

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

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

**Date:** Friday, 5 September 2008

**Time:** 2.00 pm

**Venue:** Guildhall

**AGENDA**

**1. Declarations of Interest**

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

**2. Minutes** (Pages 3 - 8)

To approve and sign the minutes of the meeting held on 4 July 2008.

**3. Public Participation**

At this point in the meeting, Members of the public who have registered their wish to speak regarding an item on the agenda or an issue within the Committee's remit can do so. The deadline for registering is 10.00 am on Thursday, 4 September 2008.

**4. Electoral Arrangements - Parish of Earswick** (Pages 9 - 12)

This report seeks approval to carry out a review of the electoral arrangements for the Parish of Earswick Without, following a request received from Earswick Parish Council to increase the number of members elected to their council.

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

Democracy Officer:

Name: Fiona Young

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

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

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### **Scrutiny Committees**

The purpose of all scrutiny and ad-hoc scrutiny committees appointed by the Council is to:

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- Review existing policies and assist in the development of new ones, as necessary; and
- Monitor best value continuous service improvement plans

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City of York Council

Committee Minutes

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MEETING	LICENSING & REGULATORY COMMITTEE
DATE	4 JULY 2008
PRESENT	COUNCILLORS GILLIES (CHAIR), FIRTH, HORTON, LOOKER AND MOORE (VICE-CHAIR)

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**29. DECLARATIONS OF INTEREST**

Members were invited to declare at this point in the meeting any personal or prejudicial interests they might have in the business on the agenda.

Cllr Gillies declared a personal, non prejudicial interest in agenda item 4 (Application to Approve Pedicabs for use as Hackney Carriages), as the former owner of a hackney carriage plate.

**30. MINUTES**

RESOLVED: That the minutes of the last meeting, held on 21 May 2008, be approved and signed by the Chair as a correct record.

**31. PUBLIC PARTICIPATION**

It was reported that six members of the public had registered their wish to speak at the meeting under the Council's Public Participation Scheme. Five had registered to speak on the same item. The Chair agreed to hear comments from all five speakers on that item, provided there was no repetition.

Paul Sykes, of York Pedicabs, spoke in relation to agenda item 4 (Minute 32 refers). He expressed support for the proposals to issue hackney carriage licences for pedicabs, noting that he had operated pedicabs in York without problems for 18 months. The proposals would deter illegal operators, and would help to promote York as a cycling city.

Larry Taylor spoke in relation to agenda item 5 (Minute 33 refers), as the proprietor of a taxi firm. He expressed support for the Council's efforts to improve air quality. However, he also sought assurances that Council Officers had a proper understanding of the Euro Standards to be applied to private hire vehicles and that undue emphasis would not be placed upon the age of the vehicle, since this was not the sole factor affecting vehicle emissions.

Michael Robertson-Moss spoke in relation to agenda item 5, as the operator of a private hire vehicle. He expressed concern about the proposal not to grant a first licence to any vehicle over four years old from 1 November 2009, on the basis that most drivers were unable to afford newer cars in view of the current high price of fuel, tyres and maintenance.

He noted that some older cars were in fact in better condition and asked whether similar rules would be applied to buses and other public vehicles.

Barry Haymer spoke in relation to agenda item 5, as the operator of a private hire vehicle and the Chairman of the Private Hire Association. He endorsed the comments made by the previous two speakers and asked that the proposals in the report be deferred.

Stuart Hird spoke in relation to agenda item 5, as the operator of a private hire vehicle. He emphasised the expense involved in setting up a wheelchair-accessible private hire vehicle and asked that the proposed age limit for granting a first licence be extended to make this more financially viable.

Mark Wilson spoke in relation to agenda item 5 as the operator of two wheelchair-accessible private hire vehicles. He sought clarification on the proposal not to re-license any private hire vehicle painted black after 31 October 2010, which appeared to conflict with the advice given in a letter sent by the Council to all private hire vehicle proprietors on 4 September 2007.

Members also received written comments on agenda item 5 from Jim Kerr and Cllr Dave Taylor, both of whom were unable to attend the meeting.

### **32. APPLICATION TO APPROVE PEDICABS FOR USE AS HACKNEY CARRIAGES**

Members considered a report which asked them to decide whether Pedicabs should be licensed to operate as hackney carriage vehicles in the City of York and, if so, how many licences should be issued. The matter had been brought to the meeting on 17 March 2008 but had been deferred pending the outcome of an un-met demand survey.

Pedicabs were essentially un-motorised tricycles able to carry up to three passengers. They had last been licensed in York 15 years ago under the Town Policy Clauses Act 1989 but had not proved successful at that time. Since the lifting of the hackney carriage numbers in the City in November 2007, the Council had had the power to license pedicabs as hackney carriages. The survey had indicated that there was a significant un-met demand for hackney carriage vehicle licenses and that about 46% of respondents would use pedicabs if they were licensed in York.

Members considered the following options:

**Option 1** – issue a hackney carriage licence to all pedicab applicants meeting the appropriate vehicle specifications, licensing conditions and other relevant matters.

**Option 2** – as Option 1, but limit the number of licences issued to a maximum of ten.

Proposed conditions of licensing and codes of conduct for riders and operators of pedicabs were attached as Annexes 2-4 to the report. In response to questions from Members, Officers confirmed that:

- The suggested maximum of ten licences had been arrived at following consultation with the York Taxi Association and in view of the adverse effects in other cities of operating an unrestricted number of pedicabs;
- Pedicab riders / operators would be subject to the same medical checks as taxi drivers;
- It was expected that the pedicabs would operate within the boundary of the unitary authority, thus avoiding the risk of exhausting the riders.

RESOLVED: (i) That Option 2 be approved and that up to ten hackney carriage (pedicab) licences be issued within the City of York to applicants who meet the appropriate vehicle specification, licensing conditions and other relevant matters.<sup>1</sup>

REASON: To give operators the chance to test the commercial viability of pedicabs in the City, within a properly regulated framework.

(ii) That Officers be asked to consider the possibility of using the taxi rank outside Lloyds Bank, Piccadilly, as a pedicab rank and, if they consider this a viable option, to make the necessary arrangements.<sup>2</sup>

REASON: This rank is little used by taxis and is in a suitable location for pedicabs.

Action Required

1. Issue up to 10 pedicab licenses, as per this resolution. KS
2. Consider the possible use of this taxi rank as a Pedicab rank. KS

**33. REVISION OF PRIVATE HIRE VEHICLE CONDITIONS**

Members considered a report which proposed a timetable for the introduction of restrictions on vehicle colour, as agreed by the Committee on 4 January 2008, and for the introduction of vehicle emission standards for private hire vehicles. The report also examined the potential for encouraging lower carbon dioxide emissions from private hire and hackney carriage vehicles.

The Committee had already resolved that private hire vehicles should not be black in colour and that their licence conditions should be amended to include emission standards. Members were now asked to consider options in respect of these matters, in the light of the results of consultation with the private hire trade and results of the Halcrow study on hackney carriage provision, results of which were attached as Annexes 1 and 2 to the report. The options were:

a) **Colour Restriction**

**Option 1** – not to apply the restriction retrospectively to the 49 private hire vehicles currently painted black. This would dilute the effect of the policy relating to hackney carriages, due to take effect from 1 June 2009, but would not place undue financial burden on vehicle owners.

**Option 2** – not to re-license any private hire vehicle painted black after 31 October 2009. This was the proposal consulted on and would align the policy for private hire with that for hackney carriages.

**Option 3** – not to re-license any private hire vehicle painted black after 31 October 2010. This was the recommended option, representing a reasonable balance between meeting the Council's objectives without placing excessively onerous financial pressures on vehicle owners.

b) **Emission Standards**

**Option 1** – take no action – not recommended as it would mean failure to follow the Council's own strategy in the Local Transport Plan.

**Option 2** – apply the same standard as for hackney carriages, in accordance with the timetable set out in paragraph 10 of the report. This was the proposal consulted on.

**Option 3** – as Option 2, but with an extended period for compliance, as set out in paragraph 15. This was the recommended option as it would meet the Council's objectives and provide the trade with more time to comply.

c) **Carbon Dioxide Emissions**

**Option 1** – take no action. Not recommended, as this would miss the chance to promote the reduction of greenhouse gas emissions in York.

**Option 2** – amend the private hire and hackney carriage vehicle licence conditions to exempt vehicles that meet the current Euro standard for vehicle emissions from any vehicle age restrictions and to reduce their vehicle licence fees by 50%. This was the recommended option.

**Option 3** – provide some other incentive to encourage the use of more environmentally friendly vehicles.

In response to the comments made on this item under Public Participation, Officers confirmed that the Council had no control over the emissions from buses and other public vehicles and that the Euro standards related to the standard to which a vehicle was constructed, not to any subsequent test. The Chair expressed his appreciation for the contribution that taxi firms had recently made to raising the standards of taxi services in the City.

RESOLVED: (i) That, in respect of vehicle colour, Option 3 be approved and that no private hire vehicle which is painted black be re-licensed after 31 October 2008, subject to legal clarification regarding the two wheelchair-accessible private hire vehicles licensed late in 2007, as raised under Public Participation.<sup>1</sup>



REASON: Having regard to the consultation exercise, this option provides a reasonable balance between meeting the Council's objectives without placing too onerous a financial burden on vehicle owners, by providing a longer roll-out period than originally suggested.

(ii) That, in respect of emission standards, Option 3 be approved and that an extended period of compliance with the emission standards be applied, as set out in paragraph 15 of the report.<sup>2</sup>

REASON: This will meet the Council's objectives, respond to comments received through consultation and provide the trade with more time to comply, via the natural cycle of vehicle renewal.

(iii) That, in respect of carbon dioxide emissions, the introduction of low CO2 emitting hackney carriages and private hire vehicles be incentivised by changes to the vehicle licence conditions and licence fees structure as set out in paragraph 29 of the report.<sup>3</sup>

REASON: To meet Council priorities and strategies, as set out in the Corporate Strategy and the Local Transport Plan.

Action Required

- |   |    |
|---|----|
| 1. Clarify the position on these wheelchair-accessible vehicles, then apply the policy from 31/10/08. | KS |
| 2. Apply the new emission standards in accordance with the extended compliance period.                | KS |
| 3. Amend the vehicle licence conditions and licence fee structure in accordance with Option 2.        | KS |

I Gillies, Chair

[The meeting started at 2.00 pm and finished at 2.55 pm].

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## Licensing and Regulatory Committee

5 September 2008

### Report of the Head of Civic, Democratic and Legal Services

### Electoral Arrangements - Parish of Earswick

#### Summary

- 1 The Earswick Parish Council has requested that the number of parish councillors elected to the parish council be increased from five members to seven members.

#### Background

- 2 The Earswick Parish Council believe that five parish councillors is not enough to represent the parish fully in the democratic process. Despite a doubling of electorate in the last ten years, the number of parish councillors has not changed.
- 3 The Parish Council has written to the City Council and formally requested that steps are taken to increase the number of parish councillors on the parish council from five to seven.
- 4 Section 16 of the Local Government Act 1972 provides that there must be a minimum of five councillors for a parish council and gives authority to a district council to fix from time to time the number of parish councillors within a parish.
- 5 Under the Local Government Act 1997 Section 17 (2)(3) a district council may conduct a review of the electoral arrangements for the council of a parish and may decide that changes may be made.

#### Consultation

- 6 If Members agree to conducting a review of the electoral arrangements for the Parish of Earswick consultation will be carried out with:
  - a) Ward Members for the Strensall Ward in which the parish lies; and
  - b) The Yorkshire Local Councils Association

#### Options

- 7 Option One – Members may agree to conduct a review of the electoral arrangements for the Parish of Earswick

Option two – Members may refuse to conduct a review of the electoral arrangements for the Parish of Earswick

### **Analysis**

- 8 In accordance with the Local Government Act 1997 Section 17(2)(3) a district council may conduct a review of the electoral arrangements for the council of a parish and may decide that changes may be made.

If Members agree to Option One consultation will take place with relevant bodies to ensure the increase in the number of parish councillors would be beneficial to the democratic process

If members agree to Option Two this may well be detrimental to the future democratic process in the Parish of Earswick by deterring elections to be held to the office of parish councillor

### **Corporate Objectives**

- 9 Corporate Objective 6: The increase in the number of parish councillors in this instance may well promote an effective parish council and assist this corporate objective.

### **10 Implications**

- **Financial** – There are no financial implications
- **Human Resources (HR)** – There are no HR implications
- **Equalities** – There are no equalities implications
- **Legal** – There are no legal implications
- **Crime and Disorder** – There are no crime and disorder implications
- **Information Technology (IT)** – There are no IT implications

### **11 Risk Management**

There are no known risks associated with the recommendation

### **Recommendation**

- 12 Members are asked to consider Option One and In accordance with the Local Government Act 1997 Section 17(2) Members are requested to resolve that a review of the electoral arrangements be carried out for the Parish of Earswick Without by consulting with :

- i) Ward Members for the Strensall Ward in which the parish lies
- ii) The Yorkshire Local Councils Association

and that recommendations are reported to a future meeting of the committee.

Reason: Consultation to take place with relevant bodies to ensure the increase in the number of parish councillors would be beneficial to the democratic process

### Contact Details

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Chief Executives Department  
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**Chief Officer Responsible for the report:**

Quentin Baker  
Head of Civic, Democratic and Legal Services

**Report Approved**



**Date** 24 July 2008

**Wards Affected:** Strensall

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

### Background Papers

Local Government Act 1972  
Local Government and Rating Act 1997

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