

Decision Session – Executive Member for Housing and Safer Neighbourhoods 16 January 2020

Report of the Assistant Director – Planning & Public Protection

Taxi Licensing Policy / Vehicle Licence Conditions – Executive Vehicles

Summary

1. In accordance with the requirements of the Council's Constitution, this report seeks Executive Member approval to amendment to the Taxi Licensing Policy (the Policy) with regards to Executive Vehicles. It follows a request from a vehicle licence proprietor and the operator of Executive Vehicles, and recommendations from Licensing and Regulatory Committee.

Recommendations

2. The Executive Member is asked to approve Option 1 of this report.

Reason: to extend the Council's already established 'Private Hire Vehicle Licence Plate & Signage Exemption Policy' with regards to executive vehicles and bring it in line with the other authorities in the West Yorkshire transport authority region.

Background

3. The Council has approved conditions relating to vehicle specification (Taxi Licensing Policy Appendix 1), that can be found at Annex 1, one of these conditions relates to the light transmittance of windows in all licensed hackney carriage and private hire vehicles. The condition being No 19:
 - i) All licensed vehicles shall be fitted with windscreen glass that has a light transmittance of 75% and windows to either side of the drivers head shall have a light transmittance of not less than 70%.
 - ii) All other windows within licensed vehicles shall have a light transmittance of not less than 50%.

- iii) For estate-type vehicles the windows overlooking the luggage space can be of any manufacturer's tint providing it is not opaque.
- iv) Any self applied material shall satisfy the requirements of i) ii) and iii) above if it has been approved by the Council.

4. Regulation 32 of the Road Vehicles (Construction and Use) Regulations 1986 requires the windscreen to have a minimum light transmission value of 75% and the windows to either side of the driver's head of not less than 70%.
5. As part of the review of the Taxi Licensing Policy, which was approved by the Executive on 26 January 2017, the light transmittance in relation to all other windows (ii) was reduced from 70% to 50% following representations received from the licensed trade.
6. On the 21 July 2014 Licensing and Regulatory Committee approved an Exemption Policy in relation to the displaying of licence plates and signage on licensed private hire vehicles who exclusively undertake executive contract work (legislation only allows this provision in relation to private hire vehicles). This exemption policy has been consolidated in the Policy (at Appendix 2 to the Policy 'Private Hire Vehicle Licence Plate & Signage Exemption Policy') and is attached at Annex 2 of this report.
7. The operator who has made the request for the change believes executive vehicles should be allow a darker tint to rear windows as:
 - their customers expect privacy;
 - the vehicles they wish to provide come fitted with tinted windows (privacy glass);
 - all their work is pre-booked on account; and
 - other licensing authorities allow tinted windows (privacy glass) in executive vehicles.
8. The proposed amended 'Private Hire Vehicle Licence Plate & Signage Exemption Policy' for executive vehicles can be found at Annex 3. An additional requirement would be included within the Policy, as follows:

'Condition 19 of the Private Hire Vehicle Licence Conditions does not apply, the light transmittance of windows can be:

- i) All licensed vehicles shall be fitted with windscreen glass that has a light transmittance of 75% and windows to either side of the drivers head shall have a light transmittance of not less than 70%.
 - ii) All other windows within licensed executive vehicles can be of any manufacturer's tint providing it is not opaque.
 - iii) Any self applied material shall satisfy the requirements of i) and ii) above if it has been approved by the Council.'
9. Members of Licensing and Regulatory Committee also recommended that that Point 12(n) within Annex 3 is amended, as they believed the current wording prevented drivers from taking a tip.

Current wording:

'The driver will not take money at the end of the hire.'

Recommended wording:

'The driver will not take the fare at the end of the hire.'

Consultation

10. A formal consultation has not taken place. Officers have sought the views of the Private Hire Associations, as well as other operators of executive vehicles. No responses have been received.
11. As the Council is working with the West Yorkshire Authorities with regards taxi licensing policy, Officers contacted the Authorities with regards to their requirements:
- Bradford – allows executive vehicles to have manufacturer's tint for windows other than the windscreen and at either side of the drivers head.
 - Calderdale – allows executive vehicles to have manufacturer's tint for windows other than the windscreen and at either side of the drivers head.
 - Leeds – allows executive vehicles to have manufacturer's tint for windows other than the windscreen and at either side of the drivers head.

- Kirkless – allows executive vehicles to have manufacturer's tint for windows other than the windscreen and at either side of the drivers head.
- Wakefield – do not have a policy for executive vehicles.

Options

12. Option 1 - take into consideration the request made by the operator of executive vehicles, as well as the policies in place for the West Yorkshire Authorities and approve the amendments to Appendix 2 of the Taxi Licensing Policy in relation to Private Hire Vehicle Licence Plate & Signage Exemption Policy, as detailed at Annex 3.
13. Option 2 – take into consideration the request made by the operator of executive vehicles, as well as the policies in place for the West Yorkshire Authorities and make further amendments to Appendix 2 of the Taxi Licensing Policy in relation to executive vehicles.
14. Option 3 – refuse the request

Analysis

15. The 'Private Hire Vehicle Licence Plate & Signage Exemption Policy' has been in place since July 2014. The Council currently issues 10 exemptions to licensed vehicles. The type of vehicles issues the exemption are:
 - Mercedes S320
 - Mercedes E220
 - Mercedes Viano
 - Ford Galaxy
 - Skoda Superb
16. The Council has not received a complaint about a licensed vehicle that has been issued an exemption notice since the policy was approve.
17. Vehicles that have been issued the exemption notice **cannot** engage in standard private hire work (picking Mr Smith up from Dunnington on a Saturday night and taking him to Yates in the city centre), this includes passenger service contracts for the carriage of school children, young persons or vulnerable adults. The vehicles can **only** operator in accordance with contracts entered into for a chauffeur type executive level service.

18. Vehicles that have been issued the exemption must display an exemption certificate card on the inside lower nearside of the front windscreen. The exemption certificate must be carried within the vehicle at all time and produced on request by an authorised officer. The front and rear licence plates and door signage must be carried in the boot and produced on request.

Council Priorities

19. The taxi licensing functions undertaken by the council are statutory, supporting the new and existing trade, as well as local residents and visitors. The functions supports the Council's Plan of a good quality of life for everyone.

Implications

20. The direct implications arising from this report are:
- (a) **Financial** – There are no financial implications.
 - (b) **Human Resources (HR)** - There are no HR implications.
 - (c) **Equalities** – There are no equalities implications.
 - (d) **Legal** – There are no legal implications.
 - (e) **Crime and Disorder** – There are no crime and disorder implications.
 - (f) **Information Technology (IT)** - There are no IT implications.
 - (g) **Property** - There are no property implications.
 - (h) **Other** - There are no other implications.

Risk Management

21. There are no known risks associated with this report.

Contact Details

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	Report Approved	√	Date 07/01/20
Specialist Implications Officer(s)			
Wards Affected:		All	√
For further information please contact the author of the report			

Background papers

Taxi Licensing Policy

https://www.york.gov.uk/downloads/file/9715/taxi_licensing_policy

Annex 1 – Appendix 1 Taxi Licensing Policy

Annex 2 – Appendix 2 Taxi Licensing Policy

Annex 3 – Proposed Amended Appendix 2