

## Notice of meeting of

### Licensing & Regulatory Committee

**To:** Councillors Firth, Gillies (Chair), Horton, Looker and Moore (Vice-Chair)

**Date:** Friday, 6 November 2009

**Time:** 2.00 pm

**Venue:** Guildhall

## AGENDA

**1. Declarations of Interest**

At this point, Members are asked to declare any personal or prejudicial interests they may have in the business on this agenda.

**2. Minutes** (Pages 1 - 4)

To approve and sign the minutes of the meeting held on 4 September 2009.

**3. Public Participation**

At this point in the meeting, members of the public who have registered their wish to speak regarding an item on the agenda or an issue within the Committee's remit can do so. The deadline for registering is **5:00 pm on Thursday 5 November 2009.**

**4. York Taxi Accreditation Scheme** (Pages 5 - 18)

This report advises Members of proposals to develop a voluntary accreditation scheme for taxi and private hire drivers and companies and seeks their support.

**5. Any other business which the Chair decides is urgent under the Local Government Act 1972.**

Democracy Officer:

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

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports

City of York Council

Committee Minutes

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MEETING	LICENSING & REGULATORY COMMITTEE
DATE	4 SEPTEMBER 2009
PRESENT	COUNCILLORS LOOKER, MOORE (VICE-CHAIR), ORRELL (SUBSTITUTE), B WATSON (SUBSTITUTE) AND WISEMAN (SUBSTITUTE)
APOLOGIES	COUNCILLORS FIRTH, GILLIES AND HORTON

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**22. DECLARATIONS OF INTEREST**

At this point in the meeting, members are asked to declare any personal or prejudicial interests they may have in the business on the agenda. None were declared.

**23. MINUTES**

RESOLVED: That the minutes of the meeting held on the 3 July 2009 be approved and signed by the Chair as a correct record.

**24. PUBLIC PARTICIPATION**

It was reported that there had been no registrations to speak under the Council's public participation scheme on general issues within the remit of the committee.

**25. PROPOSED INTRODUCTION OF DRIVING STANDARDS AGENCY PRIVATE HIRE AND HACKNEY CARRIAGE DRIVING ASSESSMENT FOR NEW APPLICANTS.**

Members considered a report which requested them to consider amending the Council's existing policy for hackney carriage and private hire licence applications by introducing a requirement for all new applicants to submit with their application, a certificate of completion of a driving standards agency assessment specifically designed for hackney carriage and/or private hire vehicle driver's as provided by the Driving Standards Agency.

Officers updated that the report was brought to the Committee at the request of the Chair, and that the Driving Standards Agency had asked City of York Council if it would adopt the test. 139 Local Authorities have now introduced the test, including most Council area's in the North. At present there is no other requirement for drivers to take any such test and it would assist Officers in ensuring standards, especially in cases where existing or prospective drivers have points on their driving licence.

A newspaper article was circulated to Members which highlighted that the taxi trade in York supported the proposal.

Members welcomed the introduction of the test and supported the Officers recommendation to approve Option 3 as highlighted in the report.

RESOLVED: That Option 3 be approved as follows:

- (i) To adopt the requirement for all new applicants for a hackney carriage or private hire licence to attain a pass in the Driving Standards Agency test and assessment before their application is considered by the Council.
- (ii) In addition, where deemed necessary, to adopt the requirement in discipline or complaints matters involving licensed drivers.
- (iii) That this policy should come into effect on 1<sup>st</sup> April 2010.<sup>1</sup>

REASON: To assist the Licensing Department in ensuring that members of the public are transported safely in appropriately licensed vehicles, driven by identified, trained and vetted licensed drivers.

Action Required

1. Officers to make arrangements for the implementation of the DSA Test in April 2010. JL

**26. DESIGNATED PUBLIC PLACES ORDER - CLARENCE GARDENS.**

Members considered a report which advised them of a petition which was presented to Council on 9 July 2009, requesting that the council “ban the consumption of alcohol in Clarence Gardens” following concerns of an increasing level of disturbance resulting from “inappropriate drinking” and the action taken by officers.

Under section 13 of the Criminal Justice and Police Act 2001, powers exist for a local authority to make Designated Public Places Order (DPPO) where there is alcohol related nuisance or annoyance to the public in an area. The effect of the order is that the Police have powers to require a person to stop drinking alcohol in that area and request the surrender of

alcohol in any opened or sealed container. Failure to comply is an arrestable offence and subject to a maximum fine of £500. During Autumn 2008 it came to light that there was a problem with people drinking alcohol in Clarence Gardens and evidence began to be collected to support the introduction of DPPO. By May 2009 North Yorkshire Police gave they're full support for the DPPO along with residents and Ward Councillors. On 16 July 2009 a public notice was placed in the local press, seeking representations to the making of the order to be submitted by 17 August 2009. None were received,

Members commented that they were pleased to see the Order being implemented so quickly.

RESOLVED: That Members noted the content of the report.

REASON: To keep Members informed on Designated Public Places Orders

Councillor Moore, Chair

[The meeting started at 2.00 pm and finished at 2.16 pm].

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## Licensing and Regulatory Committee

6<sup>th</sup> November 2009

Report of the Director of Neighbourhood Services

### York Taxi Accreditation Scheme

#### Summary

1. This report advises members of proposals to develop a voluntary accreditation scheme for taxi and private hire drivers and companies and seeks their support. The scheme will lay down common standards of customer service and a mechanism for the arbitration of disputes. It will assist customers in knowing the standards of service they should expect when travelling in an accredited hire car in the city.

#### Background

2. When attending a meeting of the Social Inclusion Working Group to discuss taxi issues it became apparent to officers that different groups of customers were experiencing varied standards of service from licensed taxis and private hire vehicles in the city. These issues, such as helping with luggage, are outside legislative controls. Officers therefore examined options to address these issues.
3. A working group was established to look at the development of an accreditation scheme. Members of the group included representatives of York Access Group, of the taxi and private hire trade, trading standards who operate schemes for the Motor Trade and Home Services and licensing staff. Advice was also sought from the councils transport team in LCCS.
4. The group has met on several occasions and has developed a draft of the scheme which is attached at Annex 1. The scheme lays down general standards of service and specific standards for wheelchair accessible vehicles, it also provides an avenue for the reconciliation of disputes. It is recognised that there is still work to complete on the scheme details and supporting paperwork before the launch.
5. At the present time the scheme is being called YTAS (York Taxi Accreditation Scheme) although degree course students at York College are currently working on a logo and branding for the scheme and this may change. It is

envisaged that scheme members will display the logo on their vehicle, on their stationery and marketing material.

6. The following timetable is proposed to take the scheme forward for public launch in the spring.

<b>Date</b>	<b>Activity</b>
October-November	Draft scheme detail
October - November	Consultation: trade, stakeholders
6 <sup>th</sup> November	Licensing and Regulation Committee
November	Finalise scheme following consultation
December	Agree branding and market to trade and complete supplementary documentation
4 <sup>th</sup> January 2010	Start of Application period
28 <sup>th</sup> January	Report to Social Inclusion Working Group
January - February	Devise public marketing and scheme promotion
29 <sup>th</sup> March	Public Launch

### **Consultation**

7. As the development of the scheme is a partnership approach all key stakeholders have been involved. It is proposed to write to all private hire operators and hackney drivers to seek their individual feedback before finalising the scheme.

### **Options**

8. Option 1 : Support the development of the scheme in its present form or with amendments

Option 2 : Advise officers to abandon the scheme



## **Analysis**

9. The origins of this scheme arose from comments from a range of groups who considered that it was difficult to know what levels of service they were to expect when travelling in a hackney or private hire vehicle. For some passengers this is not an issue but for others it is far more important and affects their decision whether to hire a taxi or not. This scheme has been developed to try and address issues of consistency of service. If the scheme is successful then it will help address those issues to the benefit of the taxi travelling public. The scheme should also have benefits for its members who should benefit from increased customer confidence and trade.

## **Corporate Strategy**

10. The scheme supports the inclusive and thriving city elements of the Corporate Strategy

## **Implications**

11. **Financial:** The scheme will have to be self financing through membership fees.

**Human Resources (HR):** None

**Equalities:** The scheme was arrived at as a result of assessing the impact of current licensing arrangements on users of licensed taxis and private hire vehicles in the city, disabled users in particular. It is expected to improve access to licensed taxis and private hire vehicles in the city particularly for disabled people

**Legal :** None

**Crime and Disorder:** None

**Information Technology (IT):** None

**Property:** None

**Other:** None

## **Risk Management**

12. There is no risk to the council in developing this scheme.

## Recommendations

13. Members are asked to approve Option 1 and support the development of the scheme

Reason: To increase consistency in service standards offered by licensed hire drivers in the City.

**Author:**  
**Richard Haswell**  
**Head of Licensing and Safety**

**Chief Officer Responsible for the report:**  
**Andy Hudson**  
**Assistant Director of Neighbourhoods and Community Safety**

**Neighbourhoods and Community Safety**

Report Approved  Date 20<sup>th</sup> Oct 09

Tel No.01904 551515

**Specialist Implications Officer**  
**Legal - Martin Blythe**  
Tel No. 01904 551044

**Wards Affected:**

For further information please contact the author of the report.

### **Background Papers:**

None

### **Annexes:**

Annex 1 – Draft scheme

**Annex 1**

**YORK Taxi Accreditation Scheme “YTAS”**

**Contents**

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## **Vision**

To encourage and promote through the YORK TAXI ACCREDITATION SCHEME (YTAS) the consistent delivery of high standards of service to all sectors of the community who travel by taxi.

## **Objectives**

Members will:

Treat all customers with respect and courtesy and deliver the high standards set out in the scheme.

Ensure that, whatever the personal circumstances of the customer are, they are driven to their destination safely, comfortably and with respect.

Ensure that all customers are made aware of the standards of service they can expect and what to do if they do not receive it.

Support the benefits of the scheme to all sectors of the community and within the trade to enhance public confidence in travelling in an accredited vehicle or with an accredited driver.

## **Steering Group**

### **Role**

A Steering Group will oversee the operation of the YORK TAXI ACCREDITATION SCHEME, including but not restricted to:

- The content of the scheme
- Marketing the scheme
- Establishing and monitoring performance indicators
- Arranging for the publishing of results
- Arranging for consultation on the terms and conditions of the scheme
- Arranging for the monitoring of customer satisfaction
- Ensuring continuous review and assessment of the scheme
- Administrating the complaints system
- Undertaking the necessary audit and assessment of applicants and scheme members

### **Steering Group Membership**

The Group will comprise of members taken from the hackney carriage and private hire trade, access groups, CYC licensing, transport and trading standards

The Steering group Chair will be elected from Group members

### **Who can apply ?**

Private Hire Companies licensed by the CYC

Hackney Carriage Drivers and companies licensed by the CYC

Those who supply evidence as required to demonstrate compliance with the service standards set out in the scheme

Those who agree to an initial audit of their practices and continuous monitoring of their compliance with the scheme

### **Commitment from CYC Licensing Services**

#### **Licensing will provide**

A fair and impartial service to both consumers and members of the scheme.

The display of the terms and conditions of the scheme on the Councils website

A contact database for all members

An assurance that all complaints received about a members business will be handled in accordance with the complaints procedure

Undertaking the administration and marketing of the scheme.

#### **Members Commitment**

Comply at all times with the terms and conditions of the scheme

Comply with the spirit and letter of all relevant taxi licensing or other relevant legislation or code of practice

Train staff and drivers to ensure they know, and are able to carry out their work in line with the law , the schemes objectives and any internal customer standards.

Attend meetings and training as provided by the scheme

Provide details of the scheme by displaying the logo on vehicles and business stationary

Provide information in accordance with the Customer Contract procedure

Deal with all complaints in accordance with the Complaints procedure

## **Standards, terms and conditions**

### **Training and competence**

All drivers whether individual members or working for a company covered by the scheme must undertake Disability Equality Training (DET) level 1 provided through the scheme. This involves working through an online training package.

On joining the scheme all individual members shall have completed the DET level 1 training. To allow for driver turn over 90% of all company drivers shall have completed the training to be accepted as members.

After acceptance into the scheme, companies shall ensure that all drivers new to the company are trained within ??? weeks of joining.

*Need to consider any further training required in disability equality particularly regarding specific practical skills aimed at the trade.*

### **Customer Standards**

#### **Booking**

The person taking any booking shall:

Be polite and courteous

Accurately record passenger requirements

Advise of an accurate arrival time, passenger to be updated if running late.

Be prepared to send female driver if asked and possible

Advise if fare is to be charged by meter or distance.

Where a meter is not fitted a price must be agreed at the time of booking.

Ask if there is any strict deadline to meet i.e. catching trains or hospital appointments and advise on appropriate departure times having regard to local traffic conditions

Any passenger disadvantaged by error or delay (company/driver), to be fully compensated. On the condition the passenger adhered to company guidance/policy, at the time of booking.

## **Vehicle Arrival / Pick up**

The driver shall:

At all times be courteous and respectful to the customer

If picking up from home or other premises, notify customer that you have arrived by phone or calling at the premises at the appointed time ( not earlier)

Introduce him/herself by name and company if appropriate

At all times offer to help the customer transporting luggage, shopping, wheelchairs etc from premises and loading same into the vehicle.

Ask the customer if they require assistance to enter the vehicle and provide if requested and in particular:

Always ask before physically touching a customer to assist with access and egress

Where the customer has mobility difficulties offer to fit an additional step if there is one and offer the use of a swivel seat if there is one

Where a customer has visual impairment:

- advise whether the vehicle is a saloon or purpose built taxi,
- advise on the direction of facing of the vehicle,
- if required place the customers hand on the roof and open door of the vehicle.
- make sure they are seated and have secured the seatbelt before moving off. They may like help with the belt.

- remember assistance dogs are trained to remain on the floor of a vehicle. Refusal to carry an assistance dog is likely to be a contravention of the law.

Where a customer is deaf or hard of hearing :

- look at them when speaking, speak clearly, and not shout.
- always have a pad of paper and a pen available as sometimes it is easier to communicate in writing.
- make sure the customer is aware that their instructions are understood and that you know where you are going

Not start the meter until the customer is sat in the vehicle and ready to move off unless the customer is over 5 minutes late in arriving.

Be of a clean and smart appearance. Dress code to include formal long trousers, shirt/blouse (with collar) and formal shoes. No sports-wear, casual-wear and head-wear.

Maintain their vehicle in a clean and tidy condition both inside and out.

Provide a pleasant environment in which to transport the customer, and in particular:

### **During the journey**

The Driver shall:

Not consume food or drink in the licensed vehicle when transporting passengers.

Not smoke in the vehicle

Seek the customers approval for the playing of music /radio during the journey.

Advise any visually impaired customer of notable points in their journey.

Seek approval of all customers for a change of route if the most direct one is not the most appropriate ie road works or a vehicle accident or breakdown.

### **End of Journey**

At the end of the journey the driver will stop in a safe place to allow the customer to alight.



The meter shall be stopped and totalled when the vehicle is brought to a halt at the destination. The meter will be stopped, but continue to show the amount due until the customer has paid, then the meter will be cleared.

For visually impaired customers the driver shall:

- tell the customer the fare and count out any change given.
- set the customer down in a safe place and make sure they know where they are going. Assist if they would like to be accompanied to the entrance of a nearby building.

The driver shall at all times offer assistance to the customer with unloading luggage shopping and other items out of the vehicle and to the premises door.

Drivers shall when requested explain the fare chart to the customer.

The driver shall offer a receipt to the customer.

### **Drivers of Wheelchair accessible vehicles**

In addition to the above:

All drivers of wheelchair accessible vehicles shall have completed the Driving Standards Agency practical wheelchair assessment.

Pull up as close as possible to the kerb

Ask the customer if they would like to use ramps if fitted

If necessary make more cabin space by moving seats

Insist that the passenger travels in the correct position as recommended by the manufacturer/conversion company

Always make sure the wheelchair brakes are on

Secure the wheelchair and suggest the passenger wears a seatbelt

Avoid sudden braking and acceleration

Unload the wheelchair backwards and ask the passenger if they would like the brakes applying once unloaded

Leave the passenger in a safe and convenient place which enables them to move away independently

## **Customer Complaints**

Members will ensure that all complaints are dealt with quickly and effectively, keep complainants fully informed of developments and maintain records of actions taken.

### **General**

Members will have a customer complaints procedure, which ensures that complaints are dealt with promptly, courteously and effectively, whether received directly from the consumer or from some other intermediary acting on their behalf

An appropriate person/s in the members business will be nominated to deal with complaints

The schemes complaints panel shall consist of 3 persons, a representative of the council, a representative of the taxi/private hire trade and a representative from a recognised customer representative group. The panel shall only deal with issues in relation to the terms and conditions of the scheme.

Where there is an alleged criminal offence the complaint will be dealt with by the appropriate statutory body.

### **Complaints Procedure**

All complaints ( other than criminal) shall be made in the first instance to the member complained about ie self employed driver or operating company for resolution

Where a complaint is received the member shall make a record of the complaint and the action taken to resolve it .

*(Should we produce a record book for each member ?)*

The member shall supply to the complainant a copy of the schemes leaflet which indicates what they should do if the complaint is not resolved to their satisfaction.

Where the complaint is not satisfactorily resolved by the member it shall be referred either by the member or the complainant to the Schemes complaints administrator.

The schemes administrator shall determine the most appropriate course of action which maybe :

- a) to dismiss the complaint

- b) to intervene and mediate
- c) to refer to the complaints panel

### **Membership and Appeals**

Private hire companies and hackney carriage drivers who meet the Schemes conditions and demonstrate commitment will be eligible for membership, which is renewed annually

Private hire companies and hackney carriage companies or drivers who apply for membership will pay an initial joining fee and annual renewal fee. Fee levels are to be set by the Steering group members to cover costs and are non refundable

Members will be entitled to display a membership certificate and may use the membership logo on business documents, local advertising and websites.

### **Non Compliance**

Membership of the scheme will be removed in the event of the following

- Evidence of a serious breach of the terms and conditions A serious breach would be one that jeopardises the reputation of the scheme
- A breach of the terms and conditions on 3 occasions in any 12 month period- this will include all minor or technical infringements of the scheme

Any decisions to remove a member from the scheme shall be taken the complaints panel. Any member removed from the scheme shall not be allowed to reapply for membership for a period of at least 2 years as determined by the complaints panel.

Minor infringements maybe more appropriately dealt with by warnings, retraining, or some other corrective measure as determined by the complaints panel.

Appeals against the decision of the complaints panel shall be determined by an arbitration panel which shall comprise of 3 further members of the steering group who were not involved in the original decision.

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