

CITY OF YORK COUNCIL – TAXI LICENSING

MINUTES OF MEETING WITH YORK HACKNEY CARRIAGE AND PRIVATE HIRE ASSOCIATIONS

WEDNESDAY – 11 APRIL 2018

Present: Lesley Cooke – Licensing Manager CYC (LC)
Angela Ruane – Taxi Licensing Officer CYC (AR)
Matt Boxall – Acting Head of Public Protection CYC (MB)
Helen Sefton – Licensing Enforcement Officer CYC (HS)
Wendy Loveday – York Private Hire Association (WL)
Jim Kerr – Independent Taxi Association (JK)
William Swords – Station Taxis/York Taxi Association (WS)
Colin Metcalfe – York Hackney Carriage Association (CM)
Yousaf Din – York Hackney Carriage Association (YD)
Anthony Green – York Hackney Carriage Association (AG)

The meeting was split into Private Hire Association matters first, then a joint meeting with both Hackney Carriage and Private Hire followed by a meeting with Hackney Carriage Associations

YORK PRIVATE HIRE ASSOCIATION:

1) Hackney Carriage Rank, Queen Street

WL requested could Queen Street rank be made part time or more flexible as is rarely used by HCVs and there is an issue for Fleetways with limited parking outside their booking office. Does not wish to see rank removed but could it be used more flexibly?

LC advised all ranks are being reviewed and Queen Street will be looked at.

2) Euro 5/6

WL queried policy on Euro 5/6 at request of YPHA members.

LC advised this policy will not change. Air quality is now a huge health issue for local and central government. Clean air zones are a possibility for the future in York so there will be no relaxation in this policy.

3) McDonald's Pick Ups

WL – some years ago there was a request to the trade not to pick up outside McDonalds on Blake Street due to noise issues and in consideration of residents in area – is this still in place as many PHV's are still picking up outside McDonalds? If it is still in place can CYC issue a reminder to all operators (inc Uber).

LC confirmed the 'request' is still in place – reminder to be sent to use rendezvous points or pick up near Betty's.

4) Kirklees and Calderdale Uber Vehicles

WL sought clarity on the above authority's vehicles working in York.

LC confirmed Calderdale do have an intended use policy (IUP) but that only relates to HCV. Kirklees drafted an IUP but put it on hold pending the result of a recent Judicial Review of an IUP at Knowsley. The decision went against Knowsley with the judge stating a PHV could 'work anywhere'. Therefore both Kirklees and Calderdale PHV can work through a licensed operator within York so long as they are properly pre booked and fulfil the triple licence rule (driver, vehicle and operator all licensed by same authority).

WL queried what that meant – does a PHV need to be bringing a fare into York from their home authority to then receive more work in York.

The advice is no they don't need to be bringing a fare into York, a PHV can work anywhere.

WL queried at what point can CYC enforce?

AR advised that if we have reasonable cause to believe a vehicle/driver are plying for hire we can investigate and take action – but we must have reasonable cause. We cannot take action if a vehicle/driver is simply seen in York.

Additional note for info

WL advised that in memory of Keith Hatfield there would be a procession of taxis from the station to the crematorium on Friday 20 April. Necessary permission/assistance has been sought from CYC and WL has written to Uber to politely request they do not work in the city on the day of the funeral.

JOINT HC & PH ASSOCIATIONS:

MB wished to express his condolences to family and friends of Keith Hatfield and acknowledge the contribution Keith had made to this group and the trade in York. Keith worked hard for the group and will be missed by all at City of York.

5) Minutes of last meeting

Minutes from the meeting of 4 October 2017 were previously circulated and agreed.

Point 11 – YD queried if there was an update on any funding for cleaner vehicles.

LC advised CYC had not been successful in achieving any Government grants. She was however, aware of national tax incentives.

MB advised that one of the managers at CYC, Mike Southcombe, was heavily involved in clean air issues and will advise if any funding becomes available.

Point 10 – WL wished to say a big 'well done' to everyone at CYC for being prepared to fight the appeal by Uber. LC said this would be passed onto the Licensing Committee.

WL asked can Uber now re-apply for an Operators Licence and is there a time frame?

LC advised yes they can re-apply at any time.

6) Licence holder conduct

LC – we are increasingly getting complaints and feedback from Council staff, members of the public and other service users about the way licence holders are speaking to service users. Licence holders conduct is judged across all levels, not just the way they treat passengers. A general reminder was issued to group members that this will not be tolerated.

AG stated the group were in total agreement and endorsed suspension or revocation of licences where appropriate.

YD stated that sometimes it can be the ‘enforcement’ staff who can be rude to drivers but the word of the regulatory staff is always taken over that of the driver. He informed the group of the actions of a ‘bus warden’ who is rude and confrontational when dealing with drivers in the city centre.

MB reminded all to focus on the licence holders we deal with and to ensure they are civil and orderly at all times, as per byelaws and conditions of licence.

WS queried the complaints procedure, i.e. if Station Taxis receive a complaint should they inform CYC?

LC advised private hire operators (PHO) must inform CYC as per licence condition but Station Taxis are not PHO so it is really a matter for them to decide. If a complaint is serious then it would be best to share with CYC who may also need to take action.

YD queried whether we could draw up a code of conduct for drivers and would like the view of CYC.

7) Notification of convictions/medical issues

LC – following on from the above, LC advised several cases lately where driver are not reporting convictions to CYC and updating on medical conditions. This is a legal requirement. Drivers are continually failing to read and digest their licence conditions.

YD stated this could be supported by the code of conduct. He also stated he felt that PHV are generally of a better standard than some HCV.

AG stated that VTEC and Station Taxis drew up a code but cannot be sure that all drivers have signed up. AG was asked to supply a copy of the code to the group.

8) West Yorkshire & York (WY and Y) cross border enforcement

LC advised all WY and Y authorities attended a joint workshop to ensure consistencies in approach to combined enforcement. She will be meeting with these authorities again in a couple of weeks to finalise arrangements. They are also looking to maintain harmony in vehicle specifications (including window tints), convictions policies and CCTV in vehicles.

9) Unmet demand survey

The survey is now complete. The result will be reported to the Licensing Committee on 21 May 2018. The survey has identified that there is no unmet demand. The survey will be published prior to committee.

10) Enforcement update

HS gave an update on recent enforcement issues:

Plates in windows is a breach of licence condition. We will continue to enforce and it may result in prosecution for repeat offenders

Smoking and e-cigs – several fixed penalties issued for both York and out of town drivers.

Reminder it is also an offence for PHD to smoke e-cigs.

Coppergate Shopping Centre access road on Piccadilly being used and blocked by drivers.

Coppergate Centre are monitoring as are CYC's CEOs and LEOs. Tickets will be issued for parking offences.

Number of complaints since last meeting (October 2017)

October – 41

November – 18

December – 32

January – 23

February – 24

March – 19

(complaints range from smoking, behaviour (inappropriate and conversation), plying for hire, waiting on ranks, driving standards, signage, plates, parking, defects with vehicles, overcharging, discrimination, use of mobile phones, speeding, being on time and cyclists!)

Recent court cases:

CYC successfully prosecuted:-

1. Rossendale PHD for plying and no insurance. Now revoked by Rossendale
2. Bradford PHD for waiting on rank
3. Leeds PHD for plying and no Insurance. Decision pending from Leeds as to future of PHD licence

Monthly nights of multi agency work through 2017 into January 2018 resulted in several suspensions, rectifications and prohibitions by DVSA.

Other councils were informed of any out of town (OOT) vehicle suspensions and their operator took them off their system straight away.

Police action on certain drivers/vehicles which CYC have supported. Other West Yorkshire councils also attended these operations. More planned for 2018.

YD queried the remit of the temporary LEOs.

MB confirmed they were tasked with checking badges. They had not found significant issues but noted that the number of drivers without badges were predominantly York drivers who were sent home to get their badges. He stated that the work had run its course and would be looked at again with a view to changes when the Licensing team restructure is complete.

LC briefly outlined upcoming changes to the Licensing team which will mean the team will be generic licensing staff not just taxis or other licensing. There will be another LEO (part time) and a new shift pattern will be introduced to cover out of hours working. LEO will have full licensing remit not just taxis.

CM queried how other neighbouring authorities work and that they seem to stop vehicles.

MB clarified that Council officers do not have the power to stop vehicles, that is why HS often works with Police and DVSA. Officers may request drivers to stop but we have no absolute right.

11) AOB

LC informed the group that we continue to receive complaints about parking/waiting on ranks in light of a recent successful prosecution of a Bradford PHD. There is now an expectation that we can always go straight to prosecution for this offence. Some background on that case was given to the group and the reasons why the case was successful. It was originally a case of plying for hire and the witness in the case sadly passed away prior to the case reaching court. The court could not accept his evidence and in doing so accepted a guilty plea of parking on the rank. CYC were lucky to get this conviction and it was really down to the judge on the day.

We will continue to look at these cases and where appropriate will take them through to court, however we must follow our own enforcement policy and the issue is not contained to OOT vehicles, there is also an issues with York drivers mis-use of ranks. We are also aware that the ranks are in serious need of refurbishment and review.

LC requested updated details of all associations in attendance including their membership and officer details.

HACKNEY CARRIAGE ASSOCIATIONS:

12) Driver facilities

AG enquired if any provision could be made for toilet facilities for drivers or access to keys for use of the disabled toilets.

LC and MB both advised that they cannot provide any facilities or access to disabled toilets. CYC doesn't provide any facilities for staff working remotely.

JK informed the group he had written to all the large hotels, three times, to ask if drivers can use facilities especially when dropping/collecting their guests. Only Marriot replied.

YD said he would finance the purchase of a self flushing toilet if the trade got together to find a piece of land and get any necessary permissions in place.

13) Rank Marshals

AG stated that the pilot scheme had gone extremely well. Everyone welcomed the use of marshals with good feedback and asked what scope is there now to continue?

MB queried what was happening with BID. CM stated there is a meeting on 3 May 2018. They hope to get funding for two ranks and will lobby businesses.

YD asked if CYC could add an additional fee to vehicle licences to pay for marshals?

WS and JK both stated trade will only pay for something if they perceive a personal benefit, many at the Station do not use other ranks.

LC will consider.

14) Communication with the trade

AG said there have been issues in the past with getting the right information to the trade and requested all information comes through this group for dissemination.

LC stated CYC have always consulted with trade representatives prior to any policy or major changes. When the policy was changed some years ago every driver was consulted.

CM stated that until there is a presence of officers on streets there will always be a gap in communication.

MB reminded members of Taxi Times.

15) Tinted windows

YD queried if there would be any change to the tinted window specification. Newer, cleaner vehicles are now not available with clear glass.

LC asked YD to provide costings and information on the availability of clear glass in new vehicles. She is willing to progress this in line with the West Yorkshire policy harmonisation.

16) Station refit and ranks

CM and YD have been to a workshop to discuss the station refit and are keen for there to be both a station taxi rank and a public rank.

LC and HS are both involved in the initial planning stage of station and kept up to date on plans. They have both informed the planners to speak at an early stage to all sectors of HC & PH trade.

YD concerned that the planners only view Station Taxis as 'the trade'.

17) AOB

Fare Proposals

All associations in agreement with fare proposal.

LC asked for further justification for race day tariff.

Allan Davies came back with that justification and provided figures.

YD would like to see a change to the two tariff system as the current one is confusing for passengers.

18) Date of next meeting

To be confirmed.