



**Notice of a public meeting of
Licensing and Regulatory Committee**

To: Councillors Mason (Chair), Wells (Vice-Chair), Barker, Cuthbertson, Fitzpatrick, Galvin, Hook, Hunter, Melly, D Myers, Norman, Orrell, Pearson, D Taylor and Warters

Date: Wednesday, 27 November 2019

Time: 5.30 pm

Venue: The George Hudson Board Room - 1st Floor West Offices (F045)

AGENDA

1. Declarations of Interest

At this point in the meeting, Members are asked to declare:

- any personal interests not included on the Register of Interests
- any prejudicial interests or
- any disclosable pecuniary interests

which they may have in respect of business on this agenda.

2. Minutes (Pages 1 - 4)

To approve and sign the minutes of the meeting held on 9 October 2019.

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 **5:00pm on Tuesday 26 November 2019**.

Filming or Recording Meetings

Please note that, subject to available resources, this meeting will be filmed and webcast, or recorded, including any registered

public speakers who have given their permission. This broadcast can be viewed at <http://www.york.gov.uk/webcasts>.

Residents are welcome to photograph, film or record Councillors and Officers at all meetings open to the press and public. This includes the use of social media reporting e.g. tweeting. Anyone wishing to film, record or take photos at any public meeting should contact the Democracy Officer (whose contact details are at the foot of this agenda) in advance of the meeting.

The Council's protocol on Webcasting, Filming & Recording of Meetings ensures that these practices are carried out in a manner both respectful to the conduct of the meeting and all those present. It can be viewed at http://www.york.gov.uk/download/downloads/id/11406/protocol_f_or_webcasting_filming_and_recording_of_council_meetings_20160809.pdf

**4. Taxi Licensing Policy / Vehicle Licence (Pages 5 - 24)
Conditions - Executive Vehicles**

This report seeks Members' recommendation to the Executive Member for Housing and Safer Neighbourhoods an amendment to the Taxi Licensing Policy (the Policy) with regards to Executive Vehicles, following a request from a vehicle licence proprietor and the operator of Executive Vehicles.

**5. Vehicle Licence Conditions - Wheelchair (Pages 25 - 28)
Accessible Vehicles**

This report seeks Members' approval to amend a vehicle licence condition, for both hackney carriage and private hire, relating to light transmittance of the tailgate (boot) window, following a request from a vehicle licence proprietor. This request relate to wheelchair accessible vehicles (WAV) only.

6. Licensing Update (Pages 29 - 38)

This report is to update Members on the work undertaken by the Licensing Section since 1 April 2018.

7. Work Plan 2019-20 (Pages 39 - 40)

To consider the Committee's work plan for the remainder of the 2019-20 municipal year.

8. Urgent Business

Any other business which the Chair considers urgent under the Local Government Act 1972.

Democracy Officer:

Name: Angela Bielby

Contact Details:

- Telephone – (01904) 552599
- E-mail – a.bielby@york.gov.uk

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 and
- For receiving reports in other formats

Contact details are set out above.

This information can be provided in your own language.

我們也用您們的語言提供這個信息 (Cantonese)

এই তথ্য আপনার নিজের ভাষায় দেয়া যেতে পারে। (Bengali)

Ta informacja może być dostarczona w twoim własnym języku. (Polish)

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

یہ معلومات آپ کی اپنی زبان (بولی) میں بھی مہیا کی جاسکتی ہیں۔ (Urdu)

 (01904) 551550

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City of York Council

Committee Minutes

Meeting	Licensing and Regulatory Committee
Date	9 October 2019
Present	Councillors Mason (Chair), Barker, Cuthbertson, Galvin, Hook, Hunter, Melly, Myers, Norman, Pearson, D Taylor and Warters
Apologies	Councillors Wells, Fitzpatrick and Orrell

17. Declarations of Interest

Members were invited to declare any personal interests not included on the Register of Interests, any prejudicial interests or any disclosable pecuniary interests that they might have in respect of business on the agenda. No interests were declared

18. Minutes

Resolved: That the minutes of the meeting held on 4 September 2019 be approved, and then signed by the Chair as a correct record.

19. Public Participation

It was reported that there had been one registration to speak at the meeting under the Council's Public Participation Scheme.

Drew Thompson, a member of the YPHA, spoke on Agenda Item 5 (Taxi Complaints – 1 January to 31 August 2019). Responding to an article in the Press, he drew attention to the high proportion of complaints against 'out of town' drivers and queried who was regulating Uber.

20. Update on Disclosure and Barring Service Checks for York Taxi Drivers

Members considered a report which provided an update on the progress of the ongoing three-yearly Disclosure and Barring Service (DBS) 'refresher' checks for York taxi drivers.

Since 1 January 2019, the licensing team had revoked the licences of 30 drivers for not completing a DBS check; two more had been revoked following notification of arrest by the police.

Officers reported that only four of York's 977 licensed drivers now had a DBS check outstanding; two of them had begun the check process and were awaiting results. The remaining two had stated that they no longer worked as licensed drivers and had undertaken to return their licences to officers in the coming days.

Resolved: That the information in the report be noted.

Reason: To confirm that the committee has been updated on the progress made with the DBS 'refresher' checks.

21. Taxi complaints - 1 January to 31 August 2019

Members considered a report which provided an update on the complaints received about taxis during the period 1 January to 31 August 2019.

The term 'complaints' referred to incidents reported from a wide range of sources, including other taxi drivers. Of the 292 complaints on the database for this period, 114 were about York licensed drivers, vehicles or operators and 178 (61%) were not. Details of the 262 complaints categorised by officers as 'accepted' were attached as Annex 1 to the report. It was noted that one operator ('Operator A') had 136 complaints recorded against them.

19 road traffic accidents had also been 'self-reported' during the period.

In response to questions from Members, Officers confirmed that:

- each complaint received was considered on its own merits;
- previous complaints against the same driver / operator were a factor in determining the appropriate course of action;
- officers in York could not take action against 'out of town' drivers or operators;
- with the current level of resources, officers were reliant on the police for feedback on complaints involving traffic offences.

With reference to matters raised by Members and comments made under Public Participation, the Chair indicated that he

would write to Uber to ask what action they were taking to improve the standards of their drivers in York.

Resolved: That the information provided in the report and at the meeting be noted.

Reason: To confirm that the committee has been updated on the complaints about taxis during this period.

22. Work Plan 2019-20

Members considered the committee's work plan for the current municipal year.

Resolved: That the work plan at page 25 of the agenda pack be approved.

Reason: To ensure that the committee has a planned schedule of work for the year.

Cllr A Mason, Chair

[The meeting started at 5.30 pm and finished at 6.00 pm].

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Licensing & Regulatory Committee

27 November 2019

Report from the Assistant Director – Planning and Public Protection

Taxi Licensing Policy / Vehicle Licence Conditions – Executive Vehicles

Summary

1. This report seeks Members recommendation to the Executive Member for Housing and Safer Neighbourhoods an amendment to the Taxi Licensing Policy (the Policy) with regards to Executive Vehicles, following a request from a vehicle licence proprietor and the operator of Executive Vehicles. The proprietor has Exemption Notices in line with the Council's Policy so that their executive vehicles do not have to display vehicle licence plates and signage. The proprietor is now seeking an amendment to the Policy so that such executive vehicles are also exempt from the requirements of private hire vehicle licence condition 19. Appendix 1 'Private Hire Vehicle Licence Conditions' of the Policy is attached at Annex 1 of the report.

Recommendations

2. That Members approve Option 1 of this report.

Reason: the Council has already established a Policy with regards to executive vehicles which stipulates the vehicles use and therefore allows the exemption from displaying signage and licence plates.

Background

3. The Council has approved conditions relating to vehicle specification (Taxi Licensing Policy Appendix 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 this Committee on 23 April 2016, 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 this 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. This Committee considered the same matter on the 24 April 2017, following a request from two operators of executive vehicles. At that time Members resolved to take no action and advised Officers to consult on this matter at a time when the council were formally consulting on other matters relating to hackney carriage and private hire licensing. A formal consultation has not taken place on matters relating to private hire vehicles since the Taxi Licensing Policy was approved in April 2016. Prior to that approval a formal consultation took place on the Policy which included all vehicle licence conditions and the Exemption Policy. As detailed at paragraph 6 above, the condition regarding light transmission was changed at that time.
8. The operator believe executive vehicles should be allow a darker tint to rear windows due to:
 - 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.

9. 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.'

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 contact 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 positions in place for the West Yorkshire Authorities and recommend to the Executive Member to 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 positions 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 resident and visitors through these 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

Author:

Lesley Cooke
Licensing Manager
01904 551515

Chief Officer Responsible for the report:

Mike Slater
Assistant Director – Planning and Public
Protection

**Report
Approved**

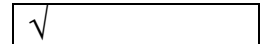


Date 14/11/19

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

Annexes

Annex 1 – Appendix 1 Taxi Licensing Policy

Annex 2 – Appendix 2 Taxi Licensing Policy

Annex 3 – Proposed Amended Appendix 2

Appendix 1**Private Hire Vehicle Licence Conditions**

1. The licensed vehicle shall display the following signs following approval by the Council:-
 - a) The licence plates issued by the Council, which should be securely fixed externally to the front and rear of the vehicle so that they are clearly visible. The licence plates will remain the property of the Council and must be returned to the Council immediately upon change of vehicle or when requested upon the suspension, revocation or expiry of a vehicle licence. Temporary plates shall be affixed to the inside of the front screen and rear window providing they do not obscure the visibility of the driver.
 - b) A sign on the rear passenger doors including the name and telephone number and/or website address of the firm and the words "PRIVATE HIRE VEHICLE – PRE BOOKED ONLY" in suitable lettering at least 50mm (2") high. The approval of the Council should be sought before the display of the sign. The sign must not include the words "FOR HIRE", "TAXI" OR "HACKNEY CARRIAGE".
 - c) A statement of fares and the means by which these are calculated placed in a prominent position inside the vehicle.
2. The licensed vehicle shall not display any other signs, notices, advertisements or artwork except those detailed above or otherwise approved by the Council.
3. Every licensed proprietor shall:-
 - a) provide means by which any passenger in the vehicle may communicate or talk with the driver;
 - b) keep the roof or covering watertight;
 - c) maintain the seats in a clean, secure and well maintained condition, properly cushioned and covered;
 - d) cover the floor with a proper carpet, mats or other suitable covering and maintain in a clean and sound condition;
 - e) keep the furniture and fittings in a clean and fit condition and maintain all interior door coverings and head linings in a clean and sound condition;
 - f) provide a fire extinguisher to comply with current standards;

g) maintain in an operable condition all doors, hinges, handles, locks and windows.

4. The licensed vehicle shall:-

- a) be provided with at least two doors for the use of passengers conveyed in the vehicle together with a door for the driver (excluding tailgate);
- b) be provided with any necessary windows and means of opening or closing not less than one window on either side;
- c) be fitted with effective means of heating and ventilation;
- d) be kept at all times in a good mechanical condition;
- e) comply with the requirements of any statute or of any vehicle test which the Council shall enforce;
- f) have a cubic capacity of not less than 1250 cc (engine) except for vehicles fitted with an engine rated with a Euro IV (or better) emission standard;
- g) not be fitted with bull bars or any other device on the front of the vehicle intended to supplement the resistance to impact offered by the vehicles standard bumper.

5. The seating capacity of a licensed vehicle shall be determined as follows:-

- a) where separate seats for each person are provided, one person shall be counted for each separate seat provided
- b) where the vehicle is fitted with continuous seats, one person shall be counted for each completed length of 400mm measured in a straight line lengthwise over the centre of the seat. The centre of the seat shall be determined as half the distance from the forward most point of the front edge of the seat to the rear edge of the seat. Where the seat is fitted with arms for the purpose of separating the seating spaces and such arms are so constructed that they can be folded back or otherwise put out of use, such seat shall be measured as if it were not fitted with such arms
- c) All licensed vehicles shall comply with the following minimum standard of internal space:-
 - i) the distance from the rear seat-back to the rearmost part of the seat in front of that seat or other partition shall not be less than 610mm when the seat in front is in its rearmost position without modification

- d) In addition, licensed vehicles with a third row of seats must also comply with the following minimum standard of internal space:-
 - i) the distance from the seat-back of the third row of seats to the rearmost part of the seat in front shall be not less than 610mm when the seat in front is in its rearmost position without modification
 - ii) where there is no door adjacent to a row of seats, no passenger must have to pass through a gap of less than 280mm at the narrowest point in order to exit the vehicle via the rear side door
 - iii) the middle row of seats must have at least one seat capable of adequately tilting to provide a safe exit route for passengers and meet the necessary exit dimension of 280mm, at the narrowest point, at the exit door
- e) All licensed vehicles with a row of passenger seats without adjacent side doors must provide the following:-
 - i) means of operating signs which must provide clear instructions to operate the tilting mechanism with letters of no less than 25mm in height
 - ii) adequate lighting that illuminates the sign, catches and levers to operate the tilting mechanism
 - iii) the sign, catches and levers must be clearly visible.
- 6. The licensed vehicle must be of a suitable type and be in good condition. The vehicle must be maintained in such a condition as would satisfy the current MOT vehicle safety and exhaust emission standards as prescribed by the Department of Transport.
- 7. The licensed vehicle shall not be a licensed hackney carriage or private hire vehicle of any other Council.
- 8. If the licensed vehicle is fitted with a taximeter, the Council's Byelaws will apply, in particular:-
 - a) The taximeter shall be so placed that all letters and figures on the face thereof are at all times plainly visible to any person being conveyed in the vehicle and for that purpose the letters and figures shall be capable of being suitably illuminated during the period of hiring.
 - b) The operator, owner or driver or a private hire vehicle shall not tamper or permit any person to tamper with the taximeter fitted to the vehicle, with the fittings thereof or with seals affixed thereto, provided this shall not prevent the taximeter being removed from the vehicle to a place of

safety when the private hire vehicle is not in use.

- c) Unless the hirer wishes to engage by time, the taximeter shall be activated at the commencement of hiring and shut down immediately on completion of the hiring but the amount of fare recorded shall remain displayed to allow the hirer a reasonable opportunity to examine it.
9. No taximeter shall be used unless it has first been tested and approved by the Council. Arrangements must be made with the Council to re-test the taximeter upon a change in the scale of fares.
 10. The licensed proprietor shall immediately notify the Council of the name and address of any other proprietor or person concerned in the keeping, employing or letting for hire of the licensed vehicle.
 11. Upon a change of proprietor, the Council shall be notified within 14 days of such change by the licensed proprietor (which expression includes both Companies and Partnerships).
 12. The Council's Taxi Licensing Section shall be notified within 72 hours of the following:-
 - a) any accident or incident affecting the safety, performance or appearance of the licensed vehicle or the comfort or convenience of passengers
 - b) any alteration in the design or construction of the vehicle
 13. The licensed proprietor of a private hire vehicle shall permit the inspection of all documents relating to the licensed vehicle at all reasonable times and by prior arrangement by the Officers of the Council.
 14. Only one two way radio may be operational at any one time and this shall be an approved radio used exclusively for the hackney carriage or private hire trade and properly licensed. The radio shall be securely fixed to the vehicle.
 15. Licensed vehicles exceeding five years old on the day of licensing (calculated from the date of first registration), will be subject to two vehicle inspections in any 12 month period. One inspection shall be the initial grant or annual inspection conducted by the Council, the second inspection will take place approximately six months from the date of the initial grant or annual inspection at a date determined by the Council and can be completed by:-

- a) presenting the vehicle for inspection by the Council's vehicle examiner within a time scale determined by the Council;
- or
- b) successfully completing a MOT test within a time scale determined by the Council

16. Seatbelts must be available for each passenger that the vehicle is licensed to carry. Exemption will be granted where the proprietor can prove to the satisfaction of the Taxi Licensing Officer that it is technically impossible to provide a seat belt to comply with type approval.
17. Licensed vehicles must display a sign or signs in a prominent position visible to all passengers (whether seated in the front or rear of the vehicle) reminding them of their legal requirement to wear a seatbelt.
18. Licensed vehicles must display a sign supplied by the Council inside the vehicle in a visible position to passengers, displaying the Council's details and the plate number of the vehicle. The sign will remain the property of the Council and must be returned to the Council when requested upon the suspension, revocation or expiry of a vehicle licence.
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.
20. Every licensed proprietor shall provide means of carrying and securing luggage and in the case of any vehicle without a secure boot so as not to exceed the height of the rear seat.
21. The licensed vehicle shall have a luggage space, separate from the passenger compartment, which is capable of holding, at a minimum, two suitcases (a larger one measuring 720mm x 460mm x 280mm and a minimum one measuring 660mm x 430mm x 280mm) and a folded wheelchair (not at the same time). This condition shall not apply to vehicles already licensed by the Council.
22. The licensed vehicle shall not be equipped with any CCTV system

unless approved by the Council.

23. Where the licensed vehicle is so constructed or adapted as to be a wheelchair accessible vehicle it shall only be driven by a licensed driver who has:
- a) Completed and passed the Driving Standards Agency wheelchair exercise or equivalent, and
 - b) Completed and passed the City of York Council Disability Awareness Training Course (Taxi) or equivalent.
24. The licensed vehicle shall be right hand drive.

For the purpose of applying condition 19 (tinted windows), an estate car will be defined as:

- a) A vehicle with a long body and extended roofline which gives increased luggage capacity in the area behind the rear seats and is accessed from the rear, and
- b) Is described as an estate car on the vehicles registration document.

Appendix 2

Private Hire Vehicle Licence Plate and Signage Exemption Policy

1. The issues around the operating of a business involving executive vehicles has the same business, legal and public safety principles as other areas of transport licensed by the City of York Council, with public safety being paramount.
2. The Council recognises the very distinct role of executive vehicles in the arena of public transport. The distinction between the operator of standard private hire vehicles and the operator of executive vehicles is significant in terms of the type of client catered for and the type of service offered.
3. This policy sets out the requirements of the council with regards to the operators of private hire vehicles who wish to apply for or already hold an exemption with regards to the displaying of licence plates and signage.
4. Operators who wish to use their vehicle for executive contract hire work ONLY, can apply to licence their vehicle as private hire and write to the Licensing Manager requesting an exemption from the requirements of having to display the front and rear licence plates and the door signage (operator side plates).
5. An exemption from displaying licence plates and signage is a privilege rather than a right and the benefit of the exemption will be granted at the Council's discretion. The Council has the power to withdraw the exemption if the related conditions are not adhered to.
6. The Licensing Manager will consider each application on its own merit.
7. The vehicle type is not specified, however due to the nature of the work it will undertake it is recommended that the vehicle will be:
 - (a) 4 door saloon or people carrier;
 - (b) be right hand drive; and
 - (c) an engine size above 2000cc:

(d) The following types of vehicles would be considered appropriate for executive use (this list is not exhaustive and other vehicles would be considered):

- Rolls Royce
- Mercedes S class and E class
- Jaguar XJ SWB and LWB,
- BMW 5 series upwards
- Audi A5 or above
- Lexus GS and LS
- Ford Galaxy or similar

8. The vehicle will be in immaculate condition with no visible defects, dents or blemishes to the external bodywork or internal trim.
9. The service provided must only be for executives and other VIPs, weddings, tours etc. An executive is a senior manager in an organisation travelling as part of his/her employment.
10. If the vehicle is approved it will be issued with a City of York Council Vehicle Exemption Certificate once the appropriate fee is received.
11. The following conditions will form part of the exemption and must be adhered to at all times:
 - (a) The vehicle will not be engaged at all in any specific passenger service contracts for the carriage of school children, young persons or vulnerable adults.
 - (b) The vehicle will operate only in accordance with contracts entered into for a chauffeur type executive level of service. This does not include normal airport journeys and private hire work.
 - (c) The driver must follow a formal dress code, suit and collared shirt. The suit jacket may be removed in warmer weather.
 - (d) The driver will be exempt from the requirement to wear the private hire driver's badge issued by City of York Council whilst acting as driver of the vehicle. The private hire driver's badge shall be carried on the driver's person at all times and be produced for inspection at the request of any authorised person.

- (e) It is recommended that all bookings undertaken by the vehicle shall be by means of a written contract between the Private Hire Operator and the business user.
- (f) No advertising or identification (including company logos) may be displayed on or in the vehicle at any time.
- (g) The council's exemption certificate card will be displayed on the inside lower nearside of the front windscreen.
- (h) The council's exemption certificate will be carried in the vehicle at all times and will be produced on request by an authorised officer.
- (i) The front and rear licence plates will be carried in the boot at all times and must be produced on request to an authorised officer.
- (j) The private hire operator's door signage (side plates) will be carried in the boot at all times and must be produced on request to an authorised officer.
- (k) The internal plate issued by City of York Council shall be displayed within the glove box lid.
- (l) No taximeter or PDU type unit will be displayed within the vehicle.
- (m) All fares will be agreed in advance with the hirer and paid after the issue of an invoice from the operator.
- (n) The driver will not take money at the end of the hire.
- (o) A notice of fares shall be carried within the vehicle at all times and will be produced on request by the hirer or authorised officer on request.

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Appendix 2**Private Hire Vehicle Licence Plate and Signage Exemption Policy**

1. The issues around the operating of a business involving executive vehicles has the same business, legal and public safety principles as other areas of transport licensed by the City of York Council, with public safety being paramount.
2. The Council recognises the very distinct role of executive vehicles in the arena of public transport. The distinction between the operator of standard private hire vehicles and the operator of executive vehicles is significant in terms of the type of client catered for and the type of service offered.
3. This policy sets out the requirements of the council with regards to the operators of private hire vehicles who wish to apply for or already hold an exemption with regards to the displaying of licence plates and signage.
4. Operators who wish to use their vehicle for executive contract hire work ONLY, can apply to licence their vehicle as private hire and write to the Licensing Manager requesting an exemption from the requirements of having to display the front and rear licence plates and the door signage (operator side plates).
5. An exemption from displaying licence plates and signage is a privilege rather than a right and the benefit of the exemption will be granted at the Council's discretion. The Council has the power to withdraw the exemption if the related conditions are not adhered to.
6. The Licensing Manager will consider each application on its own merit.
7. The vehicle type is not specified, however due to the nature of the work it will undertake it is recommended that the vehicle will be:
 - (a) 4 door saloon or people carrier;
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- Mercedes S class and E class
- Jaguar XJ SWB and LWB,
- BMW 5 series upwards
- Audi A5 or above
- Lexus GS and LS
- Ford Galaxy or similar

8. 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. The vehicle will be in immaculate condition with no visible defects, dents or blemishes to the external bodywork or internal trim.

10. The service provided must only be for executives and other VIPs, weddings, tours etc. An executive is a senior manager in an organisation travelling as part of his/her employment.

11. If the vehicle is approved it will be issued with a City of York Council Vehicle Exemption Certificate once the appropriate fee is received.

12. The following conditions will form part of the exemption and must be adhered to at all times:

- (a) The vehicle will not be engaged at all in any specific passenger service contracts for the carriage of school children, young persons or vulnerable adults.

- (b) The vehicle will operate only in accordance with contracts entered into for a chauffeur type executive level of service. This does not include normal airport journeys and private hire work.
- (c) The driver must follow a formal dress code, suit and collared shirt. The suit jacket may be removed in warmer weather.
- (d) The driver will be exempt from the requirement to wear the private hire driver's badge issued by City of York Council whilst acting as driver of the vehicle. The private hire driver's badge shall be carried on the driver's person at all times and be produced for inspection at the request of any authorised person.
- (e) It is recommended that all bookings undertaken by the vehicle shall be by means of a written contract between the Private Hire Operator and the business user.
- (f) No advertising or identification (including company logos) may be displayed on or in the vehicle at any time.
- (g) The council's exemption certificate card will be displayed on the inside lower nearside of the front windscreen.
- (h) The council's exemption certificate will be carried in the vehicle at all times and will be produced on request by an authorised officer.
- (i) The front and rear licence plates will be carried in the boot at all times and must be produced on request to an authorised officer.
- (j) The private hire operator's door signage (side plates) will be carried in the boot at all times and must be produced on request to an authorised officer.
- (k) The internal plate issued by City of York Council shall be displayed within the glove box lid.
- (l) No taximeter or PDU type unit will be displayed within the vehicle.
- (m) All fares will be agreed in advance with the hirer and paid after the issue of an invoice from the operator.
- (n) The driver will not take money at the end of the hire.

- (o) A notice of fares shall be carried within the vehicle at all times and will be produced on request by the hirer or authorised officer on request.



Licensing & Regulatory Committee

27 November 2019

Report from the Assistant Director – Planning and Public Protection

Vehicle Licence Conditions – Wheelchair Accessible Vehicles

Summary

1. This report seeks Members' approval to amend a vehicle licence condition, for both hackney carriage and private hire, relating to light transmittance of the tailgate (boot) window, following a request from a vehicle licence proprietor. This request relate to wheelchair accessible vehicles (WAV) only.

Recommendations

2. That Members approve Option 1 of this report.

Reason: more vehicles will be available as wheelchair accessible vehicles without requiring modifications to tailgate (boot) windows.

Background

3. The Council has approved conditions relating to vehicle specification (Taxi Licensing Policy Appendix 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 this Committee on 23 April 2016, the light transmittance in relation to all other windows (ii) was reduced from 70% to 50% following representations received from the licensed trade.
6. A private hire operator and vehicle licence proprietor wants to add additional WAVs to their fleet. At purchase the light transmittance of the rear window within some vehicles do not meet the requirements of vehicle licence condition 19. The rear passenger door windows and quarter lights can be changed (at an additional cost), the tailgate (boot) window can also be changed, however with changing the glass the window can no longer have a wiper or demister fitted. Both of which can be classed as safety features in vehicles, especially when operating in wet weather and during the colder months.
7. The proposed amendment to the condition 19 is as follows:
 - 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) For wheelchair accessible vehicles the tailgate window can be of any manufacturer's tint providing it is not opaque.
 - v) Any self applied material shall satisfy the requirements of i) ii) iii) and iv) above if it has been approved by the Council.

Consultation

8. 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.

Options

9. Option 1 - take into consideration the request made by the vehicle licence proprietor, and amended the vehicle licence condition (19) as

detailed at paragraph 7 above, as this will mean more vehicles are available to become wheelchair accessible vehicles.

10. Option 2 – take into consideration the request made by the vehicle licence proprietor and make further amendments to vehicle licence condition (19) as detailed at paragraph 7 above.
11. Option 3 – refuse the request

Analysis

12. Hackney carriages and private hire vehicles provide a flexible form of public transport, proving a service where other forms of transport are not available, for example rural areas and late evenings. They also play an increasingly important role in improving accessibility to those with a range of impairment such as physical disabilities in accessing services and travelling independently. There are currently 781 licensed vehicles on the Councils fleet, 102 of which are WAVs (13%).
Breakdown as follows:

- Private hire vehicles – 598, 57 (9.5%) of which are WAVs
- Hackney carriage vehicles – 183, 45 (24.6%) of which are WAVs

13. On occasion the Council receives complaints from the public that WAVs are not always available especially in relation to pre-booking a vehicle with a private hire operator. A WAV may be available to take a passenger for the outward element of their journey, they cannot however guarantee that a WAV will be available to do the return journey, especially if the return journey is later at night.
14. The licence trade have also informed the Council that they received complaints/comments from passengers that there are not enough WAV available at all times.

Council Priorities

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

Implications

16. 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. If this request is approved the number of WAVs on the licensed fleet will increase, this will hopefully give wheelchair users great access to licensed WAVs.
- (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

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

Contact Details

Author:

Lesley Cooke
Licensing Manager
01904 551515

Chief Officer Responsible for the report:

Mike Slater
Assistant Director – Planning and Public
Protection

Report
Approved



Date 14/11/19

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



Licensing & Regulatory Committee

27 November 2019

Report from the Assistant Director – Planning and Public Protection

Licensing Update

Summary

1. This report is to update Members on the work undertaken by the Licensing Section since 1 April 2018.

Recommendations

2. There are no recommendations arising from the report as it is for information only.

Background

3. The Council has a statutory duty to number take a number of licensing functions in accordance with various pieces of legislation, and in some cases statutory guidance.
4. The Council's Licensing Section sits within the Public Protection Service, within the Directorate of Economy and Place.
5. The licensing functions undertaken by the Licensing Section are:

Licensing Function	Legislation
Hackney carriage drivers Hackney carriage vehicles	Town Police Clauses Act 1847 & Local Government (Miscellaneous Provisions) Act 1976
Private hire drivers Private hire vehicles Private hire operators	Local Government (Miscellaneous Provisions) Act 1976
Sale / supply of alcohol Regulated entertainment Late night refreshment	Licensing Act 2003
Gambling premises (bookmakers, bingo halls, adult gaming centres, racecourse) Gaming Machines Small Society Lotteries	Gambling Act 2005

Sex Establishments	Local Government (Miscellaneous Provisions) Act 1982 Part 3 Schedule 3
Street Trading	As above Part 3 Schedule 4
Street Collection Permits	Police Factories, etc (Miscellaneous Provisions) Act 1916 as amended by S251 of the Local Government Act 1972
House to House Collection Permits	House to House Collections Act 1939
Scrap Metal Dealers / Collectors	Scrap Metal Dealers Act 2013
Zoos	Zoo Licensing Act 1981
Exotic, Dangerous and Wild Animals	Dangerous Wild Animals Act 1976 (Modification) Order 1984
Providing Boarding for Cats Providing Boarding for Dogs Providing Day Care for Dogs Selling Animals as Pets Breeding Dogs Hiring out Horses Keeping or Training Animals for Exhibition	The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018
Storage of Explosives	Explosives Regulations 2014
Petroleum Storage	Petroleum Regulations 2014
Acupuncture Body Piercing Ear Piercing Electrolysis Tattooing	Local Government (Miscellaneous Provisions) Act 1982 Part 8
Sports Grounds	Safety of Sports Grounds Act 1975(as amended) Fire Safety and Safety of Places of Sport Act 1987
Film Classification	
Hypnotism	Hypnotism Act 1952

6. Due to the nature of our work the Licensing Section has to work closely with colleagues within the Council as well as partner agencies such as North Yorkshire Police, North Yorkshire Fire and Rescue Service, Yorkshire Ambulance Service, Immigration Service and DVSA. This involves sitting on joint agency task group meetings and engaging in joint operations.
7. The Licensing Section also works closely with licensing colleagues from West and North Yorkshire Authorities. The Licensing Manager meets regularly with West Yorkshire colleagues in relation to taxi licensing

policy matters, and also Chairs the North Yorkshire Licensing Practitioners Group, which discusses and shares best practice in relation to all licensing matters.

Consultation

8. There is no consultation associated with this report as it is for information only.

Options

9. There are no options associated with this report as it is for information only.

Analysis

10. Annex 1 gives an over view of some of the applications received and processed, by the Section since 1 April 2018.
11. The Licensing Act 2003 and Gambling Act 2005 stipulates the licensing process with regards to timeframes. The Licensing Section, and if required our colleagues in Democratic Services, makes sure all of these timeframes are met. Failure to meet these timeframes could lead to legal challenge or licenses could be deemed granted. The Council has set in-house timeframes for processing other licensing applications, once the application is completed in full. Occasionally, due to work demands, in-house timeframes are not met, applicants are notified it this is the case.
12. Annex 2 gives an overview of some of the other work undertaken by the Section.

Council Priorities

13. The licensing functions undertaken by the council are statutory, supporting new and existing businesses, as well as local resident and visitors through these functions supports the Council's Plan of a good quality of life for everyone.

Implications

14. 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** – The Council has a statutory duty to undertake the licensing functions.
- (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

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

Contact Details

Author:

Lesley Cooke
Licensing Manager
01904 551515

Chief Officer Responsible for the report:

Mike Slater
Assistant Director – Planning and Public
Protection

**Report
Approved**

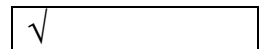


Date 14/11/19

Specialist Implications Officer(s)

Wards Affected:

All



For further information please contact the author of the report

Background papers

None

Annexes

Annex 1 – Licensing Applications

Annex 2 – Overview of work undertaken by the Licensing Section in relation to Licensing Act 2003 licensed premises and taxis

Applications Processed (the following all require an official application or notification and result in the issues of a licence / registration / notice / permit / consent / exemption, occasionally an application is refused or rejected)

*as of 8 October 2019

Taxi Licensing

Applications	2019/20 to day*	2018/19
Hackney carriage driver licence grants**	7	36
Private hire driver licence grants**	15	114
Private hire vehicle grants	32	88
Private hire operator grants***	1	6
Private hire licence plate and signage exemption	5	12
Hackney carriage driver licence renewals**	211	0
Hackney carriage vehicle renewals	181	182
Private hire drivers renewals**	12	4
Change of vehicle – private hire	31	50
Change of vehicle – hackney carriage	23	45
Transfer of vehicle – private hire	28	53
Transfer of vehicle – hackney carriage	20	38

**licences issued for 3 years

***licences issued for 5 years

Licensing Act 2003

Applications	2019/20 to date*	2018/19
Premises licence grants	17	43
Premises licence full variations	10	22
Premises licence minor variations	17	33
Premises licence DPS variations	102	168
Premises licence transfers	29	70
Premises licence holder change of address	10	26
Premises licence reviews	1	1
Temporary event notices - standard	141	210
Temporary event notices – late	58	83
Personal licence grants	87	166
Personal licence change of name or address	34	87

Gambling Act 2005

Applications	2019/20 to date*	2018/19
Premises licence grants	0	0
Premises licence variations	0	0
Gaming machine permits	1	7
Notification of 2 or less gaming machines	4	3
Small society lottery grants	12	22

Sex Establishments

Applications	2019/20 to date*	2018/19
Sex shop renewal	1	1
Sexual entertainment venue renewal	1	2

Street Trading Consents

Applications	2019/20 to date*	2018/19
STC grants/renewals	15	74
Occasional STC	15	36

Street / House to House Collection Permits

Applications	2019/20 to date*	2018/19
Street collections	44	115
House to house collections	4	30

Scrap Metal – licences issued for 3 years

Applications	2019/20 to date*	2018/19
Sites	0	0
Collector	2	5

Zoos – grants issued for 4 years, renewal issued for 6 years

Applications	2019/20 to date*	2018/19
Zoo licence	0	0

Exotic, Dangerous and Wild Animals – licences issued for 2 years

Applications	2019/20 to date*	2018/19
Dangerous wild animal licence	1	0

Licensing of Activities Involving Animals

Applications	2019/20 to date*	2018/19
Providing boarding for cats	0	2
Providing boarding for dogs	2	3
Providing day car for dogs	1	1
Selling animals as pets	7	1
Breeding dogs	2	1
Hiring out horses	4	0
Keeping and training animals for exhibition	1	0

Explosives – licences can be issued for up to 5 years

Applications	2019/20 to date*	2018/19
Storage of explosives (fireworks)	13	11

Petroleum – licences can be issued for up to 10 years

Applications	2019/20 to date*	2018/19
Storage certificate	0	1

Skin Piercing – one off registration

Applications	2019/20 to date*	2018/19
Premises	12	16
Practitioner	11	39

Film Classification

Applications	2019/20 to date*	2018/19
Issue classification	1	2

Hypnotism

Applications	2019/20 to date*	2018/19
	0	0

Since 1 April 2018 the Licensing Section has: -

Premises licensed under the Licensing Act 2003:

- Taken part in four 'days of action' to tackle alcohol related ASB in the city centre with North Yorkshire Police (NYP) and other partner agencies.
- Working with our partners from the NYP we have held meetings with the city centre licence to trade to work together to deal with alcohol related issues in the city centre, promote the agreed 'code of conduct' and 'Ask Angela' scheme.
- Taken part in two joint operations with NYP, Immigration, Gang-Masters, HMRC and the Council HMO Licensing Section on premises for matters relating to immigration and modern slavery offences.
- Inspected/visited 65 premises licensed.
- Collected annual fees from 837 premises.
- Suspended 136 for non-payment of annual fee.
- Dealt with 28 complaints about premises.
- Written reports for and attended 19 sub-committee hearings to determine premises licence grants or variations.

Taxi and Private Hire Licensing

- Taken part in three joint operation with NYP, DVLA and West Yorkshire Licensing Authorities in relation to taxi and private hire licensing.
- Inspected 927 licensed vehicles.
- Six monthly safety checks on 458 licensed vehicles.
- 666 criminal record checks (DBS) on new driver applicants and licensed drivers.
- Requested and checked 377 medicals from licensed drivers (it is a requirement the licensed drivers must have a medical to Group 2 Standard on first grant, at 45, 50, 55, 60, 65 then annually).
- 27 licensed vehicles have been suspended.
- 11 driver licences have been suspended.

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Licensing and Gambling Committee – Workplan 2019-20

<p>Mon 15 Jul 2019 at 5.30pm</p>	<ul style="list-style-type: none"> • Renewal of Sex Establishment Licence for The Adult Shop • Taxi Licensing Policy – Driver Training • Taxi Licensing Policy – Determining the Suitability of Applicants and Licensees as Drivers in Taxi and Private Hire Licensing • Draft Work Plan 2019-20
<p>Weds 4 September 2019 at 5.30pm</p>	<ul style="list-style-type: none"> • Renewal of Sex Establishment Licence for Black Orchid • Interpretation of Law - 'Out of town' Licences • Taxi Account up to 31 March 2019 • Hackney Carriage Vehicle Consultation • Review of Polling Districts, Polling Places and Polling Stations • Work Plan 2019-20
<p>Weds 9 Oct 2019 at 5.30pm</p>	<ul style="list-style-type: none"> • Update on the Taxi Licensing Internal Audit report Actions • Taxi and PHV complaints Summary Report • Work Plan 2019-20
<p>Weds 27 Nov 2019 at 5.30pm</p>	<ul style="list-style-type: none"> • Amendment to Taxi Licensing Policy Executive Vehicles • Amendment to hackney carriage and private hire vehicle licence condition (WAVs) • KPI report of Licensing Department • Work Plan 2019-20
<p>Weds 22 Jan 2020 at 5.30pm</p>	<ul style="list-style-type: none"> • Unmet Demand Update Report • Annual report on decisions made by officers under delegated powers with regard to applications under the Gambling Act 2005 • Annual report on decisions made by officers under delegated powers with regard to applications under the Licensing Act 2003 • Annual joint report from North Yorkshire Police and the Licensing Service regarding the effects of the Act and licensing policy in swiftly and safely dispersing concentrations of people from licensed venues, to avoid disorder and disturbance. (Transport focused)

	<ul style="list-style-type: none"> • Work Plan 2019-20
Weds 18 Mar 2020 at 5.30pm	<ul style="list-style-type: none"> • 6 Monthly KPI report of Licensing Dept • Report outlining policing and other measures in relation to reducing ASB associated to licensable activities • Review of Council's Constitution on Licensing Appeals • Review of scheme of delegated powers to officers • Work Plan 2019-20
Weds 6 May 2020 at 5.30pm	<ul style="list-style-type: none"> • Annual Taxi Fees Account review • Work Plan 2019-20