

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

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

**Date:** Friday, 2 March 2007

**Time:** 2.00 pm

**Venue:** Guildhall

**AGENDA**

**A Family 3 Wheel Motorcycle will be in the Guildhall Yard from 1:30pm on Friday 2<sup>nd</sup> March for viewing.**

**1. Declarations of Interest**

At this point, Members are asked to declare any personal or prejudicial interests they may have in the business on this agenda.

- 2. Minutes** (Pages 1 - 2)  
To approve and sign the minutes of the meeting held on 3<sup>rd</sup> November 2006.

**3. Public Participation**

At this point in the meeting, Members of the public who have registered their wish to speak regarding an item on the agenda or an issue within the Committee's remit can do so. The deadline for registering is 5pm on Thursday 1st March 2007.

- 4. Application for Private Hire Vehicle for a (Pages 3 - 16)  
Family 3 Wheel Motorcycle**

The conditions of application for a private hire vehicle licence are designed for the licensing of ordinary four wheel, four door motor cars. This report seeks Members' approval to licence a three wheel tricycle with two passenger seats as a private hire vehicle subject to appropriate conditions.

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

For more information about any of the following please contact the Democracy Officer responsible for servicing this meeting Tracy Wallis  
Democracy Officer

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

City of York Council

Minutes

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MEETING	LICENSING & REGULATORY COMMITTEE
DATE	3 NOVEMBER 2006
PRESENT	COUNCILLORS NIMMO (CHAIR), BARTLETT (VICE-CHAIR), HORTON, B WATSON AND I WAUDBY

**10. 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. No Members declared any interests.

**11. MINUTES**

RESOLVED: That the minutes of the meeting held on 1 September 2006 be approved and signed as a correct record.

**12. PUBLIC PARTICIPATION**

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

**13. VARIATIONS TO TAXI LICENSING CONDITIONS**

Members were asked to consider a report concerning two aspects of vehicle licence conditions, which due to advances in motor vehicle technology, are causing licensing difficulties. These were minimum engine size and the fitting of tinted windows. Members were requested to consider if a revision of conditions was necessary and make, if necessary, recommendation to Full Council to effect such revisions.

Members discussed the issues surrounding environmentally unfriendly vehicles being used as hackney carriages and private hire vehicles and said that the suggested revision to minimum engine size was very sensible.

Members discussed how the proposed revisions could affect private hire limousines with totally blacked out windows. Officers advised that the council would be considering the licensing of limousines in the future but were waiting for details of a scheme to be introduced by the greater Manchester Authorities who have done considerable research on this issue

RESOLVED: that the licence conditions in respect of Hackney Carriages and Private Hire vehicles be amended to include the following:-

- a) The licensed vehicle shall have a minimum engine capacity of 1250cc except for vehicles fitted with an engine rated with a Euro IV (or better) emission standard

- b) The licensed vehicle shall be fitted with windscreen glass that has a light transmittance of 75% and all other window glass in the vehicle shall have a light transmittance not less than 70%. Any self applied material shall be of the same standard and shall be approved by the taxi licensing office, and

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

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

G Nimmo  
Chair of Advisory Panel

The meeting started at 3.10 pm and finished at 3.20 pm.



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**Licensing and Regulatory Committee**

2 March 2007

Report of the Director of Neighbourhood Services

***APPLICATION FOR PRIVATE HIRE VEHICLE LICENCE FOR A FAMILY 3 WHEEL MOTORCYCLE*****Summary**

1. The conditions of application for a private hire vehicle licence are designed for the licensing of ordinary four wheel, four door motor cars. This report seeks Members' approval to licence a three wheel tricycle with two passenger seats as a private hire vehicle subject to appropriate conditions.

**Background**

2. An application for a private hire vehicle licence has been received in respect of a Rewaco HS5i Family 3 wheel tricycle with two rear passenger seats.
3. It is the applicant's intention to operate as a tourist facility mainly providing sight seeing journeys around the city.
4. A copy of the letters of application are attached at annex 1 and a leaflet about the vehicle is attached at annex 2.
5. Members unfamiliar with this type of vehicle may have seen Billy Connolly's televised trike tour of England and Ireland which was on a three wheel trike.
6. The applicant has been invited to attend the meeting to answer any questions from Members about his plans for the operation of the vehicle. Members will also have the opportunity to view the vehicle at the rear of the Mansion House prior to the start of the meeting.
7. The Council issue licences for private hire vehicles subject to prescribed conditions under the provisions of the Local Government (Miscellaneous Provisions) Act 1976.
8. No licence is granted unless the Council is satisfied that the vehicle is:
  - (i) suitable in type, size and design for use as a private hire vehicle
  - (ii) not of such design and appearance as to lead any person to believe that the vehicle is a hackney carriage

- (iii) in a suitable mechanical condition
  - (iv) safe, and
  - (v) comfortable
9. A Council may also attach to the grant of a licence such conditions as they may consider necessary. The conditions currently attached to private hire licences relate generally to ordinary four wheel, four door type motor cars.
10. According to the legislation relating to the licensing of private hire vehicles there appears to be no particular reason why a three wheel tricycle should not be licensed.
11. The Rewaco HS5i family tricycle complies with European Regulations and may be driven with a standard car licence or full motorcycle licence (pre-February 2001 motorcycle licence).
12. Enquiries have revealed that two councils in the Lake District, Allerdale Borough Council and South Lakeland District Council, have licensed similar vehicles.
13. Should Members approve the vehicle to be licensed as a private hire vehicle it will be subject to the normal conditions attached to a private hire vehicle modified to accommodate a Rewaco three wheel tricycle.
14. In addition, the following conditions for safety and comfort of passengers are proposed:
- (i) All passenger seats to be fitted with seat belts, such installation to be carried out prior to the issue of the licence.
  - (ii) No more than two passengers to be carried on the rear seats at any one time.
  - (iii) Helmets must be available to all passengers free of charge though the wearing of them is optional.
  - (iv) A luggage compartment is provided at the rear of the vehicle where the licence plates can be fixed.
  - (v) Children under 11 years of age are not to be permitted to travel on the vehicle unless accompanied by an adult.

### **Consultation**

15. None required.

## **Options**

16. Option 1: Members are recommended to approve the Rewaco three wheel tricycle to be licensed as a private hire vehicle, subject to the conditions contained within this report.

Option 2: Members are recommended to approve the Rewaco three wheel tricycle to be licensed as a private hire vehicle with modified or additional conditions.

Option 3: Reject the application.

## **Analysis**

17. The reasoning and analysis of the proposal has been set out in previous paragraphs.

## **Corporate Priorities**

18. Not applicable.

## **Implications**

19. **Financial**

If approval is granted the necessary licence fees are payable.

### **Human Resources (HR)**

There are no Human Resource implications.

### **Equalities**

There are no equalities implications.

### **Legal**

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

### **Crime and Disorder**

There are no crime and disorder implications.

### **Information Technology (IT)**

There are no information technology implications.

### **Property**

There are no property implications.

**Other**

There are no other implications.

**Risk Management**

- 20. 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.

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**

- 21. Members are recommended to:

- (1) approve the Rewaco HS5i family tricycle be licensed as a private hire vehicle subject to the normal conditions attached to a private hire vehicle modified to accommodate a three wheel tricycle with the following additional conditions:
  - (i) All passenger seats to be fitted with seat belts, such installation to be carried out prior to the issue of the licence.
  - (ii) No more than 2 passengers to be carried on the rear seat at any one time.
  - (iii) Helmets must be available to all passengers free of charge though the wearing of them is optional.
  - (iv) A luggage compartment.

**Contact Details**

**Author:**  
John Lacy  
Licensing Manager  
Neighbourhood Services  
Tel: 01904 551593

**Chief Officer Responsible for the report:**  
Andy Hudson  
Assistant Director  
(Neighbourhood Services)

**Report Approved**  **Date** 19<sup>th</sup> February 2007

**Specialist Implications Officer(s)**

None

**Wards Affected:**

**All**



**For further information please contact the author of the report**

**Background Papers**

Local Government (Miscellaneous Provisions) Act 1976

**Annexes**

Annex 1 – Letters of application from Mr D Black

Annex 2 – Rewaco HS5i vehicle specification brochure

30 January 2007

jl/nr/comm/020307 Application for Private Hire Vehicle Licence

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CROMWELL HOUSE  
1 LANDALEWOOD ROAD  
CLIFTON MOOR GATE  
YORK YO30 4SX  
MOBILE  
07802 446576

Taxi Licensing Department  
York City Council  
St Leonards Place  
York

28<sup>th</sup> November 2006

To whom it may concern:

I have been involved in the last 9 years in the day to day running of A1 Luxury Limousines as Proprietor. In this time my work has varied from chauffeuring children with special needs over a 4 year period in a people mover to providing transport for the Lord Mayor of York as lead car for the Lord Mayors Parade. We have provided cars for the Football Association and were even honored to chaperone Sir Richard Branson and his father when he came to York to hand over the Flying Scotsman to York Railway Museum.

Since seeing Billy Connolly's world tour on television where he traveled across the UK, Europe and USA on a Boom Trike I thought what a fantastic idea it would make for a city proud of its tourism to introduce a Trike Taxi to York. Gone are the days where trikes were built as a hobby in an enthusiast's garage. These low noise trikes are now production line produced the same as motor cars and are run on the Ford or Peugeot fuel injection engines. They cost anything up to £28,000 + accessories.

On a recent trip to The Lakes, another popular tourist area, I found a trike tour already operating which was licensed for 2 passengers by South Lakeland District Council on taxi plate number 274. Following further research we have learnt of trikes in Blackpool, Edinburgh and London. The trikes I am looking at purchasing are built by Boom across the Pennines in Worsley.

The models we are looking at seat 2 rear passengers, I have enclosed the Boom literature regarding vehicles. It is my intention should a license be granted to offer various tours around the city walls and tourist attractions. I have enclosed a copy of Mountain Top Trike Tours Trip List of the Lake District. I would hope we could be granted a pick up/drop off point near the main tourist attractions i.e. Clifford's Tower, The Minster or York Eye, what better way to view our City on a summer's day.

After witnessing the demise of so many of our industries over the last 4 years and reading of more to follow I feel one way we are moving forward is in tourism and feel offering this service could only add a new dimension to our tourism economy and would be welcomed by visitors and locals alike.

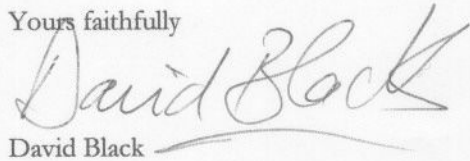
*★ ★ ★ For the ride of your life ★ ★ ★*

Trikes can be driven on a standard car driving license and although helmets are not required in the UK I would be willing to provide them at all times. Production trikes can be either automatically powered or manual, seatbelts are not required. With Boom Trikes there is a hydraulic bar fitted for dual passenger safety. Upon talking to the factory they advised seatbelts can be fitted and if necessary I would be prepared to fit them.

I am seeking permission at this point from York City Council to move forward with this idea. Is there any chance of a special one off taxi plate which could be created for 2 passengers for such an exciting adventure. I do not think this service would interfere or detract from taxis. I would not operate this service in bad weather conditions.

I look forward to hearing from you in due course.

Yours faithfully

A handwritten signature in cursive script that reads "David Black". The signature is written in dark ink and is positioned above the printed name.

David Black

Extension: 1593  
E-mail john.lacy@york.gov.uk  
Ask for: John Lacy  
Our ref: JL/TL/AR

5<sup>th</sup> January 2007

Dear Mr. Black,

I refer to your letter dated 28<sup>th</sup> November 2006 and our recent discussion regarding your request for a hackney carriage vehicle licence in respect of a motorised three wheel tri-cycle similar to the type used by Billy Connolly in his world tour series.

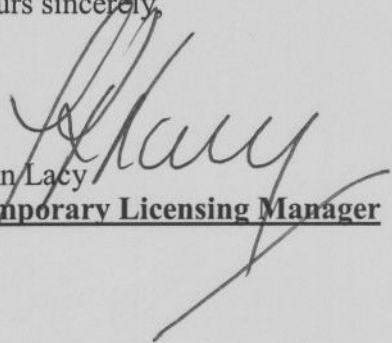
As I understand it you are seeking to introduce a trike taxi to provide tours of the city from pick up points near to the city's main tourist attractions. If that is the case, then the Authority cannot accede to your request to be licensed as a hackney carriage as the current taxi licensing provision for the City of York limits the number of hackney carriage vehicle licences to 158 operating from 11 full time ranks and 7 part time ranks.

That said, according to the legislation relating to the licensing of private hire vehicles, of which there are no restrictions, there appears to be no reason why a three wheel tri-cycle could not be licensed as a private hire vehicle subject to approval by the Licensing Committee. If a private hire vehicle licence is granted, this would be subject to the normal vehicle licence conditions with additional conditions relating to helmets being available, a rear luggage compartment, the fitting of seat belts and any other conditions the committee think are reasonable to apply.

As a private hire vehicle licence proprietor, you would not be permitted to work from the city's ranks as private hire vehicles are only available by prior booking and are not allowed to be hailed in the street. This would necessitate either applying for your own private hire operator licence to enable you to take bookings for the vehicle or working through a private hire operator already licensed by this Authority.

Given the above restrictions and subject to your written authorisation, I will seek members approval for a three wheel tri-cycle to be licensed as a private hire vehicle.

Yours sincerely,

  
John Lacy  
**Temporary Licensing Manager**

Mr. D. Black  
1 Landalewood Road  
Clifton Moorgate  
YORK  
YO30 4SX



CROMWELL HOUSE  
1 LANDALEWOOD ROAD  
CLIFTON MOOR GATE  
YORK YO30 4SX  
MOBILE  
07802 446576

Mr Lacy  
Taxi licensing  
9 St Leonears Place  
York  
YO1 7ET

15<sup>th</sup> January 2007

Dear Mr Lacy,

**Your ref: JL/TL/AR**

I would like to confirm receipt of your letter dated 5 January 2007 regarding my plans concerning a new business venture namely introducing a trike taxi operating in York.

I understand that you will not be able to grant a taxi license for this venture and would like to proceed with it as a private hire vehicle subject to certain conditions being met.

I am asking via this letter to forward my plans to your committee members for approval.

Hopefully with the committee approval we can provide greater transport options for people visiting our beautiful City.

Yours sincerely

A handwritten signature in black ink that reads 'David Black'. The signature is written in a cursive style with a long, sweeping underline.

David Black

★ ★ ★ For the ride of your life ★ ★ ★





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## HS5iFamily





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- 1.8 Ltr. with 50 kW (68 hp)





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