

**Notice of meeting of**

**Licensing & Regulatory Committee**

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

**Date:** Friday, 9 January 2009

**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 5 September 2008.

**3. Public Participation**

At this point in the meeting, Members of the public who have registered their wish to speak regarding an item on the agenda or an issue within the Committee's remit can do so. The deadline for registering is 5pm on Thursday 8 January 2008.

**4. Request to review tinted windows condition as attached to Hackney Carriage and Private Hire Vehicle Licences.** (Pages 3 - 8)

This report asks members to consider a request to review the licence condition which limits the degree of tint permitted for licensed hackney carriage and private hire vehicle windows in respect of low emission, environmentally friendly vehicles.

**5. Hackney Carriage Vehicle Licence Conditions** (Pages 9 - 12)

This report asks members to consider a relaxation of the vehicle condition that requires all hackney carriages to be of the colour black. The relaxation is to apply in respect of vehicles that are temporarily licensed to cover the period when the original vehicle is off the road for repair reasons.

**6. Review of Issue of New Hackney Carriage Vehicle Licences.** (Pages 13 - 16)

This report asks Members to consider the commissioning of an interim demand survey for hackney carriages to inform a review of the policy of issuing new vehicle licences in light of the current economic climate.

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

Democracy Officer:

Name: Tracy Wallis

Contact Details:

- Telephone – (01904) 552062
- E-mail – [tracy.wallis@york.gov.uk](mailto:tracy.wallis@york.gov.uk)

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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City of York Council

Committee Minutes

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MEETING	LICENSING & REGULATORY COMMITTEE
DATE	5 SEPTEMBER 2008
PRESENT	COUNCILLORS GILLIES (CHAIR), HORTON, LOOKER AND MOORE (VICE-CHAIR)
APOLOGIES	COUNCILLOR FIRTH

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## 6. DECLARATIONS OF INTEREST

At this point Members were asked to declare any personal or prejudicial interests they had in the business on the agenda. There were none.

## 7. MINUTES

RESOLVED: That the minutes of the meeting held on 4<sup>th</sup> July 2008 be approved and signed as a correct record.

## 8. PUBLIC PARTICIPATION

There were no registrations to speak under the Council's Public Participation Scheme.

## 9. ELECTORAL ARRANGEMENTS - PARISH OF EARSWICK

Members considered a report which asked them to consider a request by Earswick Parish Council to increase the number of parish councillors elected to the parish council from five members to seven members.

The Electoral Administrator for York updated that the report had an error in paragraph 8. The word reduction should be replaced with the word increase. He outlined the report and advised that an increase in parish councillors would help the democratic process in the village and notices would be posted informing residents of the proposed increase.

The Chair circulated an email in support of the proposal from the Ward Councillor who is also a Parish Councillor. The email informed Members that Earswick had seen an increase in recent years in the number of properties within its boundaries and that an increase in Parish Councillors would ensure the Parish Council responsibilities for the area could be better managed.

Members asked questions in relation to the likelihood of being able to elect a further two councillors. The Electoral Administrator confirmed that at the last election there had been a good response from possible candidates and could foresee no problem in electing two extra councillors.

Members were presented with the following options in relation to the electoral arrangements for the Parish of Earswick:

**Option 1**                      Members may agree to conduct a review of the electoral arrangements for the Parish of Earswick.

**Option 2**                      Members may refuse to conduct a review of the electoral arrangements for the Parish of Earswick.

RESOLVED:                      That Option One be approved and a review of the electoral arrangements be carried out for the Parish of Earswick.

REASON                              To allow consultation to take place with relevant bodies to ensure the increase in the number of parish councillors would be beneficial to the democratic process.

Action Required

1. To conduct the review of the electoral arrangements for the Parish Earswick.

I Gillies, Chair

[The meeting started at 2.00 pm and finished at 2.10 pm].



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## Licensing and Regulatory Committee

7<sup>th</sup> November 2008

Report of the Director of Neighbourhood Services

### **Request to review tinted windows condition as attached to hackney carriage and private hire vehicle licences**

#### **Summary**

1. This reports asks members to consider a request to review the licence condition which limits the degree of tint permitted for licensed hackney carriage and private hire vehicle windows in respect of low emission, environmentally friendly vehicles.

#### **Background**

2. At the meeting of this committee on 3<sup>rd</sup> November 2006 members resolved that the licence condition in respect of hackney carriage and private hire vehicles be amended to include the following:-

“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.”

3. This committee further resolved on 17<sup>th</sup> March 2008, when considering licence conditions for stretched limousines, with respect to tinted glass, no changes would be made to the standards for tinted glass in these vehicles even though it would be impracticable to do so given the nature of the vehicles. It was considered that any variation from the standards we apply to other private hire vehicles and hackney carriages would be difficult to justify as the very reasons we apply those conditions is still relevant to limousines.

4. A representation has now been made by a private hire operator for members to reconsider their policy in respect to certain classes of vehicle. His request is:-

“Vehicles which by their nature are designated as executive/luxury class and/or designated as environmentally friendly dual fuel, as listed in the relevant DVLA/VOSA publications, could be exempted from certain licensing criteria as laid out by the relevant licensing authority.”

5. This request is made on the back of his desire to license several hybrid vehicles which he will import from Japan. These vehicles come factory fitted with glass that will not meet our standard criteria. The same vehicles are also supplied in the UK

but not in the hybrid variant. These too are fitted with tinted glass which does not meet the standards. The operator has attempted to source replacement glass for the vehicles but has been unable to do so as the factory fitted standard glass is tinted. A supporting email is attached as Annex 1.

6. In considering this issue members are reminded that:-

Members of this committee on 2<sup>nd</sup> November 2007 requested officers to investigate the availability of taxi vehicles which both meet Euro 4 and Euro 5 emission standards and which also achieve low greenhouse gas emissions (e.g. carbon emissions).

7. Officers reported back on 4<sup>th</sup> July 2008 and members resolved relaxation on vehicle age limits and reduction in licence fees to incentivise the trade to licence low carbon emission vehicles.
8. Members are advised that at the moment there are very few vehicles that fit this category and are suitable for use as hackney carriage/private hire vehicles.

### **Consultation**

9. The York Taxi Association and the York Private Hire Association have been consulted on this issue. Both associations supported the introduction of the tinted glass condition and neither would wish to see any change.

### **Options**

10. Option 1 – Make no changes to the licence conditions.

Option 2 – Remove the tinted window condition for environmentally friendly vehicles as defined by the relaxation on age limits and reduction of licence fees.

Option 3 – Remove the tinted window condition for vehicles which by their nature are designated as executive/luxury class and/or designated as environmentally friendly.

Option 4 – Remove the condition on tinted windows for all licensed vehicles.

### **Analysis**

11. When members of this committee determined to make the vehicle licence condition in November 2006 officers reported the following:-

Although officers try to discourage the use of tinted glass for the reasons listed below, they have no authority to prohibit the fitting of tinted glass to licensed hackney carriage and private hire vehicles. This is giving increasing concern for the following public safety reasons:

- a. Enforcement officers cannot see that the maximum number of passengers is not being exceeded.



- b. Police cannot check if passengers are wearing a seat belt.
  - c. Activities taking place in the vehicle cannot be viewed from outside posing a risk to both passengers and the driver.
  - d. Vulnerable passengers will feel safer in a vehicle where they can be seen.
  - e. In the event of an accident the emergency services can easily check if there are passengers inside.
12. It was on these safety grounds that members resolved to apply the tinted window condition. Its application has not been without difficulty and some drivers have had additional expense (up to £1000) to have glazing changed in their vehicles. In considering this request, members will have to decide whether the weight of the safety objective outweighs that of their environmental aspirations.

### **Corporate Priorities**

13. The council has a corporate priority to reduce greenhouse gas emissions from its own activities and encourage, empower and promote others to do the same. It also seeks to encourage the use of environmentally friendly modes of transport.

### **Implications**

14. **Financial:** None

**Human Resources (HR):** None

**Equalities:** None

**Legal:** All hackney carriage and private hire vehicles licence conditions may be subject to legal challenge. In order to resist challenge all conditions must be reasonably necessary. The committee must balance the rights of businesses within their area to operate as they wish with the Council's legitimate aim of protecting the rights of the public to be protected and transported safely.

**Crime and Disorder:** Members are reminded that there is a duty under the Crime and Disorder Act 1998 to consider the crime and disorder implications of their decisions.

**Information Technology (IT):** None

**Property:** None

**Other:** None

### **Risk Management**

15. Members are advised that any decision made which is unreasonable or unlawful could be open to legal challenge resulting in loss of image, reputation and potential financial penalty.

**Recommendations**

16. Members are asked to approve Option 1 – To make no changes to the existing licence condition for hackney carriage and private hire vehicles in respect of tinted windows.

Reason: The safety considerations for the introduction of the condition is valid for all vehicles licensed by the council irrespective of engine emissions.

**Contact Details**

**Author:**

Richard Haswell  
Head of Licensing and Safety  
Neighbourhood Services

**Chief Officer Responsible for the report:**

Andy Hudson  
Assistant Director Neighbourhoods and  
Community Safety

Tel No.01904 551515

**Report  
Approved**



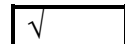
**Date**

23<sup>rd</sup> Oct 08

**Specialist Implications Officer(s)** Legal Services

**Wards Affected:**

All



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

**Background Papers:**

None

**Annexes:**

Annex 1 – Email from applicant containing supporting information.

**Subject:** FW: ENVIROMENTALLY FREINDLY VEHICLES.....TOYOTA PREVIA HYBRID

-----Original Message-----

**From:** tim brown [mailto:timthetaxi@hotmail.co.uk]

**Sent:** 05 August 2008 13:40

**To:** Haswell, Dick

**Subject:** RE: ENVIROMENTALLY FREINDLY VEHICLES.....TOYOTA PREVIA HYBRID

good morning dick,

many thanks for your speedy response to my email re the tinted window thing on the hybrids,

my problem stems from a further enquiry with various replacement window glass companies, inso far as when i went to see if they could give me an order to delivery time they were quoting up to six months!!!!!! if they could get the glass at all and when i asked why this was so i was told what toyota had told me previously that the glass may only be available in its original spec as they have not produced a previa hybrid without the tinted/privacy glass.

now my question was as follows and my reasoning was quite logical, was if they made glass for the english previas why couldnt we use replacement glass from those vehicles?

the answer i got was as follows.....the english version of the previa was only a three door and so no wind down window glass was ever made and so replacement glass is only available as per the original english spec three door ie fixed in the frame.

I replied with the new previas were a five door version, but the response was yes they were from 2007!!! and the body specification had been changed and they felt that the glass would not fit.

in conclusion i was told that the glass would more than likely have to be specially ordered from st cobain in france (the vehicle glass manufacturers) but he could not, and would not, confirm whether such an order would be accepted on account of the small number of 8 even when i told him of my dilema with the licensing division im afraid it cut no ice!.

I made more enquiries with the importers of which there are not many and they all gave me similar answers to my problem and could not understand why i would want to butcher such fabulous vehicles, and also pointed out that even if i was successful in getting replacement glass that i would be altering the vehicle away from the manufacturers specifications and as such would need to tell the insurance company of the modifications made and in addition the removal and replacement of the rear screen could affect the integrity of the vehicle in the event of an accident, and could be classed as a saftey issue giving rise to thoughts of legal implications and law suits.

i feel somewhat dissapointed in that i have effectively made a problem for myself in that i have set my goal to reduce emissions from my somewhat small company.....but thats only a temporary situation.....and set my heart on diplaying my intentions with major capital expenditure on the purchase of these new vehicles.

Whilst the people of York move more towards reducing carbon emission and recycling it seems such a shame to deny them the potential to reduce carbon monoxide emissions still further by offering enviromentally friendly vehicles for their leisure persuits based upon a standard determined with an element of mistrust disguised as a saftey issue, as there are quite literally thousands of this vehicles in circulation worlwide and the privacy glass has been fitted in them all.

I am attempting to attach pictures of what these tints look like from the inside of the vehicle

but if i cant get them on i will print photos of them for your perusal.

I also have had information, whether its true or not i dont know,that selby and harrogate are no longer persueing the standard on tinted windows as they have had too many people challenge the ruling, i would like to see perhaps a decision on based on specific vehicles and their suitability and impression that they give to visitors, for example,

VEHICLES WHICH BY THEIR NATURE ARE DESIGNATED AS EXECUTIVE/LUXURY CLASS AND/OR DESIGNATED AS ENVIROMENTALLY FRIENDLY DUEL FUEL, AS LISTED IN THE RELEVANT DVLA/VOSA PUBLICATIONS COULD BE EXEMPTED FROM CERTAIN LICENSING CRITERIA AS LAID OUT BY THE RELEVANT LICENSING AUTHORITY AND/OR COULD BE AFFORDED CERTAIN CONCESSIONS WITH REGARD TO THE FEES ETC AS DETERMINED FROM TIME TO TIME BY THE LICENSING AUTHORITY.

I am sorry to be such a nuisance over this but i have put so much time and effort into my enquiries that i feel that to not look for a solution would in itself be un-enviromentally friendly!

TIM BROWN  
TELECARS.



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**Licensing and Regulatory Committee**9<sup>th</sup> January 2009

Report of the Director of Neighbourhood Services

**Hackney Carriage Vehicle Licence Conditions****Summary**

1. This report asks members to consider a relaxation of the vehicle licence condition that requires all hackney carriages to be of the colour black. The relaxation to apply in respect of vehicles that are temporarily licensed to cover the period when the original vehicle is off the road due to accident or mechanical damage.

**Background**

2. On the 8<sup>th</sup> June 2007 this Committee approved the adoption of a standard livery for all hackney carriages. The standard colour was to be black and its introduction phased in over two years. At the time of writing this report 107 of 173 licensed hackneys are black.
3. There are inevitable instances when a licensed vehicle is off the road due to accident damage or mechanical breakdown. In the cases where this is likely to be an extended period, the owner will often put on a temporary or replacement vehicle. In the case of a temporary vehicle these can be supplied through insurance companies.
4. The adoption of a standard livery colour may, in certain situations, present problems with sourcing a temporary replacement at short notice through insurers.
5. It is proposed therefore that a temporary exemption be applied to the livery to cover emergency situations to enable the driver to keep working.
6. It is not believed that such an exemption need to apply to private hire vehicles as they can be of any colour other than black so the options are extensive.

**Consultation**

7. This matter was raised at a recent meeting with the York Taxi Association (YTA). They suggested that the major suppliers of replacement vehicles would

be able to supply a black car but to cover all situations a 6 week temporary exemption would seem appropriate.

### **Options**

8. Option 1 – Retain the current policy on standard livery with no exemption.

Option 2 – Allow for an exemption to the standard livery condition for a temporary licensed vehicle for a period of 6 weeks (as suggested by the YTA) when the original licensed vehicle is off the road for accident or mechanical repair.

Option 3 – As 2 but for an alternative period of time.

### **Analysis**

9. The rationale behind the adoption of a standard livery was to make recognition of a licensed hackney carriage easier, to differentiate them from private hire vehicles and taxis from other districts. Clearly the benefits of this will not be met if the standard is not maintained.
10. Historically the occasions when a temporary vehicle is licensed within the hackney carriage fleet are very few. However a taxi driver cannot work without a licensed vehicle, when the vehicle is off the road the driver cannot make a living.
11. Given the infrequent occasions when a temporary vehicle will be used, Officers do not consider that there would be any significant impact on benefits of the standard livery policy if, for a short period of time, a vehicle was of a different colour. This should be balanced against the personal effect on a driver who could not work for a period of weeks.

### **Corporate Priorities**

12. There is little impact on the Council's priorities resulting from this decision.

### **Implications**

13. Financial – None

Human Resources (HR) – None

Equalities – None

Legal – Any condition attached to a hackney carriage vehicle licence must be considered reasonable to be enforceable and robust to withstand legal challenge. This proposal is considered reasonable.

Crime and Disorder – None

Information Technology (IT) – None

Property – None

Other – None

### **Risk Management**

14. There are no known risks with this decision.

### **Recommendations**

15. Members are asked to approve option 2.

Option 2 – With respect to the standard hackney carriage vehicle licence conditions allow for an exemption to the standard livery condition for a temporary licensed vehicle for a period of 6 weeks when the original licensed vehicle is off the road for accident or mechanical repair.

Reason: To reduce the potential financial impact on licensed drivers when their vehicle is off the road.

### **Contact Details**

**Author:**

Richard Haswell  
Head of Licensing and Safety  
Neighbourhood Services

Tel No. 01904 551515

**Chief Officer Responsible for the report:**

Andy Hudson  
Assistant Director  
(Neighbourhoods and Community Safety)

**Report Approved**  **Date** 19<sup>th</sup> Dec 08

**Specialist Implications Officer**

Legal: Martin Blythe – Senior Assistant Solicitor

**Wards Affected:**

All

For further information please contact the author of the report

**Background Papers:**

Report of Licensing and Regulatory Committee 8<sup>th</sup> June 2007

**Annexes:**

None

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## Licensing and Regulatory Committee

9<sup>th</sup> January 2009

Report of the Director of Neighbourhood Services

### Review of issue of new Hackney Carriage Vehicle Licences

#### Summary

1. This report asks Members to consider the commissioning of an interim demand survey for hackney carriages to inform a review of the policy of issuing new vehicle licences in light of the current economic climate.

#### Background

2. At the meeting of this committee on the 21<sup>st</sup> May 2008 Members approved a policy of issuing 15 new hackney carriage vehicle licences from 1<sup>st</sup> July 2008, then, after a period of 12 months, releasing a further 2 vehicle licences every 6 months subject to review after 3 years.
3. The 15 new vehicle licences have been issued and the vehicles are trading in the city. Since that decision the economic situation has worsened. A request has now been received from the York Taxi Association (YTA) that the Council suspends the implementation of this policy, letter attached as Annex 1.

#### Consultation

4. This issue has been discussed with the YTA and has prompted their written request.

#### Options

5. Option 1 – Suspend the current policy for a set period of time.

Option 2 – Suspend the current policy indefinitely.

Option 3 – Conduct an interim survey of unmet demand and undertake a full consultation with those currently on the waiting list prior to making a decision.

#### Analysis

6. As a licensing authority we have a responsibility to ensure our policies provide for a taxi service that meets the needs of our community now and in the future.

Our existing policy was designed to deliver that requirement. There can be no dispute, however, that the economic climate has changed since the current policy was introduced which will likely have impacted on taxi usage.

7. In making any decision Members are reminded that the YTA is made up of those already in the trade and excludes those who aspire to enter it. Those on the waiting list will have expectations of being granted a licence in the future. As people on the list were notified of their respective positions when the 15 new vehicle licences were issued, those at the top will no doubt have calculated when they would receive their vehicle licences under the current policy.
8. Halcrow, the consultants who conducted the previous unmet demand survey, have quoted £3720 + VAT for an 80 hour survey and report to compare the current situation with that of when the policy was made. Any costs of a survey will be met out of the taxi licensing account which is funded by licence fees.

### **Corporate Priorities**

9. An efficient, high quality, accessible taxi service will reduce the dependence on the private car for short journeys in and around the city contributing to making York a sustainable city.
10. Taxis also remain the key transport out of the city late at night. The safe transportation out of the city of those enjoying the late night economy contributes significantly to the reduction of crime, disorder and anti social behaviour making York a safer city.

### **Implications**

11. Financial – None

Human Resources (HR) – None

Equalities – None

Legal (Contact – Head of Legal and Democratic Services)

Crime and Disorder – None

Information Technology (IT) – None

Property – None

Other – None

### **Risk Management**

12. There are no risks associated with this report.

## Recommendations

13. Members are asked to approve Option 3.

Reason: This will enable members to have an objective assessment of demand in the taxi market and enable the views of those who wish to enter the trade to be heard.

## Contact Details

### Author:

Richard Haswell  
Head of Licensing and Safety  
Neighbourhood Services  
01904 551515

### Chief Officer Responsible for the report:

Andy Hudson  
Assistant Director  
Neighbourhoods and Community Safety

Report Approved  Date 19<sup>th</sup> Dec 08

Wards Affected:

All

For further information please contact the author of the report

### Background Papers:

Report of Licensing and Regulatory Committee 21<sup>st</sup> May 2008

### Annexes:

Copy of letter from the York Taxi Association

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