
Meeting	Licensing and Regulatory Committee
Date	7 June 2022
Present	Councillors Cuthbertson (Chair) [until 18.50], Melly (Vice-Chair), D'Agorne, Hook, Hunter, Looker, Mason, D Myers, Norman, Warters [until 17.35]
In Attendance	Matt Boxall (Head of Public Protection) Sandra Branigan (Senior Solicitor) Lesley Cooke (Licensing Manager) David Cowley (Taxi Licensing Manager) Mike Southcombe (Public Protection Manager) Iain MacDonald (LVSA)

86. DECLARATIONS OF INTEREST

A Member asked for an update on York Cars. The Chair informed Members that a statement on this would be made after the three agenda items of business.

[Cllr Warters left the meeting at 5.35pm]

Cllr Looker declared a personal interest in Agenda Item 4 [Hackney Carriage Licences] with regard to accessibility and the need to maintain a fleet accessible other than to wheelchair users. Cllr Norman also declared a personal interest in that item due to his employment in wheelchair services and working with people with wheelchair interests.

Members were invited to declare any personal interests not included on the Register of Interests, any prejudicial interests, or any disclosable pecuniary interests that they might have in respect of business on the agenda. Cllr Melly declared an interest in agenda item 4 Licensing Act 2003 – Statement of Licensing Policy and Cumulative Impact Assessment and undertook to withdraw from the meeting for that item. There were no further declarations of interest.

87. MINUTES

Resolved: That the minutes of the meeting held on 2 March 2022 be approved and signed by the Chair as a correct record.

88. PUBLIC PARTICIPATION

It was reported that there had been two registrations to speak at the meeting under the Council's Public Participation Scheme. One registration had been withdrawn.

Flick Williams spoke on Agenda Item 4 [Hackney Carriage Licences] and welcomed the report and recommendations. She expressed concern that there was no overall increase in the number of wheelchair accessible cars and she gave a number of examples when these vehicles would be needed. She referred to the exclusion of blue badge holders for taxis. The Chair advised that her comments had been noted.

The Chair made the following statement regarding York Cars:

"I have taken advice from the Monitoring Officer on this issue.

The outcome of the York Cars appeal is not on the agenda. It is a matter of public record that the appeal was allowed on the basis of a consent order which bound the operator to conditions about the operator being "fit and proper". Because considerations taken into account in settling the proceedings are subject to legal professional privilege and discussion in the public domain about ongoing compliance with licence conditions may prejudice future legal action, the matter is not suitable for discussion in the public domain.

The outcome of the same appeal does not fall within the definition of urgent business as set out in S100B(4) Local Government Act 1972, as amended, namely "where by reason of special circumstances which shall be specified in the minutes, the Chairman of the meeting is of the opinion that the item should be considered as a matter of urgency and cannot be deferred to the next meeting." There is no decision to be taken which can properly be classified as urgent as the case has concluded.

Members of the Licensing Committee will be invited to receive a private briefing on the outcome of the appeal and developments since the member decision to revoke the operator licence in November 2020 was made. This could also form a case study in forthcoming Licensing training for members if so requested.

In addition Members are invited to express their views to the Chair/Monitoring Officer on when and how they would like to be kept informed of Licensing matters which become the subject of litigation and whether it would be useful to receive a regular report akin to those presented to Planning and Joint Standards Committees on the progress on appeals and complaints.”

89. HACKNEY CARRIAGE LICENCES

Members considered a report that advised them of the findings of the ‘unmet demand’ survey that has been undertaken with regards to hackney carriage vehicles. The report asked Members to make a recommendation to Executive and subsequently the Council on:

- i) the number of new hackney carriage vehicle licences to be issued, and
- ii) the type of vehicle they should be issued to.

The Head of Public Protection outlined the report. The report author of the LVSA York Hackney Carriage Unmet Demand Survey report (at Annex 1 of the report) detailed the aim, scope, methodology and findings of the survey. In response to Member questions the Head of Public Protection, Licensing Manager, Public Protection Manager and the LVSA author of the unmet demand survey and officers explained:

- That regarding driver availability at peak times, the assumption was that drivers would follow the same pattern of working.
- How the proposal to make available 9 new hackney carriage vehicle licences had been reached.
- If the no of hackney carriage licences issued was restricted then the unmet demand survey would have to be undertaken at least every three years.
- The Chair noted that if the calculated threshold was reduced, the new values must be re-established in three years to see if the level of unmet demand had changed.
- That concerning the options around vehicle specification, it was recommended that the additional licences included wheelchair accessible vehicles. Of the 183 licenced

vehicles, 45 had to be wheelchair accessible and a specification of every vehicle was that the big enough to carry a wheelchair.

- The definition of a wheelchair accessible vehicle was not being changed. The move was to electric vehicles which could be converted to a wheelchair accessible vehicle. It was noted that there wasn't one type of vehicle suitable for all types of wheelchair. An explanation of the vehicle specifications was given.
- The recommendation for hybrid electric vehicles was to improve air quality by having lower emissions.
- Annex 2 included information on the existing taxi fleet and currently there was no age limit on vehicles and there was a significant number of older vehicles being used.
- There was still a limited range of vehicles and the vehicles listed met both specifications of being wheelchair accessible and electric plug in.
- It was unlikely that some hybrid vehicles would run just petrol given the expensive vehicle.
- The £3000 taxi grants were available to existing licence holders.
- The aim to rid of all diesel vehicles.
- There wasn't a policy change regarding existing licenses. A London taxi cost £60,000 new and £40,000 second hand and taxis could also be rented. The fares in York were at the higher end of the spectrum.
- The second hand taxi scheme offered up to £3,000 off the vehicle and there were other incentives available.
- Regarding trends changing and reductions in the number of drivers in the future, if there was an unmet demand and licences were surrendered, this could be considered by the committee.
- There were other circumstances for licenses not being renewed. The Executive had asked for more surveys which was why two licences had not been issued.
- It was unlikely that the number of licences would reduce unless licences were surrendered.
- The committee did not have to state what kind of vehicle in the proposal to make available 9 new hackney carriage vehicle licences.
- The Chair referred to a late submission from A to Z and asked if the item should be deferred. It was explained that in licensing in relation to the number of drivers and whether the October 2021 situation was relevant to the

present day. The timeframe for the survey was explained and a further unmet demand survey would take 7-8 months to be presented to the committee. It was noted that the survey was written with a three year timeframe in mind and the survey was undertaken when York was in step 4 of Covid restrictions. The Senior Solicitor was asked and confirmed that the committee could justify making a decision on the report as it stood.

- It was clarified that the only reason to refuse a hackney carriage licence was if there was not unmet demand that was not significant.

[The Chair left the meeting at 18:50 and the meeting was chaired by the Vice Chair for the remainder of the meeting]

- Regarding concerns raised from the trade, if there was more supply in terms of drivers, this would help address the excess of demand.
- The Senior Solicitor advised that there could only be a quantity restriction in the number of licences issued if Members were satisfied that the unmet demand was met so that there was significant unmet demand. The LVSA author of the unmet demand survey explained that it would take a significant change in supply to bring the number of licences down to 80.
- There had been work underway to recruit new drivers and there were 16 new drivers coming through. Recruitment included an advertising campaign and a series of free knowledge tests and training for applicants. These had been funded by Home Office funding and the Safer York Partnership.

Recommendations to Executive/Council on the number of hackney carriage licences

Members then considered the following options:

Option 1 –make available 9 new hackney carriage vehicle licences (the two that had not been renewed, plus seven additional licences) with immediate effect to bring the total up to 190 as recommended within the unmet demand report.

Option 2 - make available up to 9 new hackney carriage vehicle licences (the two available having not been renewed, plus seven additional licences) to bring the total up to 190 with a

staggered approach. For example, issue three now, three in six months and three in one year's time or any combination thereof if demand continues to remain unmet.

Option 3 – make available the two licences that were not renewed, bringing the total back to 183 licences in operation.

Option 4 – make available any other amount of licences immediately or with a staggered approach as members see fit.

Option 5 – De-regulate and no longer restrict the number of hackney carriage licences available.

Following consideration of the options, Cllr D'Agorne moved and Cllr Mason seconded the Option 1, to make available 9 new hackney carriage vehicle licences (the two that had not been renewed, plus seven additional licences) with immediate effect to bring the total up to 190 as recommended within the unmet demand report. On being put to the vote with 5 voting for, two against and one abstention it was:

Resolved: That it be recommended to Executive **to** make available 9 new hackney carriage vehicle licences (the two that had not been renewed, plus seven additional licences) with immediate effect to bring the total up to 190 as recommended within the unmet demand report.

Reason: To help meet unmet demand for hackney carriage vehicles, particularly from users with a disability as well as providing a more environmentally friendly hackney carriage fleet in the city in response to the declared climate emergency and continuing desire to improve air quality.

Recommendations to Executive and Council on the type of hackney carriage vehicle

Members then considered the following options:

Option 1 – Amend the Taxi Licensing Policy to the vehicle specification in paragraph 25 with regards to the grant of any new hackney carriage vehicles licences.

Option 2 – Retain the existing vehicle specification outlined in paragraph 16 with regards to the grant of any new hackney carriage vehicle licences.

Option 3 – Specify a different vehicle standard.

Following consideration of the options, Cllr Hook moved and Cllr D'Agorne seconded the Option 1, to amend the Taxi Licensing Policy to the vehicle specification in paragraph 25 with regards to the grant of any new hackney carriage vehicles licences. On being put to the vote it was unanimously;

Resolved: That it be recommended to Executive to amend the Taxi Licensing Policy to the vehicle specification in paragraph 25 with regards to the grant of any new hackney carriage vehicles licences.

Reason: To help meet unmet demand for hackney carriage vehicles, particularly from users with a disability as well as providing a more environmentally friendly hackney carriage fleet in the city in response to the declared climate emergency and continuing desire to improve air quality.

Recommendation to the Executive and Council on other aspects of the unmet demand survey

Members then considered the following options:

Option 1 – These matters are considered further as part of the wider review of the Taxi Licensing Policy later this year.

Option 2 – Members make alternative recommendations in relation to the findings.

Following consideration of the options, Cllr Myers moved and Cllr Norman seconded the Option 1, to consider the matters further as part of the wider review of the Taxi Licensing Policy later this year. On being put to the vote it was unanimously;

Resolved: That it be recommended to Executive that the matters be considered further as part of the wider review of the Taxi Licensing Policy later this year.

Reason: To help meet unmet demand for hackney carriage vehicles, particularly from users with a disability as well as providing a more environmentally friendly hackney carriage fleet in the city in response to the declared climate emergency and continuing desire to improve air quality.

Cllr Cuthbertson, Chair

[The meeting started at 17.30 and finished at 19.10]