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MEETING	LICENSING & REGULATORY COMMITTEE
DATE	3 JULY 2009
PRESENT	COUNCILLORS FIRTH, GILLIES (CHAIR), HORTON, MOORE (VICE-CHAIR) AND B WATSON (SUBSTITUTE)
APOLOGIES	COUNCILLOR LOOKER

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## 1. **DECLARATIONS OF INTEREST**

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

Councillor Gillies declared a personal non prejudicial interest as he used to be the owner of a Hackney plate.

Councillor Moore declared a personal and prejudicial interest in agenda item 4 as he was on the Environment Appeal Panel which referred the matter of tinted windows to this Committee.

## 2. **MINUTES**

RESOLVED: That the minutes of the meeting held on 1 May 2009 be approved and signed as a correct record by the Chair.

## 3. **PUBLIC PARTICIPATION**

It was reported that there had been no registrations to speak under the Council's Public Participation Scheme, on general issues within the remit of the Committee.

## 4. **REVIEW OF HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE LICENCE CONDITION IN RESPECT OF TINTED WINDOWS.**

Members considered a report which followed a referral from the Environment Appeals Panel to reassess the hackney carriage and private hire vehicle licence condition in respect of tinted windows.

2 Members of the Public had registered to speak on this item:

Bill Brolly, Secretary of the Independent Taxi Association stated that a certain level of tinted glass can be beneficial to customers to protect them from the sun but felt the condition needed revising.

Mr. Kerr, Secretary of the Private Hire Association advised that the feeling now within the trade is that the tinted glass ruling does not work and needs to be removed or radically altered. He stated that following his own enquiries, he found that local salesmen are not knowledgeable about levels of tint and drivers purchase vehicles not knowing whether the glass will pass the transmittance test. Manufacturers do not advise on what the levels of window tint are on new vehicles. Vauxhall advised him that it would cost £2800 to alter one of their vehicles to non privacy glass and that Vauxhall vehicles now have some level of window tint as standard.

In November 2006 the Licensing and Regulatory Committee approved a new condition which required licensed vehicles to be fitted with windscreen glass that has a light transmittance of 75% and all other glass to have a transmittance of not less than 70%. Prior to the condition being approved, the York Taxi Association and the York private Hire association were consulted and both were in agreement with the proposals. All hackney proprietors were then notified of the change of conditions. Despite the notification there has been some difficulty in applying the condition, and vehicles were being brought to test with over tinted glazing. It was agreed internally and with the trade, following a discussion document, that vehicles with non compliant glass could continue to operate but from that time the policy would be rigidly applied. On 20<sup>th</sup> April the Environment Appeals panel heard an appeal from a proprietor regarding officers decision to replace a rear windscreen with 43% transmittance. His appeal was upheld on the basis that the visibility through the rear screen would be no better if glass of 70% transmittance were fitted due to the vehicles construction. In light of the appeal and the fact that vehicles are being fitted as standard with tinted glass, the Environment Appeals Panel requested that the matter be brought back to the Licensing and Regulatory Committee for review.

Members queried whether other authorities' drivers are experiencing difficulties with sourcing suitable vehicles and glass. Officers replied that there are no figures available but in London and Manchester the vehicles are purpose built.

Following debate, members felt that a relaxation of the condition would be acceptable providing that the relaxation applies only to the rear windows of estate vehicles where tinted glass is being issued as standard by manufacturers.

RESOLVED:

- (i) All licensed vehicles shall be fitted with windscreen glass that has a light transmittance of 75%, and
- (ii) All other window glass shall have a light transmittance of not less than 70% EXCEPT those parts of the rear window or any side windows adjacent to the luggage space in any estate-type vehicle which can be of any manufacturers 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.
- (iv) Neither i), ii) or iii) above shall apply to tinted glass fitted by the manufacturer in respect of vehicles currently licensed by the Council.

REASON: To provide for the safety of passengers and the driver and to enable effective enforcement of taxi licence conditions.

## 5. EXTERNAL ADVERTISING ON HACKNEY CARRIAGE VEHICLES

Members considered a report which asked them to consider the future policy concerning external advertising on hackney carriages. The report follows a successful appeal against the implementation of a single livery for hackney carriages.

It was reported that there was a member of the public registered to speak on this item:

Mr. Brolly, the Secretary of the Independent Taxi Association stated that hackney carriage drivers who already have extensive advertising on their vehicles would like to let the advertising contracts run before having to make any changes to their vehicles.

The current vehicle licence conditions state that no advertising shall be allowed without the consent of the council. This condition would have been replaced by the adoption of a standard black livery. However, following a successful appeal against the implementation of a single livery, the policy on external advertising needs to be reviewed. The only requirement is for vehicles to display the city crest decal on the front door panels.

Officers advised members that whatever decision they reached would affect any future advertising on vehicles, but any vehicles with advertising already in place would be permitted to see their advertising contracts through to the end.

Certain members commented that from an aesthetic point of view, it would be better that vehicles had no advertising at all as it is important what York's hackney carriages look like, however, overall members were happy to support the recommendation and chose option 2.

RESOLVED: That **Option 2** be approved and that advertising for hackney carriages be restricted in the same way as for private hire vehicles ie no advertising the entire side of the vehicle but permitted on the front and rear.

REASON: To ensure that full prominence is given to to the coat of arms decal which aids identification of the vehicle as a City of York licensed hackney carriage.

**6. ANY OTHER BUSINESS WHICH THE CHAIR DECIDES IS URGENT UNDER THE LOCAL GOVERNMENT ACT 1972.**

Further to an Environment Appeal on 2 July, the Chair felt that the rest of the Committee should be made aware of the Driver Standards Agency (DSA) test for Taxi Drivers. This had been discussed at the appeal in some depth and it was apparent that it was an issue which Members required further information on.

The Licensing Manager advised that currently, other than passing a normal driving test there are no requirements for taxi drivers to pass any further tests. In 1999 Leeds Council piloted a test for new Taxi Drivers which includes specific elements of the conveyance of passengers and provides training in assisting disabled passengers. It is also designed to raise the standard of driving in potential Taxi Drivers.

Currently, 73 Councils have adopted the test and the DSA frequently asks if City of York Council would be interested in adopting the test.

RESOLVED: That the Licensing Manager brings a report concerning the test to the Licensing and Regulatory Committee.

REASON: To inform Members fully about the DSA test for Taxi Drivers.

Action Required

1. Officers to prepare a report for the Committee on DSA taxi drivers test. DH

Councillor Gillies, Chair

[The meeting started at 2.00 pm and finished at 3.00 pm].