamp Trust, Green Penny or such other organisation as may be authorised by the City of York Council to undertake the said driving assessment on its behalf.
- (7) To keep records of topographical training and driving assessment for each Wolverhampton-licensed driver. The said records (including driving assessment certificate) to be kept throughout the period the driver works with the company and for 6 months thereafter. To produce such records on request to an authorised officer of the City of York Council.
- (8) From 1 June 2021 no longer to use any of the five drivers licensed by the City of Wolverhampton Council (identified as having taken and failed the City of York Council private hire driver knowledge test) to fulfil PHV bookings if they have not by that date taken and passed the said test.