

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

To: Councillors Bennett (Chair), Horton, Hyman, Moore
(Vice-Chair) and B Watson

Date: Friday, 8 June 2007

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 1 - 2)
To approve and sign the minutes of the meeting held on 2nd March 2007.

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 7th June 2007.

**4. Taxi Vehicle Standards – Emissions, Livery, (Pages 3 - 10)
and Luggage Capacity**

This report asks members to amend the standard conditions relating to hackney carriage vehicles (taxis) in relation to emission controls, standard livery, and minimum luggage space.

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

Democracy Officer

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

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

City of York Council

Minutes

MEETING	LICENSING & REGULATORY COMMITTEE
DATE	2 MARCH 2007
PRESENT	COUNCILLORS NIMMO (CHAIR), BARTLETT (VICE-CHAIR), KING (SUBSTITUTE), VASSIE (SUBSTITUTE) AND B WATSON
APOLOGIES	COUNCILLORS HORTON AND I WAUDBY

14. 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.

15. MINUTES

RESOLVED: That the minutes of the meeting held on 3rd November 2006 be approved and signed as a correct record.

16. PUBLIC PARTICIPATION

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

17. APPLICATION FOR PRIVATE HIRE VEHICLE FOR A FAMILY 3 WHEEL MOTORCYCLE

Members considered a report concerning an Application for a Private Hire Vehicle for a Family Three Wheel Motorcycle.

The Officer said that the Application was for a Rewaco HS5i Family Three Wheel Tricycle. He had researched the use of this vehicle in this capacity and noted that two Local Authority areas in the Lake District and the Local Authorities in Brighton and Blackpool had all granted licences to vehicles of this type. The Officer handed out a flyer to illustrate one of these. He also confirmed that the vehicle complied with European Regulations.

The Applicant explained that his intention was to mainly provide tours for tourists such as runs out to local attractions i.e. Castle Howard or the White Horse at Kilburn. He stated that he would not want to work when it was cold, wet or dark. He said that he was planning to 'leaflet' York hotels and was looking mainly to work outside of the City Walls. He was exploring the possibility of purchasing helmets with integrated intercoms to allow him to communicate with passengers.

Members asked about the emissions of the vehicle and the Officer clarified that these were very up to date and complied with European Standards.

Members asked how the Applicant would cope with drunken persons requesting to hire the vehicle and the Applicant said that he would not take them as passengers. He reiterated that he was planning to work during the day rather than the evening.

RESOLVED: That the licence be granted with the following conditions:

1. The licence is granted for one vehicle only.
2. Not to use the licensed vehicle in City Centre pedestrian areas and access only streets, areas to be identified on a map to be provided by City of York Council's Taxi Licensing Department.
3. All passenger seats to be fitted with seat belts before the vehicle is brought into operation.
4. No more than two passengers to be carried on the rear seats at any one time.
5. Helmets to be made available to all passengers free of charge, but children under 16 must wear one.
6. A luggage compartment is to be provided at the rear of the vehicle.
7. The licence plates must be fixed to the front and rear of the vehicle.
8. Children under 16 are not permitted to travel on the vehicle unless accompanied by an adult.

REASON: So as not to enhance congestion in the City Centre.

Cllr G Nimmo
Chair of Licensing & Regulatory Committee
The meeting started at 2.05 pm and finished at 3.00 pm.



Licensing and Regulatory Committee

8th June 2007

Report of the Director of Neighbourhood Services

Taxi Vehicle Standards – Emissions, Livery, and Luggage Capacity

Summary

1. This report asks members to amend the standard conditions relating to hackney carriage vehicles (taxis) in relation to emission controls, standard livery, and minimum luggage space.

Background

2. A fundamental review of licence conditions was last carried out in 1999 with a minor revision in November 2006.

VEHICLE EMISSIONS

3. In considering a report into quantity control of taxis on 4th November 2005, the Licensing and Regulatory committee made a decision to retain the current restrictions on the number of hackney carriage vehicle licences issued to enable further work to be conducted on adequacy of ranking space, effects of the Licensing Act 2003, vehicle standards with particular reference to meeting the needs of disabled customers and mechanisms to encourage more environmentally friendly methods of transport (fuels).
4. There are currently 158 licensed hackney carriages working in York. Many of their journeys are within the city boundary and many originating from within the city centre.
5. In January 2002 an Air Quality Management Area (AQMA) was declared in the city due to elevated levels of nitrogen dioxide. Nitrogen dioxide is a gaseous pollutant which can aggravate existing lung conditions such as asthma and bronchitis. To protect human health the government has set a short term 'hourly' objective, and a long term 'annual average' objective for nitrogen dioxide. The short term objective is already met in York but there are some areas of the city where the annual average objective is currently being exceeded. Due to exceedances of the annual average nitrogen dioxide objective the council had a duty to declare the AQMA and to produce an Air Quality Action Plan (AQAP) stating how it intended to improve air quality in the

city. To date two AQAPs have been produced for York, the most recent one has been fully integrated into the second local transport plan (LTP2).

6. Most of the nitrogen dioxide in York can be attributed to vehicle emissions. The AQAP therefore consists mainly of transport based air quality improvement measures.
7. The most polluting vehicles on the road can generally be identified by their age and the vehicle emission standard to which they were built. Prior to 1992 there was very little control of vehicle emissions at the point of manufacture. On 31st December 1992 the first 'Euro I' emission standard came into force requiring new passenger vehicles to meet specific emission standards at the point of manufacture. The 'Euro' emission standards for passenger vehicles have gradually become more stringent with further limits set in 1997 (Euro II), 2001 (Euro III) and 2006 (Euro IV).
8. The current hackney carriage fleet has vehicles ranging from 14 years old to new cars. It is estimated that 51% meet Euro III standards, 37% Euro II, 11% Euro I and 1.3% are pre Euro standards. The average age of vehicle being 7.1 years old.

Strategic objectives

Air Quality Action Plan (AQAP)

9. The current AQAP contains 23 general air quality improvement measures and 27 key action points listed under 8 main headings. The main purpose of the AQAP is to deliver a reduction in nitrogen dioxide concentrations across the existing AQMA.
 - Action point AP43 gives a commitment to 'undertake a review of the taxi licensing process to identify ways in which it could be used to encourage the use of cleaner taxis and private hire vehicles'.
 - Action Point AP45 provides a commitment to 'complete a Low Emission Zone (LEZ) feasibility study by 31st March 2007'. This study will aim to quantify the improvement in air quality which could be achieved by restricting vehicles from certain areas based on their ability to comply with Euro emission standards. Whilst it is unlikely that a LEZ will be introduced within the current LTP2 period (2006-2011) it would be advantageous to have all taxis compliant with Euro III emission standards prior to the drawing up of LTP3 such that they could be easily accommodated within any future LEZ.

Local Transport Plan 2006-2011

10. This plan has adopted a vision which includes the following:
 - "A city where traffic will be less congested and there will be cleaner air"

- Included in the Transport Plan is a specific section relating to the taxi and private hire trade (Annex G)
- The taxi strategy contains the following objectives:
- “Reduce vehicle emissions from taxi and private hire vehicles and promote a cleaner fleet through encouraging better vehicle maintenance and switching off vehicles when stationary, particularly at taxi ranks, and the introduction of a vehicle age policy; and
- Exploring ways by which taxi and private hire vehicle operators could be encouraged to make use of alternative fuels, such as LPG, to reduce emissions in sensitive areas.”

National enforcement priorities for regulatory services

12. The Chancellor announced as part of this years budget speech that the government had accepted the recommendations contained in the Rogers report for national enforcement priorities. Air Quality is one of the 5 priority areas.

Proposals

13. Vehicle emissions are measured in relation to the European Emission Standards irrespective of the type of fuel used. These proposals therefore relate to emission standards so do not specify how those standards may be achieved. This proposal includes reference to maximum vehicle ages in relation to emission standards for petrol and diesel fuelled cars. The introduction of maximum vehicle ages will ensure that fleet is renewed keeping a pace with improvements in vehicle emission standards.
14. It is the aspiration of this policy to make all taxis licensed by the City of York Council Euro III compliant (or better) by 1st June 2009. This may be achieved by upgrading the existing petrol/diesel fleet or by the use of alternative fuels to give the same effect. Drivers in the past have found the use of LPG unsuitable for use in a taxi due to the restriction on luggage space and higher maintenance costs. It may be that in the future advancing technologies will provide other solutions.
15. To achieve this standard in petrol/diesel powered vehicles a phased introduction is proposed.

Transitional arrangements for existing vehicle licence holders or transferred licences

- As of 1st June 2008 all vehicles when presented for re-licensing or a change of existing licensed vehicle must meet at least Euro II standards (currently affects 18 vehicles)

- As of 1st June 2009 all vehicles when presented for re-licensing or a change of existing licensed vehicle must meet at least Euro III Standards (currently affects 76 vehicles)
- No vehicle will be first licensed unless it meets Euro III standards or better after 1st June 2008
- After 1st June 2009 no vehicle will be first licensed if it is over 4 years old
- After 1st June 2009 no vehicle will be re-licensed after it has reached 8 years old

Newly issued vehicle licences

16. In the event of the council issuing any new vehicle licences in the future prior to 1st June 2009 when the minimum age standards will apply to all vehicles, any vehicle entering the fleet must meet Euro IV standards or better.

VEHICLE LIVERY

17. Currently the standard conditions allow for any colour of vehicle being licensed as a hackney carriage and also for the external display of advertising. Members will be aware, that in many cities in the UK and abroad, a standard livery is adopted for taxis.
18. Policy T9 of the Local Transport Plan 2006-2011 seeks the adoption of a standard livery for the taxi fleet.
19. A standard livery will make it easier for the public, particularly overseas visitors, to readily identify licensed vehicles which are regulated and safe. It will clearly differentiate between private hire vehicles and hackney carriages and also between York taxis which can legitimately trade in the city and those from outside which cannot.
20. In addition to the above, a standard livery will improve the appearance of the fleet and enhance the image of our city which is the largest tourist destination in England outside London.

Proposal

21. Officers are proposing that all licensed hackney carriages (taxis) be identifiable with a single colour scheme of black with the corporate logo (city crest) with the words "City of York Hackney Carriage" on both the nearside and offside door panels.
22. The Council has its own logo which includes a version of the historic coat of arms (city crest). The Council periodically receives requests to use the ancient Coat of Arms which is still used principally by the Lord Mayor's office. In order to manage the use of the Coat of Arms such requests are referred to Head of Civic, Democratic and Legal Services.

23. Requests are generally approved without charge where it is submitted by a charitable or voluntary group. Requests from commercial organisations are considered more carefully and, if approved, a small charge is made.
24. The proposal to require the use of the city crest has been considered by the Head of Civic, Democratic & Legal Services and it has been agreed that its use is appropriate in these circumstances without charge.
25. In order for this proposal to be implemented the current condition that prohibits advertising would have to be removed.
26. To offset the loss of any advertising benefit to the trade it is proposed that we would allow the use of in-cab advertising. New products are coming on the market which involve displays on a TV screen for advertising and they can also be used for news and weather reports and local public information.
27. In addition the standard licence conditions for private hire vehicles would need to be amended to prohibit the colour black.
28. The timetable for the introduction of livery is proposed as follows:
 - 1st September 2007 - introduction of new livery. All vehicles presented in livery to be supplied with coat of arms decal.
 - From 1st June 2008 - all vehicles when presented for licensing for the first time shall be in livery colours and will be supplied with the official coat of arms decal.
 - From 1st June 2009 - all vehicles when presented for re-licensing shall be in livery colours and will be supplied with the official coat of arms decal.
 - In the event of the Council issuing any new vehicle licences prior to 1st June 2008 such vehicles licensed shall be in livery colours, and supplied with the official coat of arms decal

MINIMUM BOOT/LUGGAGE SPACE

29. The council currently has a mixed fleet of saloon, estate and purpose built taxis. Customers have indicated in surveys their preference to have a mixed fleet giving choice of vehicle. Current conditions specify minimum size for the interior but no such standard for luggage capacity. It is proposed that the conditions be amended to specify a minimum luggage space to accommodate normal luggage i.e. standard suitcases and also have the ability to carry a folded wheelchair or baby carriage. This standard would apply only to vehicles to be licensed for the first time and not existing cars.

30. Members are requested to consider this proposal in principal and, subject to agreement, officers will consult upon the detail of an appropriate licence condition and seek member approval at a subsequent meeting.

Consultation

31. The York Taxi Association has been consulted on these proposals. They comment as follows:

Single Livery

32. Following on from our reply in the LTP2 plan of 2006, we are still unsure as to the advantages of a single livery, particularly the colour of black, this is not a popular colour in terms of purchase or availability, and it is a fact that darker coloured cars are more difficult to see and therefore do become involved in more road traffic accidents, an alternative choice of white or silver would seem to be more popular within the trade.

Exterior Advertising

33. This forms a much needed amount of income for several drivers and to stop this would present hardship to many. As for the substitution of interior advertising systems, a market leader in such systems has recently gone out of business and many people lost significant amounts of money through this investment. At present all permitted advertising has to be passed by the Council so the options are limited and therefore nothing indecent or offensive would be permitted.

Age of Vehicles

34. Whilst we would agree that this is something that needs to be addressed, we worked long and hard to convince our membership that the ages of on at 5 and off at 9 would be beneficial to everyone, we now see that these ages are subject to change, we feel it would be a less than pleasant task to revisit the members with the news of 4 and 8 and would ask that you please re consider the original plan.

(Members should be aware that initially officers consulted with the association on the basis that after 1st June 2009 no car would be licensed if it was older than 5 years and would not be relicensed after 9 years. Officers have subsequently changed their recommendation to 4 and 8 years having had regard to trends in many other local authorities)

35. In addition to consultation with the representative trade body, a questionnaire was given to each taxi driver/proprietor during the recent annual licence renewal process. An analysis of the results of the survey will be provided at the meeting.

Options

36. Members have the following options:

- a) To approve the proposals as stated
- b) To approve the proposals but vary the standards or timetables for introduction
- c) To take no further action

Analysis

- 37. Option a) This option has been consulted upon with the trade. The proposals are seen by officers as reasonable in reaching targets set in the Local Transport Plan, in enhancing the taxi fleet and in assisting the trade in meeting these standards.
- 38. Option b) Members maybe persuaded by comments received from the survey of existing drivers that the officers proposals are too exacting and may wish to set revised conditions or timetable.
- 39. Option c) This option will see the council failing to meet its targets set out in the Local Transport Plan

Corporate Priorities

- 40. One of the council's 13 priorities is to:

"Increase the use of public and other environmentally friendly modes of transport"

Implications

- 41. **Financial:** The taxi licensing account is self financing through the recovery of licence fees there would be no financial impact on the council
- 42. **Human Resources (HR): None**
- 43. **Equalities: None**
- 44. **Legal: None**
- 45. **Crime and Disorder:** As part of its "nightsafe" project, Safer York Partnership is keen to promote safe routes home from the city. Clearly, taxis can play a key role in this initiative. The concept of a standard livery would make official taxis instantly recognisable and assist the police and partners in being able to direct vulnerable people to safe transport home.
- 46. **Information Technology (IT): None**
- 47. **Property: None**

Risk Management

48. The Council maybe subject to legal challenge on any of its taxi licensing conditions. The success or otherwise of any challenge will largely rest on the reasonableness of the condition. Consultation on the conditions and consideration of any views received will also have a bearing on the result of any litigation.

Recommendations

49. Members are requested to consider the officer proposals with respect to the introduction of a taxi licence vehicle condition in relation to vehicle emission policy, the introduction of a standard livery and the introduction of a minimum luggage space. In coming to any decision members are requested to have regard to the results of the consultation exercise. In particular it is recommended that members approve the following:

- 1) Option a) the introduction of a vehicle emissions policy as set out in paragraphs 14, 15 and 16 of the report; a single livery for all licensed taxis as set out in paragraphs 21 and 22 and agreement in principal to the introduction of a minimum luggage space.

Reason: These proposals are in line with other strategies of the council and the timetable for introduction is reasonable given the usual turn over of licensed vehicles within the taxi trade.

Contact Details

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Report Approved

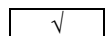


Date 25th May 2007

Specialist Implications Officer(s) None

Wards Affected:

All



For further information please contact the author of the report

Background Papers:

Report to Licensing and Regulatory Committee 4th November 2005

Annexes : None