
Meeting	Staffing Matters & Urgency Committee
Date	21 December 2016
Present	Councillors Aspden (Vice-Chair), Looker and Rawlings (Substitute for Councillor Carr)
Apologies	Councillor Carr

52. Declarations of Interest

At this point in the meeting, Members were asked to declare if they had any personal interests not included on the Register of Interests or any prejudicial or disclosable pecuniary interests that they might have had in the business on the agenda. None were declared.

53. Exclusion of Press and Public

Resolved: That the press and public be excluded from the meeting during the consideration of Annexes 1,3 & 4 to Agenda Item 5 (Decision on Application by Uber Britannia Limited for Renewal of Private Hire Vehicle Operators Licence) (Minute Item 56 refers) on the grounds that it contained information relating to an individual and the financial affairs of a particular person. This information is classed as exempt under Paragraphs 1, 2 and 3 of Schedule 12A to Section 100A of the Local Government Act 1972 (as revised by the Local Government (Access to Information) (Variation) Order 2006).

54. Minutes

Resolved: That the minutes of the Staffing Matters and Urgency Committee held on 12 December 2016 be approved and then signed by the Chair as a correct record.

55. Public Participation

It was reported that there had been 14 registrations to speak at the meeting under the Council's Public Participation Scheme on the following items:

Gwen Swinburn spoke of her concern at the lateness of Uber's application and stated that due diligence and the correct democratic processes could not take place in such a short time period. She requested the application be rejected on these grounds.

5. Decision on Application by Uber Britannia Limited for Renewal of Private Hire Vehicle Operators Licence

Councillor Crisp spoke on her concerns around DBS checks, safeguarding issues and licensing regulations. She felt a full investigation of the complaints received by CYC should take place before issuing a licence.

There were ten registered speakers on behalf of the taxi trade and several unions. They spoke on a number of issues including:

- Concerns about the legality of Uber's practices – such as touting for business at taxi ranks and arranging pickups without using the Uber 'app'.
- 'Surge' pricing during peak periods being unfair to customers. Large fares being charged for short journeys.
- The lack of control over the safety of vehicles licensed by other Local Authorities. Vehicles with blacked out windows were being used and there were currently no wheelchair accessible vehicles available via Uber in York.
- A significant amount of drivers coming from outside of York meant there was a lack of local knowledge. This was causing safety issues – e.g. driving up one way streets.
- CYC enforcement officers were overstretched and unable to tackle these issues effectively.

Neil Mc Gonagle, General Manager, spoke on behalf of Uber Britannia. He detailed the high standards Uber had around driver/passenger safety, such as GPS tracking of vehicles, a cashless system and the ability see a photo of your driver before they arrived. He stated that drivers and customers appreciated the safety features in place and hoped this would attract more York based drivers to the company.

Helen Fletcher, legal representative for Uber Britannia, stated that she would be available to answer any queries and clarified that there had been no suggestion from Officers that the current licence should not be renewed. She reminded the Committee

that there were limited grounds for refusal, even though she understood the reasons this application has been brought to committee. She also stated that the majority of complaints received by CYC had been shown to be unfounded.

56. Decision on Application by Uber Britannia Limited for Renewal of Private Hire Vehicle Operators Licence

Members considered a report which sought the determination of an application for the renewal of a Private Hire Operators Licence which had been made under Section 55, Part 2 of the Local Government (Miscellaneous Provisions) Act 1976, by Uber Britannia Ltd to operate from Tower Court, Oakdale Road, Clifton Moor, York, YO30 4WL.

Officers explained that, although issuing a licence was usually a decision delegated to Officers, that due to the strength of public feeling on this particular application, it was felt the decision should be made by Members at a public meeting. They clarified that a licence must be issued unless it was found that the applicant was not a 'fit and proper person'. They also clarified that even though the previous licence was issued on the 24 December 2015, Uber had only started operating in the city on the 9 September 2016. No consultation had taken place as this was not a requirement for the renewal of a Private Hire Operators Licence.

In response to Member questions Officers stated:

- There were several reasons someone may not be considered a 'fit and proper person' such as a criminal record, losing a licence in another authority, having had a licence suspended etc.
- It was difficult to say in what circumstances a licence could be issued for less than 5 years, as this was a new legal requirement and therefore there was no case law to consider.
- Some of the difficulties raised by taxi drivers stemmed from the Deregulation Act 2015. This meant drivers could operate across borders legally – providing a booking had been made through a licensed operator.
- City of York Council were involved in a push for more coherence in Taxi Licensing across the county as standards varied greatly.

Uber representatives were then invited to answer Member questions, covering the following issues:

- Uber drivers working in York would all be sent a comprehensive package of materials including the City layout, locations of taxi ranks, and areas where they could/could not pick up passengers.
- Drivers all held DBS checks and insurance. The quality of their vehicle was dependent on the standards of the Local Authority they had been licensed by.
- All complaints were logged via the Uber 'app' or website. Complaints were triaged and anything serious would be dealt with immediately by the team. Access to the platform would be suspended while the complaint was investigated.
- Every driver was licensed and the app stored their photo, in order for customers to be able to check that they were getting into the correct vehicle.

Mr Saf Din, Chair of the York Hackney Carriage Association was also invited to answer Member questions. He made the following points:

- Uber's assertion that all Local Authorities require drivers to be DBS checked may not be true. He pointed out that it was his belief that Rossendale Borough Council did not require this check, and stated that 2500 vehicles had been licensed via this LA in the last year.
- Insurance policies were generally not valid outside of the Local Authority where a licence was held.

During debate Members raised the following issues:

- An underlying difficulty appeared to be the Deregulation Act 2015. Members were fully supportive of Officers' efforts to address the lack of coherence between areas and to bring about more regional enforcement.
- They were concerned by the lateness of Uber's application, for whatever reason, as businesses should be more prepared.
- There was an issue surrounding the number of complaints received that had not yet been investigated or brought to a successful conclusion. This needed to be closely monitored.
- However it was felt that, if a licence was not granted, Uber could still operate in York using out of town drivers, which

would mean even less control over who was operating in the City.

- As Uber had been operating in York for such a short period, it would perhaps be reasonable to issue a licence for a lesser period in order to monitor complaints.

Members considered the following options:

- Option 1 - grant the licence, with the standard licence conditions attached, for a period of 5 years in accordance with the 1976 Act.
- Option 2 - grant the licence, with the standard licence conditions attached, and/or other conditions that are considered appropriate and for a lesser period if considered appropriate by the Committee in accordance with S55 to the 1976 Act.
- Option 3 - refuse the application if satisfied having regard to the facts set out in the application and this report that any of the grounds set out in Section 62 are made out.

Resolved: That, in accordance with Option 2, the Committee grant the licence, with the standard conditions attached, for a lesser period of 12 months as considered appropriate in accordance with S55 to the 1976 Act.

Reason: To consider the application for renewal of a private hire operator licence as required by the legislation.

Councillor Aspden (Vice Chair), Chair

[The meeting started at 10.00 am and finished at 12.40 pm].