
Meeting	Licensing and Regulatory Committee
Date	8 October 2024
Present	Councillors Melly (Chair), Cuthbertson (Vice-Chair), Baxter, Clarke, Hook, Kilbane, Knight [until 6.31pm], Mason [until 6.34pm], D Myers [from 4.35pm], Nicholls, Ravilious, Smalley and Warters [from 4.37pm]
In Attendance	Sandra Branigan, Senior Lawyer Matt Boxall, Head of Public Protection Lesley Cooke, Licensing Manager David Cowley, Taxi Licensing Manager
Apologies	Councillors Widdowson and Wilson

PART B - MATTERS REFERRED TO COUNCIL

64. Taxi Licensing - New Taxi Licensing Policy (5.05pm)

[See also under Part A]

Members considered a report which sought their recommendation for approval by Council of a new Taxi Licensing Policy. The Chair explained that the policy was the culmination of three years' work and thanked those involved for their work on the policy. She then explained that different aspects of the policy would be considered one at a time.

The Head of Public Protection introduced the policy noting the aim for consideration by Council on 21 November 2024. He noted the Statutory Taxi and Private Hire Vehicle Standards and Best Practice Guidance and thanked respondents for their feedback during consultation.

The Head of Public Protection noted the Statutory Taxi and Private Hire Vehicle Standards, Best Practice Guidance and consultation responses for vehicle age limits noting the wording of the section in the policy at paragraph 25 of the published report. In response to Member questions, he and the Taxi Licensing Manager explained that:

- Euro 6 vehicles were 7-9 years old.
- The oldest vehicle on the fleet was 18 years old, which

was a Euro 5 or 4. Vehicles were currently inspected every year and had a secondary MOT check. The number of suspensions from the last inspection was noted. The suspensions were for mechanical problems and the vehicles were put back on the road once the mechanical problems had been rectified.

- There was 11 private hire Wheelchair Accessible Vehicles (WAV) and 12 hackney carriage WAV on the fleet over 10 years old. There were currently 90 WAV.
- Euro 6 WAV were not subject to the age criteria and 5 WAV would be replaced over the next 5 years.
- 23 WAV were Euro 5.
- The council grant to help taxi vehicles had been taken up and the government grant for electric vehicles ranged from £3500 to £7000.
- Hackney carriage vehicles were under a special licence and would have to be Euro 6
- The profile of existing vehicles was 50-60 new vehicles over the last two years. When the policy would come into effect, there would be 75 vehicles over 10 years of age and 12 hackney carriage vehicles over 10 years of age.

At this point Cllr Mason proposed that Euro 5 hackney carriage WAV be given an extra number of years and subject to checks every 6 months. This was seconded by Cllr Warters.

- There was an annual inspection of vehicles and tests could be undertaken up to three times per year.

The Head of Public Protection noted the Statutory Taxi and Private Hire Vehicle Standards, Best Practice Guidance and consultation responses for window tinting. Regarding the consultation responses, 51% of respondents said that they would 'feel safe' in a taxi/private hire vehicle with tinted windows and of the results, of the 89 respondents who identified as female, 47% said they would 'not feel safe'. The Head of Public Protection reported that the new policy proposed 30% light transmission the current policy was 50%. In response to Member questions, he and the Taxi Licensing Manager explained that:

- Customers had the right to use any vehicle at any rank.
- Regarding the possible introduction of CCTV in vehicles that didn't meet the 30% light transmission threshold, this would bring in other aspects regarding who was the data controller and it would make the council the data

controller.

- New vehicles had different levels of tint, and most were 30% light transmission, and the council would offer free tint checks at Hazel Court.
- There were no crime statistics available related to a link between crime and tinted windows.

The Head of Public Protection noted the Statutory Taxi and Private Hire Vehicle Standards, Best Practice Guidance and consultation responses for vehicle colour. Referring to the consultation responses he noted that 51% of respondents strongly agreed or agreed with the proposal that 'taxis should be black to help with public safety' and of the 89 respondents who identified as female, over 61% agreed. He further noted that two thirds of respondents (66.6%) who identified as having a mental or physical condition lasting more than 12 months agreed or strongly agreed that hackney carriages should be black.

In response to Member questions, he and the Taxi Licensing Manager explained that:

- The safety aspect of hackney carriage vehicles being black was that they could be hailed.
- Regarding the 2009 Magistrate Court decision, the reason why the judge determined that the condition on the driver could not be upheld was there had not been enough consultation. Extensive consultation with protected groups had been undertaken with the policy under consideration.
- Conditions could not be imposed on vehicles not licensed in York.
- Having black and livery was to make vehicles more identifiable.

[At this point the Senior Lawyer advised that the 2009 case did not set a legal precedent and there was no legal reason why a colour could not be imposed].

- With reference to it being hard to find black WAV, the policy was not asking current licence proprietors to change colour within three years. The fleet at present would be progressively replaced.
- There would be a natural progression of vehicles reaching 10 years and proposing a uniform fleet was for public safety.

The Head of Public Protection explained the consultation responses on vehicle signage noting that 92% of respondents

strongly agreed or agreed with the proposal that licensed vehicles should display the licence number, licensing authority and operator details on the vehicle so passengers can easily identify it at any time as a City of York licensed vehicle and 100% of the respondents who identified as female agreed. The Licensing Manager noted that paragraph 32 of Annex 3 should be amended to: 'Every *private hire* vehicle shall display a licence plate, supplied by the Council, externally on the rear of the vehicle. The licence plate issued by the Council should be securely fixed to the rear of the vehicle so that it is clearly visible. The licence plate will remain the property of the Council and must be returned to the Council immediately upon a change or vehicle or when requested upon the suspension, revocation or expiry of a vehicle licence.' This was agreed by the committee.

The Taxi Licensing Manager explained the proposed vehicle signage. In response to Member questions, he and the Head of Public Protection explained that:

- Regarding specific colours in other councils, vehicles had been resprayed or wrapped in vinyl.
- Currently hackney carriage vehicles could be any colour and there was an exemption for executive vehicles.

[The meeting adjourned from 5.55pm to 6.03pm]

The Head of Public Protection noted the Statutory Taxi and Private Hire Vehicle Standards, Best Practice Guidance, and consultation responses for the knowledge test. He noted the York knowledge test. In response to Member questions, he and the Taxi Licensing Manager explained that:

- The consultation responses from respondents identifying as female were not significant to be included in the report.
- Cycle awareness could be part of the knowledge test.
- Regarding the proposed condition for large operators having WAV, if a WAV was not available, they would need to provide information on what was being done to address the matter. The consultation response on this was noted. The Chair noted that she had received correspondence of the lack of WAV.
- Regarding the policy proposing that that operators with
- over 99 vehicles have a WAV in operation 24 hours a day. If, in
- exceptional circumstances, where a WAV is unavailable, the operator must notify the council and provide details of the steps being taken to ensure availability,' 99 vehicles

was the largest number that came under a private hire operators licence. There were four companies with over 99 vehicles. It was noted that the Taxi Licensing Manager and Access Officer had been at WAV for smaller companies.

- The availability of WAV would be monitored as part of the operator checks with tool place annually.
- The taxi companies worked together and sub contracted work if they didn't have a WAV available.

The Head of Public Protection explained the arrangements for subcontracting and noted the consultation response of 79% of respondents strongly agreeing or agreeing with the proposal that operators must provide customers with the details of the replacement driver and enable the customer to change or cancel the booking without charge when a taxi operator needs need to ask another operator to pick the customer up. He was asked and explained that with the new system, drivers' journeys were recorded, the records were kept, and the council could access the records.

Regarding licence penalty points, the Head of Public Protection explained that there was a current limit of 7 points which would lead to the review of a licence for consideration of revocation. He noted the proposal that *'Existing licence holders reaching up to and including 9 points on a DVLA licence for minor motoring convictions will receive a warning and will be required to attend appropriate training and practical driving test using one of the Council's approved testers and at their own cost.'* He added that each case would be determined on its own merits. He was asked and noted that the taxi trade said that the current policy was too stringent. He highlighted the proposal for the determination of private hire operators licences to be undertaken by a sub-committee. He clarified point 27 at annex 3 of the which referred to pedicabs.

In answer to Member questions the Head of Public Protection and Taxi Licensing Manager explained that:

- Regarding carrying children, vehicles were allowed to carry children if they had the correct car seat.
- There was a requirement for information regarding CCTV to be displayed in the vehicle. If the council required CCTV this would make the council the data controller for which there would be Human Resource (HR) implications.
- The council could set the hackney carriage fares if the trade approached the council to do so. If one of the taxi

associations decided it did not want to increase fares, then the council would look into the matter.

[Cllr Knight left at 6.31pm]

- A number of other councils had the 9 penalty points threshold.
- The use of the advanced driving test for existing licence holders reaching 9 points was to meet the criteria for the 'fit and proper test'.
- The 72 hour period for drivers to report accidents to the Licensing Section was done under DVSA requirements.

[Cllr Mason left the meeting at 6.34pm]

[The meeting adjourned from 6.34pm until 6.41pm]

It was clarified that the council could set hackney carriage fares, and this had been amended at point 62.3 of the policy. The trade could approach the council regarding hackney carriage fares if there was a major change such as a fuel increase and the council could increase hackney carriage fares.

The Committee had the following options available to them in making their decision:

Option 1: take into consideration the representation/comments from the licensed trade and public consultation and recommend that Council approve the draft Taxi Licensing Policy appended to this Report at Annex 3. The policy would take effect upon adoption at the meeting of Council on 21 November 2024 with certain conditions being implemented at a later, specified date as follows:

- Sections 13.6 & 14.4 (colour of vehicles) and Section 26.3 (euro emissions standards), Officers recommend implementation the day after full Council approval and adoption of the policy, i.e. on 22nd November 2024,
- The proposed implementation date for Section 26.6 (vehicle renewals, euro emissions standards for existing vehicles) is after 36 months of adoption, i.e. 22 November 2027.

Option 2: take into consideration the representation/comments from the licensing trade and public consultation and make further amendments to the Taxi Licensing Policy appended to this Report at Annex 3 and recommend that Council approve

the amended draft Taxi Licensing Policy at the meeting on 21 November 2024. The policy would take effect upon adoption at the meeting of Council on 21 November 2024 with certain conditions being implemented at a later date to be specified.

Cllr Kilbane proposed Option 2, to take into consideration the representation/comments from the licensing trade and public consultation and make further amendments to the Taxi Licensing Policy appended to this Report at Annex 3 and recommend that Council approve the amended draft Taxi Licensing Policy at the meeting on 21 November 2024 with the following amendments:

The vehicle renewals, euro emissions standards for existing vehicles three years for vehicles and an extra three years for WAV from the date that the policy was approved by Council. The increase from 7 to 9 penalty points for existing licence holders.

Point 27 of Annex 3 Code of Conduct for Pedicab Proprietors to change to 'The licensed vehicle shall be a licensed hackney carriage pedicab not licenced of any other Council.'

The policy would take effect upon adoption at the meeting of Council on 21 November 2024 with certain conditions (the wording of which was delegated to officers in consultation with the Chair and Vice Chair) being implemented at a later date to be specified. This was seconded by Cllr Smalley.

Officers clarified the implementation dates with the implementation date of the policy being 22 November following adoption by the Council on 21 November 2024. Regarding the colour of vehicles, it was clarified that for hackney carriage vehicles this would be black for new vehicles coming in and for existing vehicles whenever the car was due for replacement, for example for a three year old euro 6 diesel hackney carriage saloon, this would be seven years. The Chair explained that the requirement for colour was for public safety.

Following a vote with ten voting in favour of option 2, one against and no abstentions it was:

Resolved: To recommend that Council approve the amended draft Taxi Licensing Policy, at the meeting on 21 November 2024. The policy would take effect upon adoption at the meeting of Council on 21 November 2024 with certain conditions (the wording of which was delegated to officers in consultation with the Chair and Vice Chair) being implemented at a later

date to be specified as follows:

- Sections 13.6 & 14.4 (colour of vehicles) and Section 26.3 (euro emissions standards), Officers recommend implementation the day after full Council approval and adoption of the policy, i.e. on 22nd November 2024, and

- The proposed implementation date for Section 26.6 (vehicle renewals, euro emissions standards for existing vehicles) is after 36 months (3 years) of adoption, i.e. 22 November 2027 and 72 months (6 years) of adoption for Euro 5 WAV.

Reason: To ensure the Taxi Licensing Policy complies with Statutory Standards and Best Practice Guidance (or departures from the policy can be locally justified) thereby aiming to make taxi journeys in York even safer, more environmentally friendly and provide greater customer choice particularly for disabled passengers.

Cllr Melly, Chair

[The meeting started at 4.30pm and finished at 7.00pm].