



**Notice of meeting of
Licensing & Regulatory Committee**

To: Councillors Nimmo (Chair), Bartlett (Vice-Chair), Horton,
B Watson and I Waudby

Date: Friday, 3 November 2006

Time: 3.00 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 1 September 2006.

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 10.00 am on 2 November 2006.

4. Variations to Taxi Licensing Conditions (Pages 5 - 10)

This report requests members to consider two aspects of vehicle licence conditions which, due to advances in motor vehicle technology, are causing licensing difficulties. These are minimum engine size and the fitting of tinted windows. Members are requested to consider if a revision of conditions is necessary and make, if necessary, recommendation to full council to effect such revisions.

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.

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

City of York Council

Minutes

MEETING	LICENSING & REGULATORY COMMITTEE
DATE	1 SEPTEMBER 2006
PRESENT	COUNCILLORS NIMMO (CHAIR), BARTLETT (VICE-CHAIR), HORTON, B WATSON AND I WAUDBY

PART A - MATTERS DEALT WITH UNDER DELEGATED POWERS

5. DECLARATIONS OF INTEREST

At this point, Members were asked to declare any personal or prejudicial interests they had in the business on the agenda. No Members declared any interests.

6. MINUTES

RESOLVED: That the minutes of the meeting held on 2 June 2006 be approved and signed as a correct record.

7. PUBLIC PARTICIPATION

It was reported that there were no registrations to speak under the council's Public Participation Scheme.

8. REVISED MEDICAL STANDARDS FOR LICENSED TAXI AND PRIVATE HIRE DRIVERS

Members considered a report that examined the current medical standards for licensed taxi and private hire drivers with particular interest to diabetes.

The Authority had previously adopted the group 2 standards as its medical requirement for licensed drivers, and this standard precluded those who were insulin dependant diabetics from driving public carriage vehicles. The report also detailed the requirements for drivers holding a C1 licence which permitted insulin dependant persons to drive certain vehicles subject to stricter monitoring and annual medical assessment.

Following consultation with various interested bodies, the report highlighted that both the CYC Occupational Health Advisor and a Consultant Physician in Diabetes & Endocrinology, supported the proposal to relax the standards for the licensing of insulin dependant drivers, in line with those relating to C1 drivers and subject to strict medical monitoring.

Members were informed that the European Driver Licensing Committee had met in February 2006 but a report from the Diabetes working group which would provide specific advice with regard to the medical standards applied to taxi drivers had yet to be produced. Also, that the licensing authority was currently involved in an appeal in the Magistrates Court in relation to the Council's current policy on the issue.

Members were asked to consider two options:

- *To retain the existing standards in relation to the application of the full Group 2 medical standards in line with that for public carriage vehicles for licensed taxi and PHV drivers which precludes licensing drivers with insulin dependent diabetes until further advice is received from the DVLA.*
- Apply the C1 exemption in line with the policy now applied by the Public Carriage Office which allows those drivers who are insulin dependent to be licensed as taxi/PHV drivers subject to strict medical monitoring.

RECOMMENDED: That Option 1 be approved.

REASON: To ensure the safety of the general public.

PART B - MATTERS REFERRED TO COUNCIL

9. ELECTORAL ARRANGEMENTS - PARISH OF CLIFTON WITHOUT

Members considered a report regarding the electoral arrangements for the Parish of Clifton Without following a request to reduce the number of parish councillors from fifteen to ten due to a failure in the past to recruit fifteen members.

A review took place between 1 July and 1 August 2006, during which time, no comments or representation were received.

Members were asked to consider two options:

- To reduce the number of parish councillors from fifteen to ten to provide the parish with a fully elected membership.
- Not to reduce the membership of the Clifton Without Parish Council which would result in the parish council not having a full membership quota.

RECOMMENDED: That:

- i. the number of parish councillors for the Clifton Without Parish Council be reduced from fifteen to ten and that the reduction takes place at the election of parish council members be held at the ordinary election of parish councillors on the 3rd May 2007
- ii. the Head of Civic, Democratic and Legal Services be authorised to take any necessary action to make the local Order.

REASON: To benefit the democratic process by encouraging a fully elected membership.

Cllr Nimmo
Chair

The meeting started at 2.00 pm and finished at 2.20 pm.

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Licensing and Regulatory Committee**3rd November 2006**

Report of the Director of Neighbourhood Services

Revision of Hackney Carriage and Private Hire Vehicle Conditions.**Summary**

1. This report requests members to consider two aspects of vehicle licence conditions which, due to advances in motor vehicle technology, are causing licensing difficulties. These are minimum engine size and the fitting of tinted windows. Members are requested to consider if a revision of conditions is necessary and make, if necessary, recommendation to full council to effect such revisions.

Background

2. The council issues licences for hackney carriages and private hire vehicles subject to prescribed conditions.
3. The conditions were last reviewed in 1999. It is intended to carry out a comprehensive review of all conditions in 2007 but there are two issues that need earlier consideration.
4. Recent years have seen considerable advancements in vehicle technology and design. This has resulted in the licensing office being requested to licence vehicles which are not covered by these conditions. Of particular and immediate concern are the restriction on engine size and the fitting of tinted windows
5. Our current conditions state that licensed vehicles must have a minimum engine capacity of 1250cc. There is no condition in respect of tinted windows.

Engine Capacity

6. Minimum engine capacity was a criteria the council had adopted to ensure that licensed vehicles were sufficiently powerful to fulfil the intended purpose. However this condition is increasingly creating anomalies in that many small diesel engines are producing more power than larger engined petrol equivalents.
7. Increasing demands for cleaner, more fuel efficient engines also mitigate against the logic for specifying a minimum engine size.

8. Officers consider that given engine development there is no reason to continue to prescribe a minimum size for new vehicles. As however we currently have no minimum age for vehicles, a complete abolition of a minimum engine size for all vehicles could result in an old vehicle being licensed with an inadequate engine or licensed when it had previously been refused on engine size. For this reason, and to encourage less polluting engines, officers are recommending that the minimum engine size should be removed for all vehicles fitted with a Euro IV (or better) emission rated engine. This would ensure that only new vehicles fitted with modern engines would benefit from this relaxation.

Tinted Windows

9. Although officers try to discourage the use of tinted glass for the reasons listed below they have no authority to prohibit the fitting of tinted glass to licensed taxis and private hire vehicles. This is giving increasing concern for the following public safety reasons:
 - a. Enforcement officers cannot see that the maximum number of passengers is not being exceeded
 - b. Police cannot check if passengers are wearing a seat belt
 - c. Activities taking place in the vehicle cannot be viewed from outside posing a risk to both passengers and the driver
 - d. Vulnerable passengers will feel safer in a vehicle where they can be seen
 - e. In the event of an accident the emergency services can easily check if there are passengers inside
10. The Motor Vehicles (Construction and Use Regulations)1986 prescribe a legal minimum percentage visibility of 75% in respect of windscreens and 70% for all vehicle glass within the drivers normal field of vision e.g. front doors. There are no requirements in relation to rear windows or rear side windows. People carriers in particular are often supplied by the manufacturer with heavily tinted rear glass.
11. It is also possible for drivers to purchase and fit laminates or films to the glass to achieve the same effect.
12. Officers are proposing that a new condition be introduced that will restrict the use of tinted glass in licensed vehicles to a minimum of 75% light transmittance for windscreens and a minimum of 70% light transmittance for all other windows. Any self applied film will be required to meet the same qualifying conditions.
13. The condition as regards factory fitted glass will not be applied retrospectively to existing licensed vehicles.

Consultation

14. The York Taxi Association and the York Private Hire Association have been consulted on these issues and have both informally stated they are in

agreement with officers proposals. Their written comments will be available at the meeting.

Options

15. Members have the following options

To accept the officer recommendations as set out in paragraphs 8 and 12 of this report

To amend either or both of those recommendations

To make no changes to the existing conditions

Analysis

16. The reasoning and analysis of the proposals has been set out in previous paragraphs of the report.

Corporate Priorities

17. The ability to license vehicles with smaller, less polluting engines contributes to the priority to increase the use of public and other environmentally friendly modes of transport.

Implications

- 18.

- **Financial** - None
- **Human Resources (HR)** - None
- **Equalities** -None
- **Legal** - Clear, enforceable standards should be set which are reasonable in relation to current circumstances.
- **Crime and Disorder** – The restriction on the used of tinted windows in licensed taxis and private hire vehicles has the potential to reduce crime and disorder
- **Information Technology (IT)** - None
- **Property** - None
- **Other** – None

Risk Management

- 19 In compliance with the Councils risk management strategy any decision made which is unreasonable or unlawful could be open to legal challenge resulting in loss of image reputation and potential financial penalty.
20. Measured in terms of impact and likelihood, the risk score has been assessed at less than 16. This means that at this point the risks need only to be monitored, as they do not provide a real threat to the objectives of this report

Recommendations

- 21 It is recommended that this committee recommends to council that the licence conditions in respect to hackney carriages and private hire vehicles be amended to include the following conditions:
 - a) The licensed vehicle shall have a minimum engine capacity of 1250cc except for vehicles fitted with an engine rated with a Euro IV (or better) emission standard.
 - b) The licensed vehicle shall be fitted with windscreen glass that has a light transmittance of 75% and all other window glass in the vehicle shall have a light transmittance not less than 70%. Any self applied material shall be of the same standard and shall be approved by the taxi licensing office, and

That condition b) will not apply to tinted glazing fitted by the manufacturer to vehicles when new in respect of vehicles currently licensed by this council .

Reason: to update standard vehicle licensing conditions to match current developments in vehicle specifications .

Contact Details

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Chief Officer Responsible for the report:

Andy Hudson
Assistant Director (Neighbourhoods)

Report Approved yes

Date 17/10/06

Wards Affected: *List wards or tick box to indicate all*

All yes

For further information please contact the author of the report

Background Papers:

Local Government (Miscellaneous Provisions)Act 1976