

Responses received outside of the consultation survey

Response 1

1. Does "There are no plans to impose Hackney Carriage quantity restrictions on the creation of a new single zone" mean that you want to deregulate Hackney Carriage plates in Harrogate. If so how do you think drivers already in possession of a Hackney Plated cars will make a living.

2. Will drivers from different Counties be able to use our Ranks?

If so do you realise that the Ranks are already overflowing. Private cars disturb the Ranks constantly on weekends where it becomes impossible to ply trade on some occasions.

The Council don't seem to care to provide better signage especially on Parliament Street and the Ginnel.

3. If drivers from a different County come to ply trade off our Ranks why would they care about our queuing system and why would they care about not overcharging drunk customers.

4. If drivers from a different County have potentially 7+ points and an older car but as we are on a 7 points and you're out system how is that fair.

The 7 point system has also been disbanded by Leeds City Council but our Council still feels the need to implement an unholy unjust law.

5. Do you know around 30 Uber cars will operate around Harrogate on what should be our busy seasons and they will brazenly pick up flag downs because there's no one to stop them.

5. Do you know maybe around 7 to 10 Ripon cars which used to operate solely in Ripon until the disintegration of its nightlife now operate full-time in Harrogate Town.

6. Putting up fares is a double edged sword because out of town jobs have become a rarity since Uber have outpriced late night Harrogate Taxis so just putting up prices and then thinking the Council can up their prices assuming we make more is a misconception.

7. This obsession with Disabled access vehicles on the Rank will solve a certain problem is misconstrued, I haven't seen even one DAV be of any use.

Plus they take up extra space on the Ranks which are already at breaking point.

8. Having to give 14 days notice to register a new car seems to be another by-law which doesn't help a driver who's dealing with the high cost of living and needs to be on the road as quickly as possible.

9. Cars prices have now doubled.

With respect we haven't seen anything to help Harrogate Taxi drivers and the general attitude, sorry to say, seems to be if you don't like it tough.

Response 2

After the release of North Yorkshire County Councils decision to open up the zoning of taxi operating areas to one zone, and lifting restrictions of taxi numbers, i have to say, not only am i very disappointed, but this move will totally destroy the standard, and quality of the existing fleet and service that is currently in place for the public.

It will wipe out the thousands of pounds drivers have invested in the trade, drive the majority of drivers to the hot spots at peak times, leaving more vulnerable areas with lesser supply, completely empty of any kind of taxi service, making the public living in the quieter areas, without any kind of service.

What you have done here, is deregulation, under another name, and in areas of the country that have done this in the past, they have found that busy areas are swamped with taxis, that do not have adequate rank space to accommodate them, and so are left with vast amounts of taxis driving round the streets touting for business, and causing untold amounts of emissions and congestion. This decision, because if the size of North Yorkshire, is a big mistake, not only on the quality and standard that the public currently receive, but on the investment and income of thousands of drivers.

I therefore ask you for this decision to be reversed, and to keep the existing zones in place, along with the existing limits of numbers of taxis each area currently has.

By continuing with your proposals, you are not only putting the public in the quieter areas at risk of being unable to access taxis at busy times, you are also putting the busier areas in danger of over supply, causing illegal touting, higher emissions from continuous driving around looking for work, due to lack of rank space, whilst damaging drivers livelihoods to a degree that will drive them out of the trade, after already losing thousands of drivers during the pandemic.

Response 3

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Response 4

Just having a look through:

P7 –Consultation: “Safeguarding Children’s Board” – would this need changing to North Yorkshire Safeguarding Children Partnership”?

P47: Driver Safeguarding Training: It would be useful to have a direct mention of exploitation and recognising the signs. Do we know what training they deliver to staff and what is covered?

P57: Private hire operator safeguarding training: As above.

P69: Safeguarding and exploitation: section 481: I would add, trafficking and modern slavery, child sexual exploitation, child criminal exploitation (including county lines).

Response 5

Further to our conversation yesterday I’ve jotted down a few of my thoughts.

Disability is a protected characteristic under the Equality Act of 2010.

An unintended consequence of deregulation will be a drastic reduction in the amount of WAV’s.

It’s already known that existing WAV owners are intending to swap to saloon cars if this happens.

The reasons are well known within the trade as to why.

1. The initial outlay for the vehicle is more.
2. Drivers need additional training.
3. If on a rank the general public tend to walk past a WAV and get into a saloon car.
4. You can’t charge extra for the additional effort required in loading and unloading a wheelchair passenger.

All of the above makes operating a WAV a far less attractive option than a saloon car.

If this policy goes ahead unchanged in this regard the end result will be a dramatic reduction in the amount of WAV’s available for people with disabilities.

The Council could well shoot itself in the foot.

The Taxi and Private Hire Vehicle Licensing Best Practice Guidance for Licensing Authorities in England, Section 4 is worth a read.

Has N.Y.C.C. complied with section 4.17 with an Inclusive Service Plan? Have they carried out any surveys?

I'd suggest that N.Y.C.C adopt the same stance as Harrogate, any new plates issued must be a WAV.

I will in due course but jotting down a few more, particularly the need to zone the regions.

How the council licences taxis in North Yorkshire



The new council for
**NORTH
YORKSHIRE**



This document is about how the new North Yorkshire Council will make sure taxis operate safely and within the law.

We use the word Taxi and this means both Hackney Carriage and Private Hire vehicles. Hackney Carriage are taxis that you can hail or get on in a taxi rank. Private Hire vehicles, often standard saloon cars, are those that you must book before travelling.

It asks you as someone who uses taxis to tell us what you think about our plans.

Do not tell us any personal information about yourself or anyone else.

made with



and photographs owned by North
Yorkshire County Council.

Why have a new Taxi Licensing Policy?

In April 2023 North Yorkshire will have a new council. It will be called North Yorkshire Council. It will replace:



- Craven District Council
- Hambleton District Council
- Harrogate Borough Council
- North Yorkshire County Council
- Richmondshire District Council
- Ryedale District Council
- Scarborough Borough Council
- Selby District Council



We are making a new single policy for all Taxis across North Yorkshire.

Having a single policy for all North Yorkshire will be fairer and be easier to understand.



The policy helps to make people safe and will explain things about taxis and what they must have:

For example

- Who can be a taxi driver and what they must do
- What type of car they must have
- What training they need

A lot of things about taxis will not change, but taxis might look a bit different, for example additional door signs or a different colour.

There are some important things that we want to change or make better, and we want to hear your ideas.



Please tell us what you think.

1. Which of the following best describes your main interest in taxi licensing? Tick up to three boxes.

I live in North Yorkshire

☒

I don't live in North Yorkshire but use taxis here

☐

Charity or community group

☒

Other

☐

If Other, please tell us what this is

We are the Accessible Transport Group who meet regularly and are all from North Yorkshire – our aim is to make sure that disabled people can access public transport across the region the as non-disabled people.

Please contact sandy.marshall@inclusionnorth.org for further information about the group meeting dates and activities.



1. How could we make the Policy easier to understand?

Please write your answer here. Do not tell us any personal information about yourself or anyone else.

- The original document was not easy to understand. It was too wordy and long winded
- There were too many references in the document, it took many hours to read and review – lots of repetition.
- The easy read version has been better
- The policy is useful for people from a Local Authority background who understand this type of document.

Hackney Carriage Zones

There are 7 'zones' now, one in each of the districts. It is proposed to replace these with one single zone. This will mean drivers can work across all the new North Yorkshire Council area.

The Government says the removal of zones helps improve the supply and choice of taxis

1. Do you agree or disagree with the proposal to have one single zone?

Not agreed

Do you have any comments you would like to make about zones?

The Accessible Transport Group did not agree with the proposal to have one zone.

The group made the following comments:

- If there is one big zone then it may be that drivers in the local area may feel that they don't have to pick up as someone else will do it. The bigger the area taxis have to cover, then accessible taxi's will be available less.
- Taxi operators may want to focus more on rural than urban areas.
- The one zone argument is nonsense as taxis do not travel the distances between our major towns. One of the documents referred to shows that average journeys are relatively short.
- The group believe that taxis will not move between the towns. Harrogate taxis will remain in Harrogate, likewise Scarborough and Northallerton.



Number of Taxis

Currently there are limits on the number of taxis in Scarborough and Harrogate areas.

We don't think it is good to limit the number of taxis. It is proposed that there will be no limit on the number of taxis that can operate in the new North Yorkshire Council area.

2. Do you agree or disagree with this proposal?

Do you have any comments about restricting numbers of taxis?

The following comments were shared

- The group agrees that there should **not** be a limit on the number of taxis – the group said there would be more worried about a limit on wheelchair taxis
- The group said from wheelchair users, point of view there should be no limit on them.
- Limiting the number of saloon taxis but not limiting wheelchair taxis would be good.
- The group felt they needed more understanding around this question

Wheelchair accessible vehicles



We are committed to improving the provision of taxis for all passengers and it is important that we consider all passengers' needs.

We think that having **only** wheelchair accessible vehicles may create access issues for passengers who do not use a wheelchair, but who do have other disabilities or limited mobility.

We are not proposing to make all vehicles wheelchair accessible now.

We think that a mix of vehicles will help make sure one is available which meets a passenger's particular needs.

3. Do you agree or disagree with this proposal to have a mix of types of vehicles?

Disagree

Do you have any comments about the mix of vehicles?

Disagree

The group disagreed with this.

The group made the following comments:

- We think that all vehicles should be wheelchair accessible. Nationally, 55% of taxis are wheelchair taxis, in North Yorkshire 7 borough councils' areas only 7.7% are.
- We think it would be lovely if all vehicles are wheelchair accessible but do not think that will be a reality.
- We don't see how having a wheelchair taxi would have an impact on people who don't need one. This needs more clarification from the council and the reason why they believe it would impact them.
- The group also mentioned that the reason may stem from the belief that all vehicles will be ultra-low emission taxis which have a high step.
- This may cause accessibility issues. However, all Motability vehicles are normal vehicles so the same height as normal saloon vehicles. Has this has been put into the policy to mislead those who don't understand?
- Height issues for getting into and out of a taxi – can be overcome by using a step for those who have other mobility issues.



In-Vehicle visual and audio recording equipment

We do not think that making taxis have recording equipment is needed now.

We will continue to review this and if we feel recording equipment should be installed, then we will ask about it in the future.

4. Do you agree or disagree with this proposal not to require recording equipment in taxis?

Do you have any comments about in-vehicle visual and audio recording equipment?

Agreed

There was a mix of views and opinions on the proposal about in vehicle visual and audio recording equipment.

- Some members thought this would be good to have for safety and in case of any incidents.
- Some members don't think CCTV is required
- NYC is mindful of the impact of the recession on taxi drivers so not requiring them to install CCTV and audio is understandable.



Vehicle age limits

Newer vehicles tend to have lower emissions and are better for the environment.

It is proposed to set the maximum age of 5 years when a vehicle is first licensed and a maximum age of 10 years for a vehicle to remain licensed.

5. Do you agree or disagree with this proposal to set a 5- and 10-year vehicle age limit?

Disagree

6. Do you have any comments about vehicle age limits?

The group disagreed with this proposal

- The group were concerned it would mean that someone may get rid of a wheelchair taxi and replace with a saloon one instead.
- Is there an exception in the Policy for ex-Motability wheelchair vehicles which would allow them to be older?
- The group agreed that it was important that vehicles be kept updated and in good, safe condition.

Safeguarding Training



We recognise the importance of keeping people safe, this is called safeguarding and training is provided now by each council.

We want all training to be the same, and taxi drivers and operators must complete the training before they can drive. Drivers and operators must renew the training every three years.

7. Do you agree or disagree with this proposal to complete a new training session and later refresher training?

Not Sure

Do you have any comments about safeguarding training?

- The group said that they needed some clarification around why this is being suggested now.
- The group was unsure if the timescale for renewal was needed

Disability Awareness training



We understand the importance of disability awareness and think that all staff who deal with customers should have this training or understanding.

We think that new drivers or operators must complete disability awareness training before they can drive. This training will be renewed every three years.

8. Do you agree or disagree with this proposal to require disability awareness?

Agree

Do you have any comments about disability awareness training?

The group agreed with this proposal

- Why not incorporate the safeguarding and disability awareness training together. However, incorporating these two aspects of training would leave insufficient time,
- the key thing is to get the drivers and vehicles sorted before this. Without drivers and taxis why are they training.
- Some members agreed with the Disability Awareness training and agree with refresh every 3 years
-
- Some members said the safeguarding and disability awareness training should be separate and disability awareness training should take place every year.

- Disability Equality training must be co-produced with disabled people.

Practical Driving Assessment



We think taxi drivers need a high degree of driving ability as would be expected of a professional driver.

It is proposed that all applicants for a driver licence pass a practical driving test before being granted a licence.

9. Do you agree or disagree with this proposal to require a driving test?

Not Sure

Do you have any comments about practical driving assessments?

The group comments were:

- It is another step and more expense?
- Is the suggestion that all drivers pass an Advanced driving test?
- Is this to ensure a good standard of driving.
- If an additional test is not already in place, why introduce it now?
 - Please clarify whether this is a current thing or new.
 - Would it apply to current taxi drivers or new ones as well?
- As a PHV can carry a max of 8 passengers then an extra test for those drivers may be sensible.

Go to next page.

If you have any more comments about the policy, please write them here:

- Lack of wheelchair taxis and drivers is by far the biggest issue.
- There are accessible wheelchair taxi availability issues. There are not enough drivers willing to work especially at weekend and evenings.
- Can adopting this Taxi policy be delayed for 3 to 6 months?
- The group do not believe that the proposed taxi policy will be legal, as it blatantly fails in the duty of the public sector equality Act on the council.
- The group is concerned about the lack of wheelchair taxis across all of North Yorkshire now and for the next five years if North Yorkshire Council adopt this draft policy.
- #As all taxi fares are set by the licensing authority wheelchair users want parity with able bodied people. (Public Hire Vehicle operators set their own fares)
- Wheelchair users need accessible taxis on Taxi ranks to provide them with the same service as provided by saloon taxis to able bodied people. PHVs cannot stand on taxi ranks.
- This Policy allows an increasing number of PHV where the operator can set its charges for wheelchair users.
- The group have been made aware that there may be 7 more “designated vehicles” by April 2023 based only in Scarborough. Only one may be a wheelchair taxi. (email to me from Kevin Chin 10/11/2022)
- The group is concerned about the practice of large fleet operators sending a Public Hire Vehicle rather than a

wheelchair taxi resulting in excessive fares being charged to wheelchair users.

(The Taxi & PHV Act 2022 includes a duty on operators to accept carriage of wheelchair users **without charging extra** by doing so. Routinely sending a PHV rather than a metered Taxi is doing just that. (Dept of Transport letter undated December 2022 received by me 4/12/2022)

- How does this proposed Policy “eliminate discrimination, advance equality of opportunity and foster good relations between able bodied and disabled people” being s149 of the Equality Act being a council’s Public Sector Equality Duty ? We strongly believe that it doesn’t.
- The draft Policy does not prevent an accessible Taxi being sold to be replaced by a PHV.

Please tell us about you



1. What is your postcode?



2. How old are you? Tick one box

16-19

☐

20-39

☐

40-64

☐

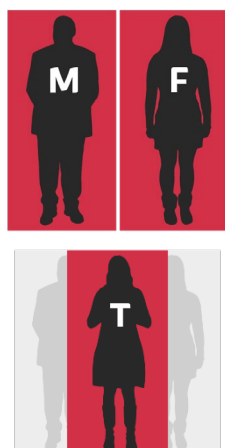
65-74

☐

75+

☐

I don't want to say

☐


3. Please tick a box to tell us if you:

☐

Are a man

☐

Are a woman

☐

Think about yourself in a different way

☐

Prefer not to say



4. Please tick a box to tell us if you are:

☐

White British or Irish or Other white background

☐

Mixed ethnicity

☐

Asian or Asian British

☐

Black or Black British

☐

Chinese

☐

Another ethnic group

☐

Prefer not to say



5. Do you have a disability or long-term condition? Please tick one.

☐

Yes

☐

No

☐

Prefer not to say



Please send your survey back by 19th January 2023

**North Yorkshire County Council
County Hall
Northallerton DL7 8AD**



Email: taxiconsultation@northyorks.gov.uk

Data protection:

The privacy policy for North Yorkshire County Council can be found here:
<https://www.northyorks.gov.uk/info/consultations-and-surveys-privacy-notice>



**Integrated Passenger Transport
Business and Environmental Services**

County Hall, Northallerton
North Yorkshire
DL7 8AH
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Our ref:

Contact: IPT Compliance

ipt.compliance@northyorks.gov.uk
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17 January 2023

Dear Licensing Team,

**Hackney Carriage and Private Hire Licensing Policy for North Yorkshire Council
Response**

We believe it is important that the new unitary council adopts a robust policy that protects licence holders and the travelling public, and safeguards children and the vulnerable.

It is obvious that a considerable amount of time and effort has been put in to developing and publishing this draft in a relatively short period of time, and we understand that the development of this policy will be an ongoing project for the next few years. However, we do feel that although the policy is quite robust it could be more proactive in protecting both the licence holders and those travelling, as well as preventing crime and disorder.

CCTV

The new unitary authority will be responsible for the transporting of vulnerable children and adults from home to school and to social care and health settings. These transport services are currently contracted by North Yorkshire County Council and a significant proportion of these contracts are operated by Hackney Carriage or Private Hire vehicles.

The Statutory Guidance published July 2020 by the Department of Transport states that all local authorities and district councils that provide children's and other types of services, including licensing authorities, have a statutory duty to make arrangements to ensure that their functions and any services that they contract out to others are discharged having regard to the need to safeguard and promote the welfare of children. This means that licensing authorities should have in place arrangements that reflect the importance of safeguarding and promoting the welfare of children.

Business and Environmental Services ■

We believe that the use of CCTV in both Hackney Carriages and Private Hire Vehicles would have a significant impact on the safety of those travelling, including the drivers, improve behaviour standards and help to resolve allegations, either against the driver or those travelling, in a timely manner.

We have found that where CCTV is fitted to vehicles (HC, PHC or PSV) any complaints or allegations regarding the behaviour of the driver or those travelling on a home to school/social care transport contract are more easily and quickly resolved.

In the Statutory Guidance published July 2020 by the Department of Transport the Government has acknowledged the potential risk to public safety when passengers travel in taxis and private hire vehicles. It is unfortunately the case that no matter how complete the information available to licensing authorities is when assessing whether to issue any taxi or private hire vehicle licence, nor how robust the policies in place are and the rigor with which they are applied, it will never completely remove the possibility of harm to passengers by drivers. The Department's view is that CCTV can provide additional deterrence to prevent this and investigative value when it does. The use of CCTV can provide a safer environment for the benefit of taxi/private hire vehicle passengers and drivers.

In addition, the LGA published a document in 2018, Developing an approach to mandatory CCTV in taxis and PHV's, in which they commented that "It is vital that licensing teams understand how they can contribute to the safeguarding agenda" and "It is incumbent on all of us to review our policies and procedures to make certain we are taking all possible steps and using the tools available to us to protect the vulnerable".

Therefore, we would urge the new authority to give serious consideration to the inclusion of mandatory CCTV in licenced vehicles.

Daily Inspection Sheets

The Driver & Vehicle Standards Agency (DVSA) in its Guide to Maintaining Roadworthiness (2018) recommend that drivers undertake an inspection of their vehicle prior to it entering service each day to ensure that there are no obvious defects which could impact the roadworthiness and/or safety of the vehicle.

It is already a requirement for any vehicle operating on a North Yorkshire County Council transport contract, as well as industry standard for PSV's, to have such a check completed prior to use.

We believe that the policy should include a requirement for drivers to carry out and record a daily inspection of vehicles, not just a basic visual check.

English proficiency

The importance of a proficiency in English has been highlighted in The Statutory Guidance published July 2020 by the Department of Transport which states that “A lack of language proficiency could impact on a driver’s ability to understand written documents, such as policies and guidance, relating to the protection of children and vulnerable adults and applying this to identify and act on signs of exploitation. Oral proficiency will be of relevance in the identification of potential exploitation through communicating with passengers and their interaction with others.”

We acknowledge that the proposed policy does intend to establish evidence of English proficiency by means of the knowledge test. However, we don’t believe this is sufficiently robust as communication, both verbally and in writing, may be necessary to be able to fully understand the needs of passengers, particularly those with special educational needs or disabilities.

Accident Reporting

The Policy doesn’t appear to require drivers to report any accidents which involve the vehicle, even when there are passengers on board, unless the accident causes damage to the vehicle which materially affects the safety, performance or appearance of the vehicle. Even then the timescale for reporting is within 72 hours.

We request that the wording be amended or made clearer specifying that any accident in which the vehicle is involved and whilst carrying passengers is reported to the licensing team as soon as possible but within 24 hours, with a written accident report completed within a more flexible timescale.

If the vehicle is involved in an accident when they are not carrying passengers then perhaps the current wording would be suitable.

Please note, the Terms & Conditions of Contract for drivers operating contracts for North Yorkshire County Council require that they report any accidents whilst operating a contract as soon as possible. Within 24 hours is the expected reporting period with a full written report to follow as soon as possible thereafter if not supplied within the initial 24 hour period.

Smoking

The Policy does not appear to specify that electronic cigarettes or other such smoking devices are included in the smoking restriction. We suggest that it would be beneficial to clarify that electronic cigarettes/vapes, etc are also not permitted in the vehicle.

Safeguarding

We believe that this area of the policy could give more clarity to both drivers and proprietors about safeguarding allegations, both as a driver and outside of their work environment, and how this may potentially impact on their work. Also, we believe clarity as to what would constitute a “risk of harm” for safeguarding purposes by referring to both the “Working Together to Safeguard Children 2018” and “The Care Act 2014” (for adults).

Reference should also be made to the North Yorkshire Safeguarding Adults Board and the North Yorkshire Children Safeguarding Children Partnership.

Signage

The policy appears to indicate that vehicles operating on a North Yorkshire County Council transport contract would not be able to display a Route number (and the name of the contractor) as required by the Terms & Conditions of Contract.

We would hope that there is flexibility to facilitate the use of contract number displays/boards, which enables pupils/vulnerable adults and their parents/carers (as well as schools/social care establishments) ensure that they are accessing the correct vehicle and improves safeguarding.

DBS

Whilst it is appreciated that this policy is a starting point for the unitary authority, we would hope that consideration be given to the DBS checks which are undertaken for North Yorkshire County Council transport contracts and a more integrated process can be implemented. The current SLA's NYCC has in place with Richmondshire, Scarborough and Craven Licencing will cease with the introduction of this policy and those drivers, as well as all the Hackney Carriage and Private Hire Vehicle drivers from the other districts and boroughs, who work on transport contracts will have to complete 2 DBS checks (or another Enhanced check for the Child and Adult Workforce in addition to the Update Service), increasing both the cost to them and the cost to the Council in administration.

Please note, the drivers of PSV/PCV's and passenger assistants will only have to complete one DBS Check in the new unitary authority.

Driver Conduct

At the present time the policy says that:

All licensed drivers are expected to:

- Not consume alcohol before or at any time whilst driving or being in charge of a hackney carriage or private hire vehicle.

We feel that perhaps this section should be enhanced to include a reference to drugs too.

Fare Table (Hackney Carriage)

We have concerns that this element of the policy may affect those Hackney Carriage drivers that are working on NYCC transport contracts. The policy seems to suggest that Hackneys have to abide by the table of fares when operating within North Yorkshire and can only diverge from the fare table if there is a pre-arranged price and the journey goes outside North Yorkshire. Therefore, a contract which is wholly within the boundaries of North Yorkshire would be bound by the prices on the fare table and any driver which has a contract with NYCC and which exceeds the fare table may be in breach of this policy.

This would potentially reduce the number of North Yorkshire Hackney Carriage drivers able, or willing, to undertake home to school or social care transport contracts for the new unitary authority and potentially increase the number of drivers and vehicles working on contracts from outside of North Yorkshire.

Driver Licence Conditions

The policy states that no child under the age of 10 can be conveyed in the front seat of a vehicle. This will have a significant impact on North Yorkshire County Council home to school transport contracts as all passenger seats in the vehicles are utilised. This means that the minimum number of vehicles are used improving efficiency and reducing costs, as well as helping to minimise, as far as is possible, the environmental impact of this transport.

If home to school contracts are not able to utilise the front seat of a Hackney or Private Hire vehicle then this will, potentially, have a significant impact on both the number of contracts, and therefore the number of vehicles, required to transport pupils to and from school as well as increasing the cost of transport to the new unitary authority.

We would, therefore, request that that this clause is reviewed and consideration given to the potential negative impact it would have on transport contracts and costs to the new council.

Please note, the NYCC transport contract terms and conditions are on the North Yorkshire County Council website should you wish to review them further.

Thank you for considering our consultation response. If you require any additional clarification on any of the points raised then please don't hesitate to contact us.

Yours sincerely,

Integrated Passenger Transport
North Yorkshire County Council



A response to the North Yorkshire Council's draft Taxi & Private Hire Vehicle
Licensing Policy 2023 - 2028

Acronyms used -North Yorkshire Council – NYC, Private Hire Vehicle – PHV, Public Sector Equality Duty – PSED,

Dear Councillor and NYC Executive member,

The members of the North Yorkshire Disability Forum, members from the 5 regional disability forums, those from Inclusion North and other disability people's organisations believe that this draft Policy fails completely to recognise the isolation caused to wheelchair users, by the failure of the existing 7 Borough and District Council's Taxi & PHV licensing policies. We also believe that these soon to be redundant Policies are unintentionally discriminatory as the lack of wheelchair taxis and overcharging of wheelchair users has been the reality for many, many years across all of North Yorkshire.

Nothing in this draft Policy confirms that there will be an increase in the number of wheelchair taxis during the Policy's five-year life. Nationally, outside of London 40% of all taxis are wheelchair accessible. Across North Yorkshire's 7 licensing authorities the current number is 7.7%. As school contracts occupy some of these taxis obtaining one is always difficult and often impossible.

Nothing in this draft Policy addresses the long-standing issue of fleet operators sending a PHV in response to a call for a taxi, resulting in a higher fare being charged than would be the case if a metered wheelchair taxi arrived. (See item 2 below in Legislation & Guidance.)

Nothing in this draft ensures that wheelchair users can obtain carriage back home from a taxi on any rank across North Yorkshire, yet a dozen or more saloon taxis can be seen waiting for able-bodied passengers.

Nothing in this draft Policy substantiates the claim (94) that *"NYC is committed to the fair treatment...of disabled people"* as wheelchair users are clearly disabled people, but our inability to obtain a taxi is blatantly unfair and discriminatory.

The draft Policy includes a number of misleading statements including -

- i) “The public continues to be provided with safe and accessible” vehicles. Wheelchair users across North Yorkshire know that this is wrong, as we routinely cannot obtain an accessible taxi.
 - ii) Item 4 of the Objectives of the Policy is “*to facilitate access to an efficient and effective public transport service*”. As wheelchair users cannot obtain carriage in taxis, we believe that this draft fails this NYC objective. Rural buses are infrequent, many bus stops unusable by wheelchairs, a lack of bus shelters and lighting at the stops all places greater emphasis of our ability to obtain carriage in an accessible taxi.
 - iii) states that NYC believe that “*hackney carriages (taxis) are an essential mode of transport for elderly and disabled people*”. We wholeheartedly agree but wheelchair users cannot find one on taxi ranks and history shows that wheelchair users cannot obtain them by telephoning for one.
 - iv) In the Equality Impact Assessment (p4 para 3) Ms Cousins, the Lead Licensing officer on this draft Policy, suggests that one zone across North Yorkshire, replacing the current 7 zones, will result in more wheelchair taxis being visible on taxi ranks. As NYC covers the largest geographical area across the country and that 91% of all journeys by taxi nationally are 11 miles or less, her belief that wheelchair taxis will be more available is nonsensical. Where is the evidence for her suggestion?
 - v) The Objectives of NYC are “*to facilitate access to an efficient and effective public transport service*”. Many rural bus stops are not suitable for a wheelchair user to board buses safely and many wheelchair users know from personal experience that we also cannot obtain wheelchair taxis. This draft Policy does not support this Objective at all.
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Legislation & Guidance

On page 6 of the Policy the Policy only lists two “principal legislations”. We contend that the Equality Act 2010 and the Taxi & Private Hire Vehicles (Disabled Persons) Act 2022 are also “principal legislation” that this draft Policy appears to ignore.

1a. Taxi & PHV licensing: best practice guidance 2010 found on www.gov.uk website states that licensing authorities must consult with user groups, including disabled people. Ms Cousins met online once with the North Yorkshire Disability Forum, before the draft Policy was published then refused our request to meet again. We are not aware of any other disabled peoples’ organisations being consulted. We feel that the Policy is unfairly biased towards the Licensed Trade.

1b. The Government's Guidance states that *“It is important that a disabled person should be able to hire a taxi on the spot (a rank!) with the minimum delay or inconvenience and having accessible taxis available helps to make that possible”*. We know that taxi ranks across North Yorkshire do not have accessible taxis on them. Sadly, nothing in this Policy will alter that.

2. The Taxi & Private Hire Vehicles (Disabled Persons) Act 2022 includes a duty on Operators *“to accept a booking from a wheelchair user **without charging extra**”* by the normal practice of sending a PHV. This has been happening for a number of years yet nothing in this draft Policy will end this discriminatory practice. We have copies of email evidence of this taking place in February 2019 by a large fleet operator. Nothing was done by way of a sanction, despite a complaint to the Licensing Authority, as the practice continues.

3. The Equality Act 2010 places a duty of officers and councillors to abide by section 149 being their Public Sector Equality Duty. This duty requires NYC to eliminate discrimination and advance equality of opportunity. By failing to address the shortage of accessible taxis and by failing to address the practice of overcharging wheelchair users by fleet operators, we firmly believe that NYC will fail its PSED if it adopts this draft Policy.

The Equality Impact Assessment

Is written by Sharon Cousins, who is the Lead Licensing officer who drafted the Policy. She talks of NYCs emerging key priority of improving accessibility, but as wheelchair users we see no evidence of this priority at all in the draft Policy.

She talks of wheelchair users having more choice by introducing one zone across North Yorkshire to replace the existing 7 zones. There is no evidence at all to substantiate her claim.

In conclusion, the North Yorkshire Disability Forum, its regional disability forums and a number of disabled people's organisations are asking the Executive not to adopt this draft Policy until some of our concerns are met. We are happy to meet with Licensing Officers and NYC decision makers to discuss alterations.

Continuing with the 7 existing local authority's Policies for a period of 3 to 6 months is surely better than rushing to adopt a Policy that maintains the current discrimination against wheelchair users.

Evidence to support anything in this document can be provided on request.

Sharon Cousins, the Lead licensing officer who drafted the Policy and wrote the Equality Impact Assessment, introduced a much welcomed requirement in Selby Council's 2022 revised Policy that all new taxis must be wheelchair accessible. We believe that she has failed

her Public Sector Equality Duty completely by not including this requirement in the draft NYC Policy. Clearly, we believe that NYC will fail its PSED if it adopts this policy.

Nick Moxon

Chair of the North Yorkshire Disability Forum

Response 9

Sorry about the lateness of the reply as I was not aware of a consultation.

To me certain aspects are putting the general public especially young vulnerable adults at risk.

I have canvassed quickly today a few of our influential and wealthy customers and they are understandably concerned as a lot of them have children.

Unbelievably in a day I have received pledges of over £250,000 to challenge aspects of the policy that we think puts our children at risk.

As I have been in business in Harrogate for 40 years and HANDS ON in the taxi business for over 20 years I feel that my experience and opinion would be very valuable.

I would appreciate a chance to meet whoever the decision makers are to express my opinion for their consideration.

Response 10

With regards to your previous email advising me that North Yorkshire County Council will become one Unitary Authority on the 1st April and one licensing authority.

I have been advised that there is currently an ongoing consultation on this and as you know now, many drivers in your area are now GMB members and wish the GMB to forwards their position and comments to the consultation.

Please see below the GMB branch comments and position on the proposals, which are in opposition.

1. Public Safety will be greatly compromised by removing the Locality element of Licensing both for drivers and vehicles
2. Having a single licence for 7 zones will not improve the efficiency and reliability of the service provided to the travelling public
3. In our opinion the honey pot factor will come into play and certain areas will get flooded with Taxis and the less busy areas will get minimal to zero service.
4. Many of our members who have invested thousands of pounds in their vehicles and in the case of the Hackney Carriage drivers invested time and money in the knowledge tests this De-Zoning will make their investments worthless.
5. Driver's earnings will be greatly affected meaning many good and experienced drivers will leave the trade and this will affect the quality and level of service that travelling public require.
6. If driver's earnings are affected then this will affect the maintenance, servicing and cleanliness of vehicles as drivers will have to concentrate on the essential provisions for themselves and their family.

We would like an opportunity to present our concerns in more details at the next available meeting before a final decision is made on the De-Zoning.

Response 11

14th November 2022

North Yorkshire County Council
County Hall
Northallerton
North Yorkshire
DL7 8AD

Re: Proposed Taxi Licensing Policy

Dear Sirs,

We write further in connection with the above matter.

Further to your recent draft policy released to be in effect from April 2023 for North Yorkshire Council, the intended policy has caused a great amount of concern and distress amongst the licensed taxi and private hire drivers in Harrogate. Since the plans proposed in the policy will destroy the trade in the Harrogate district.

Firstly, the plan to impose no quantity restrictions is unfair on the current drivers who hold a hackney carriage licence. If the plan goes ahead, it shall have a devastating impact on the trade as our earnings will plummet and there will be no real value or appreciation of holding a hackney carriage licence plate. Every licence holder will then obtain a licence causing a saturated market in the Harrogate area where taxi drivers are already struggling to make a living.

Since you are a public authority, we assume you are already familiar with the Transport Act 1985¹ and what the current legal position is on quantity restrictions outside London. Section 16 of the Transport Act 1985² provides the definition and circumstances of when a licence may be refused. The law states "the grant of a licence may be refused, for the purpose of limiting the number of hackney carriages in respect of which licences are granted, if, but only if, the person authorised to grant licences is satisfied that there is no significant demand for the services of hackney carriages (within the area to which the licence would apply) which is unmet."

This proves that in line with legislation, new licenses can only be issued if demand arises. However, since the Covid Pandemic and cost of living crisis there is no demand which gives the need to issue more hackney carriage licences.

In addition, please confirm if surveys have been carried out to show there is demand? The Transport Act 1985³ requires unmet demand surveys to be carried out with new licences released when required. Please provide us with proof of any surveys taken in the previous years to prove why the limit should be removed. There is "no need" as there is less trade and fewer taxi ranks in the town.

If demand was unmet, then Harrogate Borough Council have removed the limit on WAV and decided to issue more licences for disabled vehicles, but the trade have seen no significant impact. Moreover, these vehicles take more space on the taxi ranks. We feel if

¹ Transport Act 1985

² Section 16 Transport Act 1985

³ Transport Act 1985

the limit is removed on hackney carriage licences, then we ask the question where the vehicles will park? As there is already no space available on the ranks.

We as current drivers in the Harrogate area are aware without a doubt that there is no unmet demand which needs the supply of more taxis to cover demand. Please justify how you feel there is demand to remove the quantity restrictions and issue unlimited licences?

There is evidence that removal of the controls would result in deterioration in the amount or quality of taxi service. Restricting the number of hackney carriages in the district helps manage congestion around the towncentre, preventing over ranking at the designated rank spaces as there is already vehicles queuing till the bus station on Station Parade and unofficial ranks being formed. This could have an adverse impact on air quality, particularly if the vehicles are idling for prolonged period of times and in the long run, it is also aimed at preventing a shortage of taxis if drivers are unable to make a living from a reduced number of fares and therefore leaving the market. This may increase the risk of passenger safety if a shortage encourages the use of illegal, unlicensed drivers and vehicles.

Firstly, please explain how one zone will be managed in terms of enforcement and licensing. How will such a large area be managed by one zone? Us drivers will not be travelling more than 30 miles to go operate in another area. The idea of giving drivers flexibility to operate from anywhere is illogical and not fit for purpose. We propose that zones are created so that drivers licenced by their existing licensing authority prior to April 2023, can only operate in the same area that they were licensed for. For example, a driver licenced by Harrogate can only operate within the Harrogate district.

In line with the guidance set by the Department for Transport in the best practice guidance, the department have said licensing authorities should ensure that any policy changes would not have unintended negative consequences. Imposing unnecessary, poorly targeted licensing requirements may, to an extent, address a legitimate need but the negative impacts may outweigh any benefits.⁴ local licensing authorities are urged to look carefully at the costs, financial or otherwise, imposed by each of their licensing policies and of the equality impacts as required by law.

We request the council to look at the consequences of making one authority where drivers can operate from and the removal of the limit of Hackney carriage licences. There are certainly disadvantages to drivers currently licenced in Harrogate as drivers from all over the county will start to operate in our area.

Along with the guidance informing authorities that "any changes in licensing requirements should be followed by a review of the licences already issued."⁵ The council should review what effect this will have on drivers who already hold a hackney carriage licence and how their earnings and sustainability of remaining in the trade will be viable.

You may have also read from the news that the new policy has been labelled as leading to "chaos". It is feared that there will be swamps of taxis in busy areas at busy times and it will be a free for fall as no driver will have regard to the que system on the rank.

Our approach is to deal with matters with an amicable approach, and we therefore request that the Council take into consideration the wishes of the drivers who work in Harrogate on a day-to-day basis and know that there is not enough demand for any further work. We also request the council to provide a meeting with all drivers invited to provide their opinion on the proposed plans.

⁴ Department for Transport best practice guidance for licensing authorities in England.

⁵ Department for Transport best practice guidance for licensing authorities in England.

We look forward to hearing from you.

Yours sincerely

Harrogate drivers licensed by Harrogate Borough Council.