

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

To: Councillors, Gillies (Chair), Firth, Horton, Looker and Moore (Vice-Chair)

Date: Friday, 4 July 2008

Time: 2.00 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 3 - 6)

To approve and sign the minutes of the meeting held on 21st May 2008.

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 5pm on Thursday 3rd July 2008.

4. Application to Approve Pedicabs for use as Hackney Carriages (Pages 7 - 26)

This report asks Members to consider the practical consequences regarding the use of Pedicabs in the City of York, whether Pedicabs should be licensed to operate in the City and how many licences should be issued.

5. Revision of Private Hire Vehicle Conditions (Pages 27 - 40)

This report ask Members to consider the introduction of restrictions on vehicle colour, and for the introduction of vehicle emission standards for private hire vehicles. It also examines the potential for encouraging lower carbon dioxide emissions for private hire and hackney carriages.

6. Any other business which the Chair decides is urgent under the Local Government Act 1972.

Democracy Officer:

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City of York Council

Committee Minutes

MEETING	LICENSING & REGULATORY COMMITTEE
DATE	21 MAY 2008
PRESENT	COUNCILLORS GILLIES (CHAIR), HORTON, HYMAN, MOORE (VICE-CHAIR) AND KING (SUBSTITUTE)
APOLOGIES	COUNCILLOR B WATSON

25. DECLARATIONS OF INTEREST

At this point Members were asked to declare any personal or prejudicial interests they had in the business on the agenda.

Councillor Gillies declared a personal and non-prejudicial interest in agenda item 4 (Implementation of Controlled Growth Policy for Hackney Carriage Vehicle Licences) as he was a former owner of a hackney carriage plate.

Councillor Hyman declared a personal and non-prejudicial interest in agenda item 4 (Implementation of Controlled Growth Policy for Hackney Carriage Vehicle Licences) as he knew one of the speakers to be a resident in his Ward.

26. MINUTES

RESOLVED: That the minutes of the meeting held on 17th March 2008 be approved and signed as a correct record.

27. PUBLIC PARTICIPATION

It was reported that there had been 4 registrations to speak under the Council's Public Participation Scheme in relation to Agenda Item 4 (Implementation of Controlled Growth Policy for Hackney Carriage Vehicle Licences).

The Vice-Chair of York Taxi Association addressed the Committee and stated that the Halcrow Survey and the collected data were inaccurate. He cited the Clifford Street taxi rank figures as an example and challenged these on the grounds that the rank was only operational for a few hours at a time. He also claimed that the methodology behind the survey was incorrect.

The Secretary of York Taxi Association addressed the Committee and stated that the Unmet Demand Survey ought to be reasonable and realistic. The survey claims that 15 additional licences needed to be issued in order to suppress unmet demand. He requested that the Committee refuse any licences over and above this fifteen until another Unmet

Demand Survey was undertaken in a few years time. He also asked where the additional taxis would be ranked as at present there was no extra space at the railway station.

A representative of Station taxis spoke. He claimed that Halcrow's survey contained inaccuracies in relation to the station taxi rank. He said that this rank was unique and varying factors such as the traffic management system, safety barriers and train arrivals caused peaks and troughs in passenger waiting times.

A Hackney Carriage Driver stated that no more than 15 extra licences should be given and saw no reason to contradict the Unmet Demand Survey. He said that another survey should be undertaken in a few years time.

28. IMPLEMENTATION OF CONTROLLED GROWTH POLICY FOR HACKNEY CARRIAGE VEHICLE LICENCES

Members considered a report that asked them to consider the implementation of a Controlled Growth Policy for Hackney Carriage Vehicle Licences. At a meeting on 2 November 2007 the Licensing and Regulatory Committee had resolved to remove the numeric restriction on the number of hackney carriage vehicle licences issued by the Council and to issue a number of new licences each year until market demand limits the number of licences issued.

The report before the Committee today sought approval for the methodology which will produce managed growth from the present position to a market regulated situation, It relates only to motorised hackney carriages.

The Head of Licensing updated that the recommendations laid out in the report had now been clarified with some additional wording. This was set out in the resolution below.

Written representations had also been received from the Vice Chair of York Taxi Association and these were circulated at the meeting. In summary the following points were raised within this documentation:

- In ranks such as the station, passenger waiting time will never reduce, due to the loading restrictions imposed locally and is independent of the number of vehicles available.
- York has a higher than average provision of Hackney Carriages per population than other Licensing Authorities.
- The proportion of passengers travelling in hours where the delay exceeds one minute is only 9.3% compared to 21% in other Local Authorities.
- The proportion of passengers travelling in hours where some delay occurs is 31% which is lower than the average 37% for districts analysed.

- The survey is flawed in a number of areas including information in relation to the Clifford Street rank, the railway station rank and the St Saviourgate rank.

Members received a short presentation from a representative of Halcrow regarding the methodology of the Unmet Demand Survey. The representative said that the figures relating to Clifford Street taxi rank had been over factored and these would be adjusted in the final report. These adjustments would not effect the overall outcome of the report. They also confirmed that factors such as the traffic management system at the railway station had been taken into account.

Members asked for clarification in relation to the number of taxis at the railway station and a representative of Station Taxis responded that at the moment the limit had been reached but they would be open to discussions. He also clarified that wheelchair accessible vehicles could be booked through Station Taxis.

Members asked questions in relation to the number of wheelchair accessible vehicles in the City at the moment and were told that there were twenty, six of which were from Station Taxis. Questions were also asked in relation to the number of private hire vehicles and driver shifts in the City and it was noted that private hire vehicles were the most dominant.

Members were presented with the following options in relation to the policy for release of new licences:

- Option 1** Apply the policy as set out in paragraph 14 of the report.
- Option 2** Apply some other policy for the release of new vehicle licences.
- Option 3** Take no further action and grant no new vehicle licences.
- Option 4** Delimit completely.

In relation to the methodology to determine recipients of new vehicle licences Members were presented with the following options:

- Option 5** Utilise the waiting list in the manner set out in paragraphs 16 to 25 of the report.
- Option 6** Utilise the waiting list but apply alternative criteria.
- Option 7** Do not use the waiting list as a means to release new vehicle licences but apply some other selection method such as a random selection (lucky dip).

RESOLVED:¹

- That option 1 be approved with regard to the release of new hackney carriage licences and a limit be set on the number of hackney carriage vehicle licences issued at 173 from 1st July 2008

(excluding 4 horse drawn vehicle licences) and increase this number by 2 licences on 1st July 2009 and thereafter by a further 2 licences at 6 monthly intervals and undertake further surveys every three years.

- That Option 5 be approved with regard to the allocation of new hackney carriage vehicle licences and apply the waiting list for the issue of the first tranche of licences as at 21st May 2008.

REASON:

The proposed policy achieves a managed approach to meeting Members' stated objectives which is deemed to be fair and reasonable. As the waiting list has been in existence for 11 years and has general approval by the trade the additional operational criteria are also considered to be reasonable in meeting Members' stated objectives.

Action Required

1. To issue 15 new hackney carriage licences with immediate effect and further additional licences as per the recommendations.

KS

Councillor Ian Gillies, Chair

[The meeting started at 10.00 am and finished at 11.10 am].



Licensing and Regulatory Committee**4th July 2008**

Report of the Director of Neighbourhood Services

APPLICATION TO APPROVE PEDICABS FOR USE AS HACKNEY CARRIAGES**Summary**

1. At its meeting on 17th March 2008, this committee considered a report regarding applications received to licence pedicabs as hackney carriage vehicles and to consider the practical consequences regarding the use of this type of vehicle as a hackney carriage in the City of York Council.
2. The committee decided to defer further consideration on this matter until the results of an unmet demand survey are to hand and to consider whether the council in consequence need to review its policy on hackney carriage.
3. At its meeting on 21st May 2008 this committee, following the results of a rank queue survey, concluded there was a significant unmet demand and opted to release from 1st July 2008, 15 new licences for motorised vehicles and, after the first year, a further 2 licences released every 6 months. This policy will be reviewed after 3 years.
4. The committee noted from the survey that some 46% of respondents would use pedicabs should they be introduced in York. Members are requested to consider the practical consequences regarding the use of this type of vehicle as a hackney carriage in the City of York and whether if pedicabs should be licensed to operate in the city, how many licences should be issued.

Background

5. A pedicab or rickshaw is essentially an unmotorised tricycle powered by one human on the front, whilst up to three fare paying passengers can be transported on the rear seat. Photographs of three types of pedicabs are attached at Annex 1.
6. Pedicabs were last licensed in York some 15 years ago. They were licensed as omnibuses under the Town Police Clauses Act 1889 and worked from a stand near the Minster. Apparently they quickly went out of business, the work being somewhat seasonal.
7. Since pedicabs were last licensed in York as omnibuses the interpretation of

the law on their licensing has changed. In 1998 the Court of Appeal (R v Cambridge City Council) decided that rickshaws/pedicabs are licensable not as omnibuses but as hackney carriages if the pedicab is to be used to ply for hire or reward.

8. Arising from that ruling any application for pedicabs have been refused as the then current taxi licensing provision for the City of York up until the 21st May 2008 limited the number of hackney carriage licences to 158 operating from 11 full time ranks and 7 part time ranks.
9. At the Licensing and Regulatory Committee on Friday 2nd November 2007 the committee made a decision to remove that limit subject to a rank queue survey being conducted and repeated at least every two years in order to monitor the level of unmet demand.
10. At that same meeting, the committee also approved that novelty forms of transport such as rickshaws and pedicabs be excluded from compliance with wheelchair accessibility and a report be brought back to the committee on the issue of licensing pedicabs.

Rank Queue Survey

11. Following the November meeting, Halcrow, one of the UK's largest transport planning consultancies, were contracted to carry out a study of the taxi industry in York. This study was to include a rank survey, public consultation, stakeholder consultation, trade consultation and bench marker with other authorities.
12. Halcrow conducted rank surveys between 23rd February and 9th March 2008.
13. Key conclusions of the study are as follows:
 - a) That there is a significant unmet demand for hackney carriage vehicle licences in York.
 - b) That an additional 15 licences are required to meet that demand.
 - c) That the taxi rank in St Sampson's Square be reinstated.
 - d) That many stakeholders with disabilities state they often had difficulties obtaining accessible vehicles.
 - e) 46% of respondents would use pedicabs should they be introduced in York.
14. Members should be aware other Councils outside London have licensed pedicabs as hackney carriages but many schemes have failed through lack of use. Officers have consulted with officers from the following councils: East Lindsey, Oxfordshire, Newcastle, Cambridge Durham and Herefordshire. Schemes in Cambridge, Oxfordshire and North Norfolk have either not been approved or subsequently abandoned due to lack of use. Durham, East Lindsay and Herefordshire have successfully licensed pedicabs as hackney carriages.
15. Members should note that such vehicles are currently in use in London but

outside any London licensing regime. In June 2006 the Public Carriage Office issued a consultation document regarding the possible licensing of pedicabs in London. The results of the consultation exercise have yet to be announced.

16. In conclusion, since the lifting of the limit of hackney carriage numbers in the city, the Council do have power under the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976 to licence pedicabs as hackney carriages. Furthermore the Act permits the council to impose conditions on the grant of a hackney carriage vehicle licence.
17. The Council currently has a strict policy regarding the type and specification of vehicles which may be licensed as hackney carriage vehicles. A pedicab does not meet the strict vehicle specification laid down by the Council for hackney carriage vehicles.
18. The committee will need to consider if it is appropriate to change its specification to allow pedicabs to operate in York. Legally the Council can change from its current policy if it feels that there are sufficient reasons to do so.

Main Issues - Licensing Procedure

19. Any licensing procedure for pedicabs should assess the fitness of both vehicles and riders. Adequate insurance to cover third-party liabilities will be a requirement of pedicab licensing.
20. Hackney carriages, normally referred to as taxis and hackney carriage drivers are regulated by the City of York Council Taxi Licensing Department. The principal regulations are contained in the Town and Police Clauses Act 1847 and Local Government (Miscellaneous Provisions) Act 1976.
21. Applying the same regulation would require both the pedicab and riders to be licensed at the same cost as motorised and horse drawn hackney carriages.

Riders

22. Riders will be licensed in the same way as hackney carriage and private hire drivers:-
 - Held a driving licence for at least 12 months.
 - An enhanced Criminal Records Bureau Disclosure check.
 - Character references.
 - Medical fitness.
 - Knowledge test/topographical skills.
23. Driving/riding ability – evidence will be required that a rider is competent to handle a pedicab. This will be achieved by a requirement that the applicant has achieved CTC (National Standard for Cycle Training) Level 3 and has

demonstrated this competence on a pedicab. This independent qualification is the nearest to a motor vehicle driving licence and demonstrates that a pedicab rider has completed a competence based qualification that is relevant to the type of pedicab.

24. The proposed pedicab rider and operator code of conduct are detailed at Annex 3 and Annex 4.

Pedicab Licensing

25. Officers take the view that any pedicab should be of a design which has the rider in the front or forward position and the passenger seated at the rear. Pedicabs that have the passengers in the forward position are considered to restrict rider visibility, especially when any canopy is raised in place.
26. If a decision is made to licence pedicabs the Council will wish to be assured that they are structurally and mechanically safe as such vehicles can be. Pedicabs should therefore be required to comply with conditions of fitness and undertake a vehicle examination carried out by a CTC qualified mechanic.
27. Motorised hackney carriages are required to comply with conditions of fitness which specify certain technical requirements to ensure that the vehicle is fit for purpose. Pedicabs will similarly be required to meet a minimum standard and be maintained to that standard throughout the licensing period. Pedicabs will be the subject of one licensing inspection each year with random on-street compliance inspections.
28. The proposed pedicabs conditions of fitness are detailed in Annex 2.
29. The licensing period for a pedicab will be one year. A licence and identifying plate will be issued. Both items would remain the property of the City of York Council and would have to be returned when expired. The plate will have a unique number and be affixed to the rear of the pedicab.

Fares

30. Currently the maximum fares for motorised hackney carriages are set annually by the council and vehicles are fitted with meters that calculate the maximum fare based on a distance travelled or time taken. It would be difficult to introduce metered fares based on distanced travelled due to the cost and technical difficulties in fitting a meter to pedicabs.
31. Secondly a pedicab is unlikely to ever go fast enough to allow charging by distance.
32. It appears that the only simple and effective method of charging is to set a standard fare for all journeys which would be per vehicle not per passenger.

Area of Operation

33. It is officers views, following consultation with two prospective applicants, that pedicabs should not have access to the pedestrian foot streets. Unlike the

horse drawn carriages there should be no fixed routes or control of the area in which pedicabs operate. In practice, taking example from London in which pedicabs operate, they tend to work within a half mile radius of the city centre. Having no controlled area will allow pedicab operators to tailor individual trips to the customer and to service specific destinations like the Knavesmire during race meetings.

Ranks

34. Officers are of the view that highway space for any extra ranks solely for the use of pedicabs is at a premium in York and there is no existing budget to fund them. Officers cannot see how any new ranks can be readily provided. It is officer proposal, given the findings in the unmet demand survey and hackney carriage trade, that pedicabs operate from the Tower Street ranks and the middle rank in Duncombe Place near to the horse drawn hackney carriage rank.

New Licence Allocation

35. Should members be minded to grant a limited number of pedicab licences, each application will be judged on its own merit. Applicants will also be the subject of a suitability interview. Officers will take into account previous experience of managing a pedicab operation and previous registered interest.

Conclusion

36. Officers believe that York could significantly benefit from a successful pedicab service. They would be an undoubted asset to the city and an additional attraction to the 4 million visitors to the city. They would provide an environmentally friendly mode of transport with no pollution. Pedicabs would provide a useful short distance service ferrying tourists, and indeed residents, between various tourist attractions, restaurants and hotels.
37. Officers are acutely aware of the problems that pedicabs can potentially bring to the streets of York, whether it is blocking access to tourist attractions, holding up traffic, use of bus lanes or the lack of suitable ranks, but do not think the licensing of pedicabs should be disregarded outright.
38. It is officers' views that pedicabs in limited numbers would provide a welcome and colourful, albeit minor, addition to the local transport provision.
39. However, given the enquiries already received, the likelihood is that if they are successful, other operators may also look to set up in York. There is, therefore, the chance that the authority could be inundated with applications for pedicab licences similar to the congestion seen in London. The Council do limit the number of horse drawn carriages to four and they could consider limiting the number of licences issued to pedicabs.

Consultation

York Taxi Association

40. The views of the York Taxi Association were obtained at their quarterly meeting. They support in principle the licensing of a small number of pedicabs similar to the number of horse drawn carriages. They believe they are mainly aimed at the tourist market and would not undertake the same sort of hiring as the average hackney carriage. Indeed, it is likely they will be used for extremely short length journeys. There are concerns regarding the lack of rank provision in the city and if large numbers of pedicabs were licensed the adverse effect on traffic flow and possible conflict at the limited number of rank spaces in the city.

North Yorkshire Police

41. The views of the North Yorkshire Police centre on the safety issues of pedicabs, especially at night. They have concerns regarding the slow moving nature of the vehicles and the adverse effect on traffic flow. If used in bus lanes this will affect the First York buses leading to driver frustration and inappropriate behaviour.

Network Management

42. Main issues of concern relate to the slow moving nature of the pedicabs, 6 to 8 mph, and the effect this would have on traffic flows and the limited number of opportunities for motorised vehicles to overtake. Issues of ranks would need to be addressed that would not impact on existing ranks and residents parking. The possible effect on bus lanes and park and ride services is also of concern.

CTC – The National Cyclists’ Organisation

43. Pedicabs may seem a minor issue reserved to larger cities. Currently the main value of pedicabs is as a form of entertainment and a tourist attraction. However, they also have the potential to serve as a complement to public transport networks in towns and cities in the future. We also understand that according to DfT officials, “Ministers have expressed the general view that, properly regulated, cycle rickshaws (often called “pedicabs”) have a role to play in local transport provision”. CTC also believes that, if properly regulated, pedicabs can make a positive contribution to the cultural life of major cities. Yet at present, London is the only city in Britain where they are managing to operate on a “ply for hire” basis, taking advantage of the different regulatory frame work which applies there.

Options

44. Option 1: To issue a licence to all pedicab applications for use as hackney carriages within the City of York which meet the appropriate vehicle specifications, licensing conditions and other relevant matters.
45. Option 2: To issue licences up to a maximum of 10 for use as hackney carriages within the City of York which meet the appropriate vehicle specifications, licensing conditions and other relevant matters.

46. Option 3: Resolve not to licence pedicabs within the City of York.

Analysis

47. The reasoning and analysis of the proposal has been set out in previous paragraphs.
48. Legally a pedicab can be licensed within the city as a hackney carriage. In the past they have been prevented from doing so due to the limit on hackney carriage licences. There are two operators currently operating in the city outside any licensing regime, taking donations rather than fares.
49. Officers believe that if properly regulated and numbers restricted, pedicabs can make a positive contribution to the cultural life of the city. Pedicabs would provide a welcome and colourful, albeit minor, addition to the streets of York. In addition they would provide an environmentally friendly mode of transport with no pollution and could have a role to play in any future local transport provision.
50. However, for all the reasons set out in this report, there are considerable factors to be overcome if pedicabs are to operate on the streets of York. Whilst this is not prohibitive, the key factor would be the essential issues around safety, impact on traffic and suitable rank space balanced against the introduction of an environmentally friendly mode of transport and tourism benefits. What is evident is there is a willingness from two operators to work with the council to overcome the many obstacles and provide a quality product and service.
51. Members should determine this application on its own merits and consider whether or not it is an appropriate form of transport to be licensed as a hackney carriage in York or recognise that licensing pedicabs in York is not appropriate at this time.

Corporate Priorities

52. To increase the use of public and other environmentally friendly modes of transport.

Implications

Financial

53. If approval is granted the necessary licence fees are payable.

Human Resources (HR)

54. If approved it will be necessary for officers to establish whether the pedicabs comply with the conditions and standards laid down. This will be in addition to the testing currently undertaken. It is anticipated this will be achieved from existing resources.

Equalities

55. There are no equalities implications.

Legal

56. In the case of (R v Cambridge City Council ex parte Lane) it was held that a pedicab was a hackney carriage for the purpose of the Town and Police Clauses Act 1847. This decision was followed more recently in the case of Robert David Oddy v Bugbugs Ltd and others.

Crime and Disorder

57. To ensure that members of the public are transported safely in appropriately licensed vehicles driven by identified licensed drivers.

Information Technology (IT)

58. There are no information technology implications.

Property

59. There are no property implications.

Other

60. There are no other implications.

Risk Management

61. In compliance with the Council's risk management strategy any decisions made which are unreasonable or unlawful could be open to legal challenge resulting in loss of image, reputation and potential financial penalty.
62. Measured in terms of impact and likelihood the risk score has been assessed at less than 16. This means that at this point the risk need only provide a real threat to the objectives of this report.

Recommendation

63. Members of the Licensing and Regulatory Committee are asked to:

Approve option 2 with regard to the issuing of 10 hackney carriage (pedicab) licences within the City of York which meet the appropriate vehicle specification, licensing conditions and other relevant matters.

Contact Details

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Chief Officer Responsible for the report:

Andy Hudson
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Report Approved **Date** 18/6/08

Specialist Implication Officer:

Martin Blythe
Tel 01904 551044

Wards Affected:

All

For further information please contact the author of the report

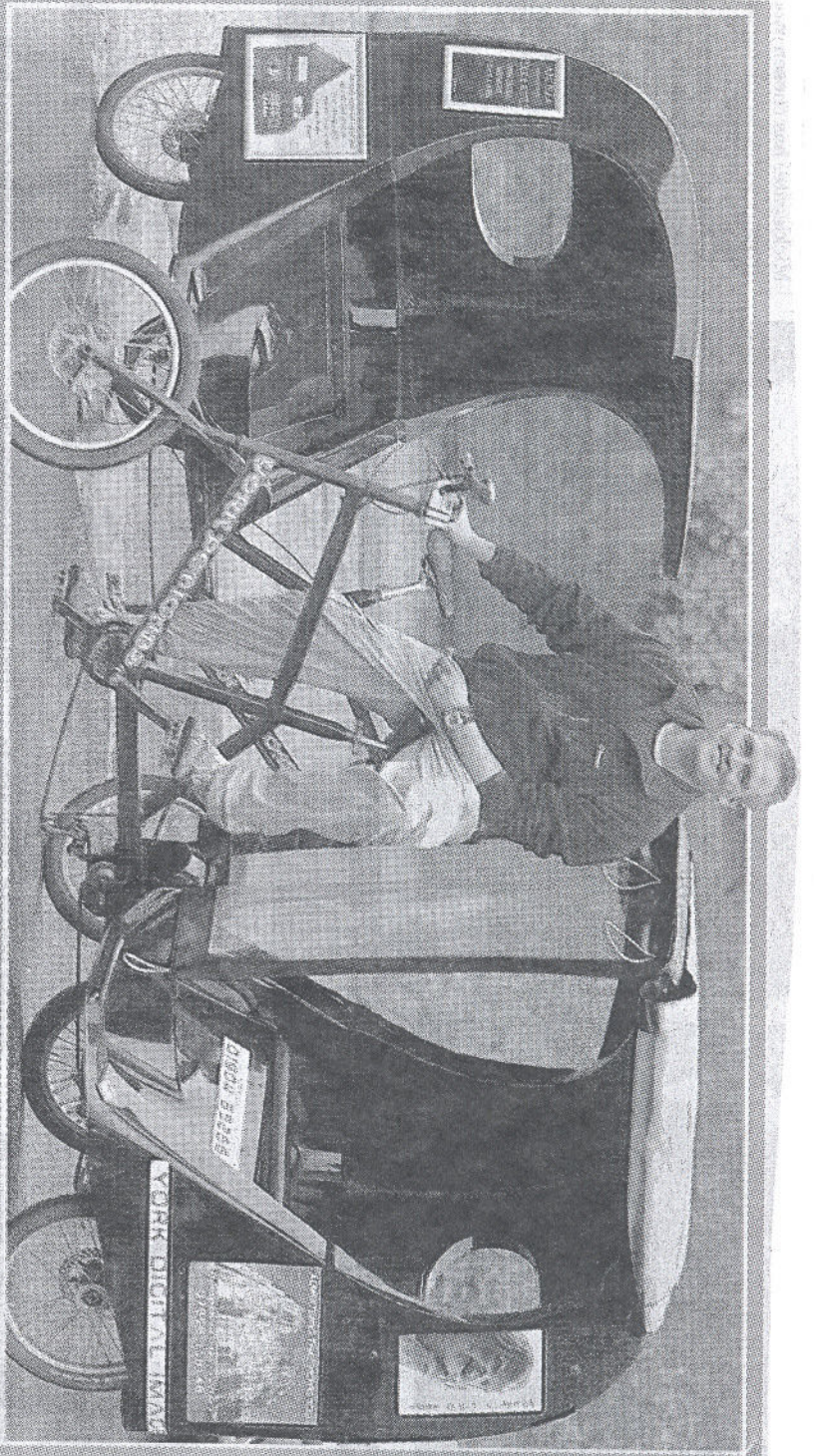
Background Papers

Local Government (Miscellaneous Provisions) Act 1976
Public Carriage Office Consultation on the Licensing of Pedicabs

Annexes

- Annex 1 – 3 photographs of pedicabs
- Annex 2 – Pedicab conditions of licensing
- Annex 3 – Code of Conduct pedicab riders
- Annex 4 – Code of Conduct pedicab operators

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Tip the cabbie a wink

HALL a Pedicab in York for free. Er, unless of course, (wink wink) you want to tip the rider of these three-wheel rickshaws.

That is how 23-year-old barman Paul Styles is managing to steer a tricky path around the licensing laws which normally apply to hailing a cab.

Paul, who bases his business at Parkside Commercial Centre, in Skeldergate, has four of the vehicles up and running, mostly within the city centre (and two to come). He relies purely on business sponsors to fund the venture.

So far he has been backed by the likes of The Cock And

Bottle, in Skeldergate, The Varsity Bar, in Lendal, and York Digital Image, in Usebridge.

Paul said: "I found this loophole in the licensing rules, at least temporarily until the authorities devise tailor-made licensing rules for Pedicabs."

A team of four part-time cyclists offer the service to the public between say, restaurant and theatre and pub to club.

Paul said: "It is an ideal way of getting from the pub to the station, which means you can have a drink and not bother about the car."

The three-wheelers are designed to carry three

passengers maximum and all are sheltered from the rain under a canopy.

Occasionally, at race meetings, Paul's business operates between the city centre and the race course via a scenic Ouse-side route.

He said: "I first got the idea when I saw these pedicabs operating successfully in Edinburgh."

"Then I discovered that there were as many as 400 operating in London, based on advertising sales and realised that I could fund a similar venture in York in much the same way."

"It's the greenest form of

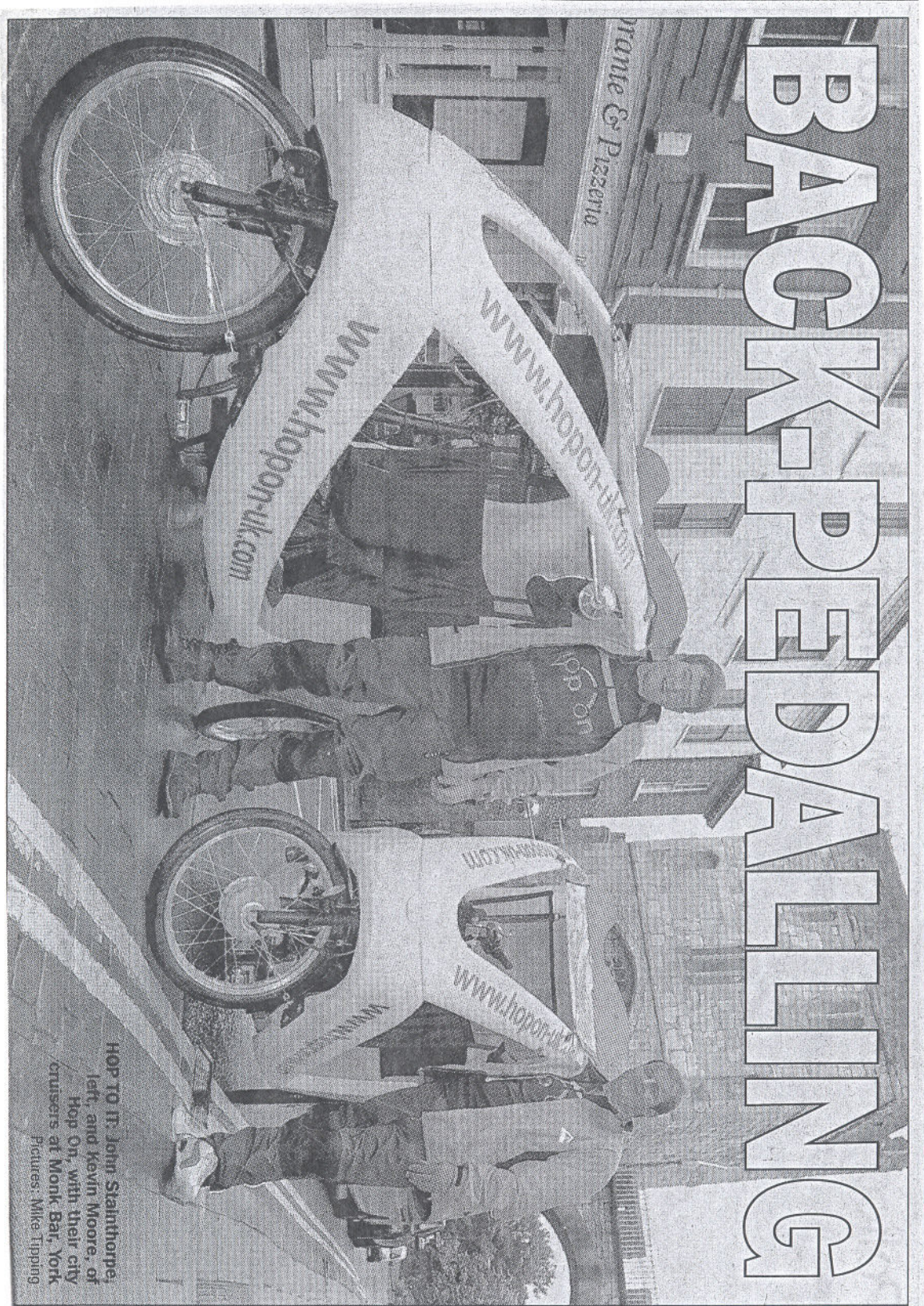
travel anywhere in the city and the most fun, even for the power source, who are all cycling buffs, including myself.

"I have had staff - and tremendous help - from Bike Rescue, York's recycle cycle centre."

He said that far from seeing taxi drivers as his rivals, he hoped to work with them.

"If someone flags me down and wants to travel further afield than my York-only brief, then I will be happy to supply the phone numbers of local taxi firms or physically transport them to a taxi rank."





BACK-PEDDALLING

HOP TO IT: John Stainthorpe, left, and Kevin Moore, of Hop On, with their city cruisers at Monk Bar, York
Pictures: Mike Tipping

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Pedicab Conditions of Licensing for the City of York Council

As with licensed taxis, pedicabs will have to comply with Conditions of Fitness. They will have to meet a minimum standard and be maintained to that standard throughout the licensing period.

Each pedicab will have the following conditions specific to them:

- 1) The pedicab must comply with the requirements of BS EN 14766 2005 or equivalent, the Pedal Cycle (Construction and Use) Regulations 1983 and the Pedal Cycle (Safety) Regulations 2003.
- 2) The pedicab will be so constructed that it has a minimum of three wheels, one at the front and at least two at the rear.
- 3) The pedicab must be fitted with a minimum of one front position light and a minimum of two rear position lamps and two rear retro reflectors.
- 4) The steering wheel when turned to full lock will not affect the stability of the pedicab when turning.
- 5) Tyres must comply with the following requirements:-
 - tread pattern clearly visible over the whole tread area
 - no exposed cords
 - the load ratings of all tyres must be suitable for a pedicab when fully loaded.
- 6) Any electrical installations to the pedicab must be adequately insulated, protected from passengers and any battery fitted must be of the type that does not leak.
- 7) A pedicab will not exceed 1250mm in width (excluding rear view mirror) or 2650mm in length.
- 8) There must be at least one mirror fitted to the offside of the pedicab in order to monitor other road users. A nearside mirror will also be permitted.
- 9) The outer edge of the floor of the passenger compartment should not exceed 38cm above ground level when the vehicle is unladen and should be fitted with non-slip high visibility yellow markings. The floor covering of the passenger compartment must be of a non-slip material which can be easily cleaned. Any holds or handles to aid passenger access or egress should be clearly identified with high visibility yellow markings.
- 10) Any canopy or roof, when fitted, must remain fixed in position until required to be raised or lowered which will be achieved by means of a locking mechanism to secure the canopy or roof when raised or lowered.
- 11) The rear seat dimensions must be adequate to accommodate one or two adult passengers based on a width of 450mm per passenger and shall be forward facing.

- 12) Visibility from the passenger compartment must not be restricted by the design of the pedicab. If the canopy or roof restricts vision then clear panels should be fitted to aid vision.
- 13) Every pedicab licensed by the authority shall be fitted with seatbelts or lap belts which will be adequate to retain the passenger in the vehicle and must bear an EC or BSI mark.
- 14) The riders' controls and the surrounding area of the controls must be so designed that the rider has adequate room. The rider must be able to easily reach and quickly operate the controls and give hand signals when required. The position of the rider's seat must not be such that it restricts access or egress to the passenger compartment.
- 15) Fares will be subject to a minimum charge of £3 and will be agreed with any passengers at the commencement of the journey and drivers will not be allowed to charge or demand more monies at the end of that journey. A written receipt will be given to each paying passenger and a copy kept by the operator. A chart explaining the fares shall be displayed in full view of any passengers.
- 16) The certificate of insurance and interior identification plate must be displayed within the view of any passengers and should remain so when roof or canopy is lowered.
- 17) All pedicabs shall be required to be fitted with an audible warning instrument (bell) complying with the Consumer Protection, Pedal Cycles (Safety) Regulations 2003.
- 18) Pedicabs and all their fittings must be maintained to standards that meet these conditions of fitness throughout the validity of their licence. They must be kept clean and in good order at all times and will be subject to tests and inspections. Any pedicab found to be not properly maintained will have its licence suspended until such time as it is re-presented for inspection having had the defect(s) rectified. All testing will be carried out by CYTECH qualified technicians.
- 19) Suitable advertisements may be allowed on the exterior or interior of pedicabs subject to the approval/guidelines of the licensing authority. In addition they may display signs or notices which indicate professional skills or qualifications of the driver which enhance the pedicab service to the public.
- 20) The materials used to form the passenger seats should be waterproof so that they will not absorb or retain water and should be constructed of a suitable fire resistant material to BS 5852 Part 1, 1979 or equivalent.
- 21) The pedicab shall be of a design which has the rider to the front and passengers seated to the rear.
- 22) Pedicabs licensed by this authority will operate within the Unitary Authority boundary. This will enable operators to include the racecourse on race days. They will adhere to the pedestrian area entry times.
- 23) Pedicabs will be allowed to be picked up at the ranks on Duncombe Place and Tower Street only and any others as directed by the licensing authority.
- 24) Each pedicab driver will be a full DVLA driving licence holder for at least 12 months.
- 25) Each pedicab driver will be at least 18 years old.
- 26) Each pedicab shall be licensed to carry no more than 2 passengers at any one time.



Code of Conduct for City of York Council Pedicab Drivers

I (insert name) hereby certify that in the course of my activities as a pedicab driver I will:

- a) Ensure the safety of my passengers, other road users and myself at all times and take all measures to avoid accidents and incidents.
- b) Abide by the rules as set out in The Highway Code at all times.
- c) At no time be under the influence of alcohol or any drug including prescription drugs that may affect my judgement.
- d) Ensure that my passengers are offered the safety belt or lap belt before all journeys.
- e) Operators will set a standard fare for all journeys which will be for the hire of the vehicle and not charge for each passenger and agree that fare with passengers prior to embarking on a journey and not to charge or demand more.
- f) Ensure that all items belonging to passengers are stowed away and that scarves, coats or any other items are safely contained within the pedicab.
- g) Not solicit or aggressively tout for business.
- h) Not overload my pedicab. I will only take passengers if they can be **seated** in my pedicab. A maximum of 2 passengers can be carried at any one time.
- i) Be courteous and considerate to other road users, pedestrians, taxi drivers, the police and passengers at all times.
- j) Not cause an obstruction to other vehicles or pedestrians especially around fire exits from buildings, e.g. theatres and licensed premises.
- k) Wear my ID badge at all times when riding (once this has been provided by the authority).
- l) Carry out prescribed tests each time I take out my pedicab.
- m) Assist any other pedicab driver (regardless of company) if they are experiencing difficulties or are in danger of assault.
- n) Not become involved in racing of any kind.
- o) Hand in any lost property to the City of York Council at 9 St Leonard's Place within the prescribed time limit.
- p) Ensure that my passengers arrive at their destination safely and that I will take particular care of the vulnerable.
- q) Not smoke or use a mobile phone whilst riding or allow passengers to smoke during any journey.

- r) Not ride in pedestrian areas or on the pavement.
- s) Not take any action that might damage the reputation of the industry or licensing authority.
- t) Report and document any accident or incident immediately or within 24 hours to the licensing authority.

Signed: Company: Date:



Code of Conduct for City of York Council Pedicab Operators

We, the Pedicab Operator (insert name) hereby certify that we will manage our operation according to the following Code of Practice for Pedicab Operators and therefore will:-

- a) Have in place 3rd party public liability insurance (minimum £1M for any one event) to cover all pedicabs owned by us and driven by pedicab drivers registered with us, for taking passengers for hire and reward.
- b) Ensure that all drivers registered with us have signed the Code of Conduct for Pedicab Drivers.
- c) Have zero tolerance to the use of drugs or alcohol.
- d) Ensure that all drivers meet the standards as laid down by the City of York Council.
- e) Ensure that all drivers receive training in all aspects of pedicab driving.
- f) Ensure that all drivers pass a practical on-road test whilst carrying passengers.
- g) Ensure that all vehicles are safe, legal and roadworthy (including lights and safety belts) and are specifically designed for carrying passengers.
- h) Monitor street behaviour and have in place a disciplinary procedure clearly setting out the criteria under which a driver will be penalised or dismissed.
- i) In the event of the dismissal of a driver, to inform the Council and all other pedicab operators within the authority.
- j) Ensure that all pedicabs are maintained regularly and kept in a safe condition and to keep records of all maintenance carried out on each vehicle.
- k) Keep operational records to ensure that you can identify which pedicab driver was on which pedicab at any one time and to pass that information to the licensing authority if so requested.
- l) Take steps to protect the reputation of the pedicab industry at all times.
- m) Document all incidents and accidents.
- n) Ensure that all vehicles and drivers can be identified as being part of our operation.

Signed: Company: Date:

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**Agenda Item**

Meeting of Licensing and Regulatory Committee**4th July 2008**

Report of the Director of Neighbourhood Services

REVISION OF PRIVATE HIRE VEHICLE CONDITIONS**Summary**

1. This report proposes a timetable for the introduction of restrictions on vehicle colour, as agreed by this committee on 4th January 2008 and for the introduction of vehicle emission standards for private hire vehicles. It also examines the potential for encouraging lower carbon dioxide emissions from licensed private hire and hackney carriage vehicles.

Background**Vehicle Colour**

2. At the meeting of this committee on 4th January 2008 members resolved that "all private hire vehicles licensed by the City of York for the first time shall not be of the colour black". This was to assist in the differentiation from a licensed hackney carriage. Members requested that officers report back on a proposed timetable to implement this change for those black private hire vehicles that are already licensed.
3. As indicated above, members have already resolved that hackney carriages shall have a standard black livery and that private hire vehicles shall not be black in colour. A timetable has been approved for the transition in the hackney fleet but not for private hire vehicles. By the end of May 2009 all hackney carriages licensed by the council will be black and bear the approved door decal. Consultation has been carried out with the private hire trade on a proposed transition directly by the licensing department but also as part of the Halcrow study conducted in relation to hackney carriage provision. The results of those two surveys are presented in Annexes1 and 2.
4. At the time of writing this report there are 49 licensed private hire vehicles, which are black. Their ages and emission standards are set out below:

Registration Year	Number of vehicles licensed	Probable Euro Emission Standard
1995	2	Euro I
1996	1	Euro I
1997	1	Euro II
1998	4	Euro II
1999	6	Euro II
2000	4	Euro II
2001	7	Euro III
2002	4	Euro III
2003	6	Euro III
2004	6	Euro III
2005	3	Euro III
2006	1	Euro IV
2007	4	Euro IV

5. Based on this information members are requested to determine if they wish to apply this requirement to already licensed black private hire vehicles and if so approve a timetable for its implementation.

Options and Analysis

6. Option 1 : Do not apply the colour restriction retrospectively.

This would dilute the effect of policy in relation to hackney carriages from 1st June 2009. It would not place undue financial burdens on vehicle owners. Members should note that if they approve the emissions policy set out later in this report these black private hire vehicles would eventually cease to be licensed.

7. Option 2: Not to re-licence any private hire vehicle which is painted black after 31st October 2009. This was the proposal which was consulted on.

This would align the policy for private hire with that for hackney carriages at the earliest point having regard to the respective licensing years. It would not give the same lead in time for owners to plan a vehicle change as was given to hackney carriages (hackney carriages 2 years, private hire 15 months). It may result in the owner of a newer, less polluting black private hire vehicle replacing

it with an older, less environmentally friendly car. It would mean owners of these vehicles are faced with additional costs.

8. Option 3: Not to re-licence any private hire vehicle after 31st October 2010 which is painted black.

This option would ensure that providing members approve the emission standards set out in this report, no black private hire vehicle would be replaced with a more polluting vehicle. It would mean that from 1st November 2009 there could be up to 31 black phv's for that year. It would give the newest black vehicle a 3 year licensed life. It would mean owners of these vehicles are faced with additional costs.

Private Hire Emission Standards

9. On 8th June 2007 this committee set the following emission standards for hackney carriages and a timetable for their introduction:

Emission Standards
As of 1 st June 2008 all vehicles when presented for re-licensing must meet at least Euro II standards
As of 1 st June 2009 all vehicles when presented for re-licensing must meet at least Euro III standards
No car will be first licensed unless it meets Euro III standards or better after 1 st June 2008
After 1 st June 2009 no car will be first licensed if it is over 4 years old
After 1 st June 2009 no car will be re-licensed after it has reached 8 years old

10. It is proposed that private hire vehicle licence conditions be similarly amended to include emission standards but, given the later date of introduction, the following timescales were proposed and consulted upon:

- From 1st November 2008 no vehicle will be first licensed unless it meets Euro III standards or better (this is for new applications and change of vehicle on an existing licence).
- For the renewal of licence to commence 1st November 2009 all vehicles must meet Euro III standards or better.
- From 1st November 2009 no vehicle will be first licensed if it is over four years old (this is for new applications and change of vehicle on an existing licence).
- For the renewal of licence to commence 1st November 2010 no vehicle will be re-licensed after it reaches eight years old.

11. A similar consultation exercise was undertaken as described in paragraph 3 above and the results are presented at Annex 1.
12. At the time of writing this report the average age of the private hire fleet is 6.9 years. The bulk of vehicles are between 4 and 10 years old with the oldest being 16 years old.

Options and Analysis

13. Option 1: Take no action.

This option would see the council not pursuing its own strategy set out in the Local Transport Plan (LTP). It would create different standards between private hire vehicles and hackney carriages. It would not involve the trade in any additional costs.

14. Option 2: Apply the policy as set out in paragraph 10 above.

This is the policy which was directly consulted upon by the licensing office and would set the same standard for private hire as for the hackney carriage trade.

Although 61% of the private hire trade were opposed to this when consulted by licensing officers, when consulted by Halcrow, 81% thought it was a good idea for hackney carriages.

This would allow the private hire fleet to meet the same standards as hackney carriages. There would be cost to the trade as was the case with hackneys. There is a reduced time scale for introduction of these standards as compared with hackney carriages, i.e. 15 months rather than 2 years and some 200+ owners would likely be forced to change their vehicles by 1st November 2008.

15. Option 3: Apply an extended period for compliance of the proposal consulted on as follows:

- From 1st November 2008 no vehicle will be first licensed unless it meets Euro III standards or better (this is for new applications and change of vehicle on an existing licence).
- For the renewal of licence to commence 1st November 2009 all vehicles must meet Euro II standards or better.
- From 1st November 2010 no vehicle will be first licensed if it is over four years old (this is for new applications and change of vehicle on an existing licence).
- For the renewal of licence to commence 1st November 2011 no vehicle will be re-licensed after it reaches eight years old.

16. It would be unreasonable to introduce a more severe policy than that set out in paragraph 9 and consulted on without further reference to the trade. Members may, however, wish to consider a more relaxed policy or extended period for the introduction of that consulted on.

17. Such an approach would reduce the burdens on the trade but slow down alignment with the hackney trade and meeting the LTP objectives. It would give the private hire trade a similar time to comply with the new standards as was given to hackneys, i.e. 27 months.
18. This option will affect 27 owners who would be forced to change their vehicles by 1st November 2008.

Reduction in Carbon Dioxide Emissions

19. Members of this committee on 2nd November 2007 requested officers to investigate the availability of taxi vehicles which both meet Euro IV and Euro V standards and which also achieve low greenhouse gas emissions (e.g. carbon emissions).

Euro Standards

20. The control of pollutants of local concern (e.g. oxides of nitrogen) is exercised through the application of emission standards measured against Euro standards. The application of a policy has already been approved for hackney carriages and is proposed in this report for private hire vehicles. The policy sees an age limit introduced for vehicles which will ensure that licensed taxis will continue to meet future stricter standards as they are introduced. This is a minimum standard to be applied to all vehicles.

Carbon Dioxide Emissions

21. When petrol, diesel or certain alternative fuels are burnt for energy in an engine the main by-products are water and carbon dioxide (CO₂). Carbon dioxide is not directly harmful to human health but is the most significant of the greenhouse gases contributing to climate change.
22. For a given type of fuel the CO₂ emissions of a car are directly proportional to the amount of fuel burnt. Compared with petrol engines, diesels have significantly lower CO₂ emissions per distance travelled. Liquid Petroleum Gas (LPG) and Compressed Natural Gas (CNG) cars are generally converted from petrol fuelled vehicles and tend to fall between petrol and diesel in CO₂ performance. Hybrid vehicles combine an internal combustion engine with an electric motor. These vehicles offer reduced fuel consumption and consequent reductions in CO₂ emissions.
23. The Government has recently introduced a sliding scale of vehicle excise duty based on CO₂ emissions which provides useful data on which to consider any policy for licensed vehicles in the city.

Vehicles registered on or after 1 March 2001		Diesel Car TC 49		Petrol Car TC 48		Alternative Fuel Car TC 59	
Bands	CO ₂ Emission Figure (g/km) *	12 months rate £	6 months rate £	12 months rate £	6 months rate £	12 months rate £	6 months rate £
Band A	Up to 100	0.00	-	0.00	-	0.00	-
Band B	101 to 120	35.00	-	35.00	-	15.00	-
Band C	121 - 150	120.00	66.00	120.00	66.00	100.00	55.00
Band D	151 - 165	145.00	79.75	145.00	79.75	125.00	68.75
Band E	166 - 185	170.00	93.50	170.00	93.50	150.00	82.50
Band F	186 - 225	210.00	115.50	210.00	115.50	195.00	107.25
Band G	226+	400.00	220.00	400.00	220.00	385.00	211.75

24. It would seem sensible for members to use these bandings in respect of any policy they might apply.
25. It should be recognised that in terms of vehicles that would be suitable for use as a taxi or private hire vehicle there are very few options in the lower bands, consequently, it would not be appropriate to determine any policy which would require vehicle owners to purchase these vehicles.
26. Members may, however, wish to consider giving incentives to those who wish to licence these more environmentally friendly vehicles. Incentives may be in the form of reduced licence fees or relaxed vehicle age restrictions.
27. In London vehicles that produce less than 120gm of CO₂ per kilometre travelled are exempt from the congestion charge, i.e. VED bands A and B.

Options and Analysis

28. Option 1: Take no action.

This would see the council not taking the opportunity to promote the reduction of greenhouse gas emissions in the city.

29. Option 2: Amend the private hire and hackney carriage vehicle licence conditions to state:

All vehicles that meet the current euro standard for vehicle emissions and produce less than 120gm of CO₂ per kilometre travelled are exempt from any vehicle age restrictions, and

Amend the licence fee structure to reduce the vehicle licence fee by 50% for vehicles that meet the current euro standard for vehicle emissions and produce less than 120gm of CO₂ per kilometre travelled.

This option would see the council promoting its corporate priority in reducing greenhouse gas emissions, contributing to meeting local air quality objective levels and supporting policies on reducing vehicle emissions as set out in the Local Transport Plan.

30. Option 3: Provide some other incentive to encourage the use of more environmentally friendly vehicles as hackney carriages or private hire vehicles.

Consultation

31. Details of the consultation undertaken are included in paragraphs 3 and 11 and the results presented in Annexes 1 and 2.

Corporate Priorities

32. An efficient, high quality, accessible taxi service will reduce the dependence on the private car for short journeys in and around the city contributing to making York a sustainable city.
33. Taxis also remain the key transport out of the city late at night. The safe transportation out of the city of those enjoying the late night economy contributes significantly to the reduction of crime, disorder and anti social behaviour making York a safer city.
34. Incentives to promote the use of more environmental friendly taxis will help in the reduction of greenhouse gases in the city.

Implications

Financial

35. Any costs are recoverable through licence fees.

Human Resources (HR)

36. There are no human resources implications.

Equalities

37. There are no equalities implications.

Legal

38. In order to prevent risk of successful legal challenge any conditions attached to a vehicle licence must be reasonable. These conditions are considered reasonable. Members must take all representations into account when making a decision.

Crime and Disorder

39. The clear identification of licensed hackney carriages and private hire vehicles reduces the risk of customers using unauthorised vehicles, which present a risk to the public.

Information Technology (IT)

40. There are no Information Technology implications.

Property

41. There are no Property implications.

Other

42. There are no other implications.

Risk Management

43. Potential risks in implementing the recommendations of this report are those of legal challenge. It is essential that all recommendations are lawful and are reasonable. Legal advice has been taken in making the recommendations which are deemed to meet that criteria.

Recommendations

44. Members are asked to approve:

Vehicle Colour

45. Option 3: Not to re-licence any private hire vehicle which is painted black after 31st October 2010.

Reason: Having regard to the consultation exercise this option provides a reasonable balance between meeting the council's objectives without placing too onerous financial pressures on vehicle owners by giving a longer rollout period than originally suggested.

Emission Standards

46. Option 3: Apply an extended period for compliance of the emission standards as set out in paragraph 27.

Reason: This would see the council's objectives met and provide the trade with more time to comply through the natural cycle of vehicle renewal and responding to comments received through consultation.

Carbon Dioxide Emissions

47. Option 2: Incentivize the introduction of low CO₂ emitting hackney carriage and private hire vehicles by changes to the vehicle licence conditions and licence fee structure as set out in paragraph 38 of this report.

Reason: To meet council priorities and strategies set out in the Corporate Strategy and Local Transport Plan.

Contact Details

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Chief Officer Responsible for the report:

Andy Hudson
Assistant Director
(Neighbourhoods and Community Safety)

Report Approved Date 19/6/08

Specialist Implications Officer

There are no specialist implications.

Wards Affected:

All

For further information please contact the author of the report

Background Papers:

Reports to Licensing and Regulatory Committee 8th June 2007, 4th November 2007
and 4th January 2008

Annexes?

Annexes 1 and 2 – Results of consultation.

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Vehicle Colour

Questionnaire issued by Licensing Department

Number of questionnaires sent out – 581

Number of questionnaires returned – 94

Return rate 16%

Proposal: No private hire vehicle which is painted black externally will be re-licensed after 31st October 2009

Agree with proposal 44 (47%) Disagree 50 (53%)

Comments received:

- Cost
- Would not make any difference
- Longer roll out required
- Some phv's also used for funerals (unfair)

Halcrow Study

948 questionnaires sent out to both hackney carriage and private hire trades

115 replies from private hire trade

Question: Are you satisfied with York adopting a single livery for hackney carriage vehicles?

Private hire response Satisfied 77 (74%) Unsatisfied 27 (26%)

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Emission Standards

Questionnaire issued by Licensing Department

Number of questionnaires sent out – 581

Number of questionnaires returned – 94

Return rate 16%

Proposal:

- From 1st November 2008 no vehicle will be first licensed unless it meets Euro III standards or better (this is for new applications and change of vehicle on an existing licence)
- For the renewal of licence to commence 1st November 2009 all vehicles must meet Euro III standards or better
- From 1st November 2009 no vehicle will be first licensed if it is over four years old (this is for new applications and change of vehicle on an existing licence)
- For the renewal of licence to commence 1st November 2010 no vehicle will be re-licensed after it reaches eight years old

Agree with proposal YES 33 (35%) NO 61(65%)

Comments

- Lead to better class of vehicle
- Cost
- Cheaper less comfortable cars will be licensed
- Comparison with tour buses
- More time to change
- Age extended to 9 or 10 years
- Council to encourage greener cars
- Fares would need to rise

Halcrow Study

948 questionnaires sent out to both hackney carriage and private hire trades

115 replies from private hire trade

Question: Are you satisfied with hackney carriages being Euro III compliant by June 2009?

Satisfied 83 (81.4%) Unsatisfied 19 (18.6%)

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