



## Notice of a public meeting of

### **Gambling, Licensing & Regulatory Committee**

- To:** Councillors Boyce (Chair), Doughty, Gillies (Vice-Chair), Gunnell, Horton, Jeffries, King, Looker, McIlveen, Orrell, Reid, Richardson, Semlyen, Taylor and Watt
- Date:** Tuesday, 14 May 2013
- Time:** 4.30 pm
- Venue:** Craven Room, West Offices, Station Rise, York

### **AGENDA**

#### **1. Declarations of Interest**

At this point in the meeting, Members are asked to declare:

- any personal interests not included on the Register of Interests
- any prejudicial interests or
- any disclosable pecuniary interests

which they may have in respect of business on this agenda.

#### **2. Minutes**

(Pages 3 - 6)

To approve and sign the minutes of the last meeting of the Committee held on 11 February 2013.

#### **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 **5:00 pm on Monday 13 May 2013.**

**4. Hackney Carriage and Private Hire Vehicle Licence Conditions (Pages 7 - 20)**

This report asks Members to consider revising existing conditions with regards to seating capacity, for both hackney carriage and private hire vehicle licences.

**5. Wheelchair Accessible Hackney Carriage Vehicles (Pages 21 - 24)**

This report asks Members to consider revising an existing policy with regards to wheelchair accessible hackney carriage vehicles.

**6. Any other business which the Chair considers urgent under the Local Government Act 1972**

Democracy Officer:

Name: Laura Bootland

Contact Details:

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- E-mail – [laura.bootland@york.gov.uk](mailto:laura.bootland@york.gov.uk)

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

Contact details are set out above.

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- ensure that what you want to say speak relates to an item of business on the agenda or an issue which the committee has power to consider (speak to the Democracy Officer for advice on this);
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### **Scrutiny Committees**

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

- Monitor the performance and effectiveness of services;
- 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	GAMBLING, LICENSING & REGULATORY COMMITTEE
DATE	11 FEBRUARY 2013
PRESENT	COUNCILLORS BOYCE (CHAIR), DOUGHTY, GILLIES (VICE-CHAIR), HORTON, KING, LOOKER, MCILVEEN, ORRELL, REID, RICHARDSON, TAYLOR AND WATT
APOLOGIES	COUNCILLORS GUNNELL, JEFFRIES AND SEMLYEN

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**11. DECLARATIONS OF INTEREST**

At this point in the meeting, Members are asked to declare any personal, prejudicial or pecuniary interests they may have in the business on the agenda. None were declared.

**12. MINUTES**

RESOLVED: That the minutes of the last meeting held on 19<sup>th</sup> November 2012 be approved and signed by the Chair as a correct record, subject to the following amendment:

That the Chairs thanks to Members participating in Licensing Hearings be moved to the end of the minutes.

**13. PUBLIC PARTICIPATION**

It was reported that there had been no registrations to speak under the Councils Public Participation Scheme.

There was one registered speaker for agenda item 4, Mr. Crake. He spoke to advise that he had put in a request to the Taxi Licensing department for the Council to allow its taxis to use digital advertising. He stated that several Local Authorities had now approved use of digital advertising and he circulated details the 'Cabcast' system which is used to facilitate advertising

inside licensed vehicles by way of an adjustable universal fitting which will work in all vehicles.

**14. ADVERTISING ON AND IN HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES - DIGITAL MEDIA.**

Members considered a report which asked them to consider revising the taxi licensing conditions in regard to advertising on and in hackney carriage and private hire vehicles.

The Licensing Manager advised that she had received a request for digital media to be used in taxis but no conditions were currently in place to deal with this. The councils existing conditions relating to taxi advertising were attached at annex 1 of the report, and Members attention was drawn to the suggested conditions attached at annex 2 relating to digital media technology.

Members queried a number of points with the registered speaker relating to the operation of the Cabcast system that he had spoke about. In particular they sought assurances that vehicle and road safety would not compromised by the installation of the equipment and that inappropriate advertising would not be shown via the system.

A Member raised concerns relating to the development of technology and suggested that it would be useful to require a condition which asks for all systems to be approved by the Council prior to installation into a vehicle.

Members also asked that the driver be able to have the master control and the ability to switch off any advertising.

- RESOLVED:
- (i) That Option 1 be approved and that digital advertising should be available for York's licensed vehicles subject to the conditions already in place as outlined at Annex 1 and the additional conditions in Annex 2.
  - (ii) That the additional safeguards suggested by Members as outlined above be added to the conditions relating to digital media.<sup>1</sup>

REASON: To enable York's Licensed Vehicles to use technology that is available.

Action Required

1. Amend suggested digital media conditions to reflect Members comments. LC

**15. ADVERTISING ON AND IN HACKNEY AND PRIVATE HIRE VEHICLES - REAR WINDOW STICKERS.**

Members considered a report which asked them to consider revising the conditions relating to advertising on and in hackney carriage and private hire vehicles, specifically in relation to rear window stickers.

The Licensing Manager outlined the report and advised that currently taxis are allowed advertising on the bodywork of the vehicle, internally and in the rear window.

The wording of the condition relating specifically to rear window stickers is vague and officers have been using their discretion as to whether the size of an advertising sticker is appropriate so as not to obscure the driver's visibility out of the rear window and responsible authorities ability to see into the vehicle.

Officers asked that either any reference to rear stickers be removed from the conditions and replaced with a condition to state that no advertising is permitted or the current condition be reworded to clearly indicate the size of the advertising sticker and the location on the window where it can be displayed.

Following discussion, Members agreed that it was not unreasonable for licensed vehicles to have a small sticker and agreed that the condition relating to windows stickers be reworded.

RESOLVED: That Members approved Option 1 and instructed officers to reword the condition relating to advertising in the rear windows of licensed vehicles.<sup>2</sup>

REASON: To make the requirements for advertising in the rear window easier for both the trade and officers to

understand/enforce and ensure consistency across the taxi fleet.

Action Required

2. Amend taxi licensing conditions to include reworded condition relating to rear window stickers.

LC

Councillor Boyce, Chair

[The meeting started at 4.00 pm and finished at 4.30 pm].





## Gambling, Licensing & Regulatory Committee 14 May 2013

Report from the Assistant Director – Housing and Community Safety

### Hackney Carriage and Private Hire Vehicle Licence Conditions

#### Summary

1. This report asks Members to consider revising existing conditions with regards to seating capacity, for both hackney carriage and private hire vehicle licences.

#### Background

2. The Taxi Licensing Section are experiencing issues in relation to vehicles complying with the conditions relating to seating capacity / internal space as there are an increasing number of seating positions available in newer vehicles, especially in relation to front seats.
3. The Section are also receiving an increase in requests from vehicle licence proprietors to change their licensed vehicle to a larger multi seater vehicle (vehicles that carry 5 or more passengers), vehicles that are licensed to carry 6 passengers usually provide a third row of seats. At this time vehicle licence conditions are not in place in relation to this type of vehicle. The council currently licence 183 hackney carriage vehicles and 562 private hire vehicles, the following number of vehicles carry 5 or more passengers: -

Number of passengers	Hackney Carriage Vehicles	Private Hire Vehicles
5	5	2
6	8	67
7	28	16
8	7	70

4. The third row of seats within multi seater vehicles are usually positioned within the boot area.
5. The council currently has the following conditions in place in relation to seating / internal capacity:
  - 1) The seating capacity of a licensed vehicle shall be determined as follows:-
    - a) where separate seats for each person are provided, one person shall be counted for each separate seat provided.
    - b) where the vehicle is fitted with continuous seats, one person shall be counted for each completed length of 400mm measured in a straight line lengthwise over the centre of the seat. The centre of the seat shall be determined as half the distance from the forward most point of the front edge of the seat to the rear edge of the seat. Where the seat is fitted with arms for the purpose of separating the seating spaces and such arms are so constructed that they can be folded back or otherwise put out of use, such seat shall be measured as if it were not fitted with such arms.
    - c) All licensed vehicles shall comply with the following minimum standards of internal space:-
      - i) the distance from the rear seat-back to the rearmost part of the seat in front of that seat or other partition shall not be less than 610mm.
      - ii) the distance from the foremost front edge of the rear seat to the rearmost part of the seat in front of that seat or other partition shall not be less than 200mm for the purpose of carrying passengers.
6. A full copy of vehicle licence conditions for both Hackney Carriage and Private Hire can be found at Annex 1 and 2.
7. Officers wish to amend these conditions and add additional conditions in relation to vehicles with a third row of seats, as follows:

1) The seating capacity of a licensed vehicle shall be determined as follows:-

- a) where separate seats for each person are provided, one person shall be counted for each separate seat provided.
- b) where the vehicle is fitted with continuous seats, one person shall be counted for each completed length of 400mm measured in a straight line lengthwise over the centre of the seat. The centre of the seat shall be determined as half the distance from the forward most point of the front edge of the seat to the rear edge of the seat. Where the seat is fitted with arms for the purpose of separating the seating spaces and such arms are so constructed that they can be folded back or otherwise put out of use, such seat shall be measured as if it were not fitted with such arms.
- c) All vehicles licensed shall comply with the following minimum standards of internal space:-
  - i) the distance from the rear seat-back to the rearmost part of the seat in front of that seat or other partition shall not be less than 610mm, when the seat in front is in its rearmost position.
  - ii) the distance from the top of the seat cushions (without compression) to the lowest part of the roof must be not less than 960mm (measurement taken from the rear of the seat cushion).

2) Vehicles with a third row of seats:-

- a) All vehicles with a third row of seats must also comply with the following standards of internal space: -
  - i) the distance from the seat-back of the third row of seats to the rearmost part of the seat in front shall be not less than 610mm, when the seat in front is in its rearmost position.

- ii) the distance from the top of seat cushions (without compression) to the lowest part of the roof must be not less than 960mm (measurement taken from the rear of the seat cushion).
  
- b) Where there is no door adjacent to a row of seats, no passenger must have to pass through a gap of less than 280mm at the narrowest point in order to exit the vehicle via the rear side door.
  
- c) The middle row of seats must have at least one seat capable of adequately tilting to provide a safe exit route for passenger and meet the necessary exit dimension of 280mm, at the narrowest points, at the exit door.
  
- d) All vehicles with a row of passenger seats without adjacent side doors must provide:-
  - i. means of operation signs, which must provide clear instructions to operate the tilting mechanism, with letters of no less than 25mm in height.
  
  - ii. adequate lighting that illuminates the sign, catches and levers to operate the tilting mechanism.
  
  - iii. signs, catches and levers that are clearly visible.

## **Consultation**

- 8. A formal consultation has not taken place regarding this proposal. This report has been circulated to all Hackney Carriage and Private Hire Associations.

## **Options**

- 9. Option 1 – agree with officers' recommendations and instruct officers to implement the new licence conditions with effect from:
  - 1 June 2013 for Hackney Carriage Vehicle Licences,

- 1 November 2013 for existing Private Hire Vehicle Licences, however consideration must be given to existing licence holders who may request a change of vehicle prior to this date, and
- 1 June 2013 for any new Private Hire Vehicle Licences.
- These conditions will not apply to vehicles currently licenced by the authority.

10. Option 2 – instruct officers' to take no action.

### **Analysis**

11. Option 1 – due to manufacturers regularly changing seating / internal space capacity in vehicles, these amended conditions will assist officers in making sure that licensed vehicles provide adequate seating / internal space to carry customers comfortably and safely.

12. Option 2 – there will be no changes to the current conditions.

### **Council Priorities**

13. The provision of hackney carriage and private hire licensing supports the council priority of 'Get York Moving'.

### **Implications**

14.

(a) **Financial**

There are no financial implications.

(b) **Human Resources (HR)**

There are no HR implications.

(c) **Equalities**

There are no equalities implications.

(d) **Legal**

There are no legal implications.

(e) **Crime and Disorder**

There are no crime and disorder implications.

**(f) Information Technology (IT)**

There are no IT implications.

**(g) Property**

There are no property implications.

**(h) Other**

There are no other implications.

**Risk Management**

15. There are no known risks associated with this report.

**Recommendations**

16. That Members approve Option 1 of this report.

Reason: This option will assist officers in making sure that licensed vehicles provide adequate seating / internal space capacity to carry customers comfortably and safely.

**Contact Details**

<b>Author:</b>	<b>Chief Officer Responsible for the report:</b>		
Lesley Cooke Licensing Manager 01904 551515	Steve Waddington Assistant Director – Housing and Community Safety		
	<b>Report Approved</b>	√	<b>Date</b> 29/04/13
<b>Specialist Implications Officer(s)</b> Head of Legal Services Ext: 1004			
<b>Wards Affected:</b>		<b>All</b>	√
<b>For further information please contact the author of the report</b>			

**Annexes**

- Annex 1 - Hackney Carriage Vehicle Licence Conditions  
Annex 2 - Private Hire Vehicle Licence Conditions



## **HACKNEY CARRIAGE VEHICLE LICENCE CONDITIONS**

- 1) The licensed vehicle may display an internal sign visible from outside the vehicle indicating the name and telephone number of any Company to which the vehicle is affiliated, in a form approved by the Council.
- 2) The licensed vehicle shall not display any other signs or notices except those detailed above or approved by the Council.
- 3) The seating capacity of a licensed vehicle shall be determined as follows:-
  - a) where separate seats for each person are provided, one person shall be counted for each separate seat provided.
  - b) where the vehicle is fitted with continuous seats, one person shall be counted for each completed length of 400mm measured in a straight line lengthwise over the centre of the seat. The centre of the seat shall be determined as half the distance from the forward most point of the front edge of the seat to the rear edge of the seat. Where the seat is fitted with arms for the purpose of separating the seating spaces and such arms are so constructed that they can be folded back or otherwise put out of use, such seat shall be measured as if it were not fitted with such arms.
  - c) All licensed vehicles shall comply with the following minimum standards of internal space:-
    - i) the distance from the rear seat-back to the rearmost part of the seat in front of that seat or other partition shall not be less than 610mm.
    - ii) the distance from the foremost front edge of the rear seat to the rearmost part of the seat in front of that seat or other partition shall not be less than 200mm for the purpose of carrying passengers.
- 4) The licensed vehicle must be of a suitable type and be in good condition which should meet with the approval of the Taxi Licensing Officer and vehicle examiner. The vehicle must be maintained in such a condition as would satisfy the current M.O.T. vehicle safety and exhaust emission standards as prescribed by the Department for Transport.
- 5) The licensed vehicle shall not be a licensed Hackney Carriage or Private Hire vehicle of any other Council.

- 6) No taximeter shall be used unless it has first been tested and approved by the Council.
- 7) The licensed proprietor shall immediately notify the Council of the name and address of any other proprietor or person concerned in the keeping, employing or letting for hire of the licensed vehicle.
- 8) Upon a change of proprietor, the Council shall be notified within 14 days of such change by the licensed proprietor (which expression includes both Companies and Partnerships).
- 9) The Council's Taxi Licensing Officer shall be notified within 72 hours of the following: -
  - a) any accident or incident affecting the safety, performance or appearance of the licensed vehicle or the comfort or convenience of passengers.
  - b) any alteration in the design or construction of the vehicle which may affect its general condition or suitability for use as a Hackney Carriage
- 10) The licensed proprietor of a Hackney Carriage shall permit the inspection of all documents relating to the licensed vehicle at all reasonable times and by prior arrangement by the Officers of the Council.
- 11) Only one two way radio may be operational at any one time and this shall be an approved radio used exclusively for the Hackney Carriage or Private Hire trade and properly licensed. The radio should be securely fixed to the vehicle.
- 12) Licensed vehicles exceeding five years old on the day of licensing (calculated from the date of first registration), will be subject to two vehicle inspections in any 12 month period. One inspection shall be the initial grant or annual inspection conducted by the Council, the second inspection will take place approximately six months from the date of the initial grant or annual inspection at a date determined by the Council and can be completed by:-
  - a) presenting the vehicle for inspection by the Council's vehicle examiner within a time scale determined by the Councilor
  - b) successfully completing a M.O.T. test within a time scale determined by the Council
- 13) Licensed vehicles must display a sign or signs in a prominent position visible to all passengers reminding them of their legal requirement to wear a seatbelt.



- 14) a) All Hackney Carriage Vehicle Licences currently issued with an accessible taxi condition (No's. 121 to 140 inclusive) are subject to the following condition:-

"This licence is only valid for vehicles which satisfy the City of York Council definition of wheelchair accessible vehicles".

- b) All Hackney Carriage Vehicle Licences from number 159 onwards are subject to the following condition:-

"This licence is only valid for wheelchair accessible vehicles. Such vehicles must have wheelchair access from the nearside of the vehicle, i.e. be side loading".

- 15) Every vehicle shall display a licence plate, supplied by the Council, externally on the rear of the vehicle. The licence plate issued by the Council should be securely fixed to the rear of the vehicle so that it is clearly visible. The licence plate will remain the property of the Council and must be returned to the Council immediately upon a change of vehicle or when requested upon the suspension, revocation or expiry of a vehicle licence.

A "temporary" plate shall be affixed to the inside of the rear window so not to obscure the visibility of the driver.

- 16) Licensed vehicles must display a sign, supplied by the Council, inside the vehicle in a visible position to passengers, displaying the Council's details and the plate number of the vehicle. The sign will remain the property of the Council and must be returned to the Council when requested upon the suspension, revocation or expiry of a vehicle licence.

- 17) Seat belts must be available for each passenger that the vehicle is licensed to carry. Exemption will be granted where the proprietor can prove to the satisfaction of the Taxi Licensing Officer that it is technically impossible to provide a seat belt to comply with type approval.

- 18) The roof sign of the licensed vehicle shall be connected to the taximeter so that:

- (i) when the taximeter is recording a fare the roof sign shall not be illuminated, and
- (ii) when the taximeter is switched on but is not recording a fare the roof sign shall be illuminated, and
- (iii) when the taximeter is switched off (i.e. when the licensed vehicle is not plying for hire) the roof sign shall not be illuminated.

- 19) The licensed vehicle shall have a minimum engine capacity of 1250cc except for vehicles fitted with an engine rated with a Euro 4 (or better ) emission standard.
- 20)
  - 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 manufacturer's 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 to vehicles currently licensed by this Council.
- 21) The licensed vehicle will be supplied with the official coat of arms decal which must be displayed at all times on each front door panel.
- 22) The licensed vehicle shall have a luggage space, separate from the passenger compartment, which is capable of holding, at a minimum, two suitcases (a large one measuring 720mm x 460mm x 280mm and a medium one measuring 660mm x 430mm x 280mm) and a folded wheelchair (not at the same time). This condition shall not apply to vehicles already licensed by the Council.
- 23) The licensed vehicle shall not be equipped with any CCTV system unless approved by the Council.
- 24) Where the licensed vehicle is so constructed or adapted as to be a wheelchair accessible vehicle it shall only be driven by a licensed driver who has:
  - a) Completed and passed the Driving Standards Agency wheelchair exercise or equivalent, and
  - b) Completed and passed the City of York Council Disability Awareness Training Course (Taxi) or equivalent.



## PRIVATE HIRE VEHICLE LICENCE CONDITIONS

- 1) The licensed vehicle shall display the following signs: -
  - a) The licence plates issued by the Council, which should be securely fixed to the front and rear of the vehicle so that they are clearly visible. The licence plates will remain the property of the Council and must be returned to the Council immediately upon a change of vehicle or when requested upon the suspension, revocation or expiry of a vehicle licence. Temporary plates shall be affixed to the inside of the front screen and rear window providing they do not obscure the visibility of the driver.
  - b) A sign on the rear passenger doors including the name and telephone number of the firm and the words "PRIVATE HIRE VEHICLE - PRE BOOKED ONLY" in suitable lettering 50mm high. The approval of the Council should be sought before the display of the sign. The sign must **not** include the words "FOR HIRE", "TAXI", or "HACKNEY CARRIAGE".
  - c) A statement of fares and the means by which these are calculated placed in a prominent position inside the vehicle.
- 2) The licensed vehicle shall not display any other signs or notices except those detailed above or approved by the Council.
- 3) Every licensed proprietor shall: -
  - a) provide means by which any passenger in the vehicle may communicate or talk with the driver
  - b) keep the roof or covering watertight
  - c) maintain the seats in a clean, secure and well maintained condition, properly cushioned and covered
  - d) cover the floor with a proper carpet, mats or other suitable covering and maintain in a clean and sound condition
  - e) keep the furniture and fittings in a clean and fit condition and maintain all interior door coverings and head linings in a clean and sound condition
  - f) provide a fire extinguisher to comply with current standards

g) maintain in an operable condition all doors, hinges, handles, locks and windows

4) The licensed vehicle shall: -

a) be provided with at least two doors for the use of passengers conveyed in the vehicle together with a door for the driver (excluding tailgate)

b) be provided with any necessary windows and means of opening or closing not less than one window on either side

c) be fitted with effective means of heating and ventilation

d) be kept at all times in a good mechanical condition

e) comply with the requirements of any statute or of any vehicle test which the Council shall enforce

f) have a cubic capacity of not less than 1250 c.c. (engine) except for vehicles fitted with an engine rated with a Euro IV (or better) emission standard

g) not be fitted with bull bars or any other device on the front of the vehicle intended to supplement the resistance to impact offered by the vehicles standard bumper

5) The seating capacity of a licensed vehicle shall be determined as follows:-

a) where separate seats for each person are provided, one person shall be counted for each separate seat provided.

b) where the vehicle is fitted with continuous seats, one person shall be counted for each completed length of 400mm measured in a straight line lengthwise over the centre of the seat. The centre of the seat shall be determined as half the distance from the forward most point of the front edge of the seat to the rear edge of the seat. Where the seat is fitted with arms for the purpose of separating the seating spaces and such arms are so constructed that they can be folded back or otherwise put out of use, such seat shall be measured as if it were not fitted with such arms.

c) All vehicles licensed shall comply with the following minimum standards of internal space:-

i) the distance from the rear seat-back to the rearmost part of the seat in front of that seat or other partition shall not be less than 610mm

- ii) the distance from the foremost front edge of the rear seat to the rearmost part of the seat in front of that seat or other partition shall not be less than 200mm for the purpose of carrying passengers
- 6) The licensed vehicle must be of a suitable type and be in good condition. The vehicle must be maintained in such a condition as would satisfy the current M.O.T. vehicle safety and exhaust emission standards as prescribed by the Department for Transport.
- 7) The licensed vehicle shall not be a licensed Hackney Carriage or Private Hire Vehicle of any other Council.
- 8) If the licensed vehicle is fitted with a taximeter, the Council's Byelaws will apply, in particular: -
- a) the taximeter shall be so placed that all letters and figures on the face thereof are at all times plainly visible to any person being conveyed in the vehicle and for that purpose the letters and figures shall be capable of being suitably illuminated during the period of hiring
- b) The operator, owner or driver of a private hire vehicle shall not tamper or permit any person to tamper with the taximeter fitted to the vehicle, with the fittings thereof or with the seals affixed thereto, provided this shall not prevent the taximeter being removed from the vehicle to a place of safety when the private hire vehicle is not in use.
- c) Unless the hirer wishes to engage by time, the taximeter shall be activated at the commencement of hiring and shut down immediately on completion of the hiring but the amount of fare recorded shall remain displayed to allow the hirer a reasonable opportunity to examine it.
- 9) No taximeter shall be used unless it has first been tested and approved by the Council. Arrangements must be made with the Council to re-test the taximeter upon a change in the scale of fares.
- 10) The licensed proprietor shall immediately notify the Council of the name and address of any other proprietor or person concerned in the keeping, employing or letting for hire of the licensed vehicle.
- 11) Upon a change of proprietor, the Council shall be notified within 14 days of such change by the licensed proprietor (which expression includes both Companies and Partnerships).
- 12) The Council's Taxi Licensing Officer shall be notified within 72 hours of the following:-

a) any accident or incident affecting the safety, performance or appearance of the licensed vehicle or the comfort or convenience of passengers

b) any alteration in the design or construction of the vehicle

13) The licensed proprietor of a Private Hire Vehicle shall permit the inspection of all documents relating to the licensed vehicle at all reasonable times and by prior arrangement by the Officers of the Council.

14) Only one two way radio may be operational at any one time and this shall be an approved radio used exclusively for the Hackney Carriage or Private Hire trade and properly licensed. The radio shall be securely fixed to the vehicle.

15) Licensed vehicles exceeding five years old on the day of licensing (calculated from the date of first registration), will be subject to two vehicle inspections in any 12 month period. One inspection shall be the initial grant or annual inspection conducted by the Council, the second inspection will take place approximately six months from the date of the initial grant or annual inspection at a date determined by the Council and can be completed by:-

a) presenting the vehicle for inspection by the Council's vehicle examiner within a time scale determined by the Council

or

b) successfully completing a M.O.T. test within a time scale determined by the Council

16) Seatbelts must be available for each passenger that the vehicle is licensed to carry. Exemption will be granted where the proprietor can prove to the satisfaction of the Taxi Licensing Officer that it is technically impossible to provide a seat belt to comply with type approval.

17) Licensed vehicles must display a sign or signs in a prominent position visible to all passengers (whether seated in the front or rear seats of the vehicle) reminding them of their legal requirement to wear a seatbelt.

18) Licensed vehicles must display a sign supplied by the Council inside the vehicle in a visible position to passengers, displaying the Council's details and the plate number of the vehicle. The sign will remain the property of the Council and must be returned to the Council when requested upon the suspension, revocation or expiry of a vehicle licence.

19) 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 manufacturer's 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 to vehicles currently licensed by this Council.

20) Every licensed proprietor shall provide means of carrying and securing luggage and in the case of any vehicle without a secure boot so as not to exceed the height of the rear seat.

21) The licensed vehicle shall have a luggage space, separate from the passenger compartment, which is capable of holding, at a minimum, two suitcases (a large one measuring 720mm x 460mm x 280mm and a medium one measuring 660mm x 430mm x 280mm) and a folded wheelchair (not at the same time). This condition shall not apply to vehicles already licensed by the Council.

22) The licensed vehicle shall not be equipped with any CCTV system unless approved by the Council.

23) Where the licensed vehicle is so constructed or adapted as to be a wheelchair accessible vehicle it shall only be driven by a licensed driver who has:

a) completed and passed the Driving Standards Agency wheelchair exercise or equivalent, and

b) completed and passed the City of York Council Disability Awareness Training Course (Taxi) or equivalent.

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## **Gambling, Licensing & Regulatory Committee** 14 May 2013

Report from the Assistant Director – Housing and Community Safety

### **Wheelchair Accessible Hackney Carriage Vehicles**

#### **Summary**

1. This report asks Members to consider revising an existing policy with regards to wheelchair accessible hackney carriage vehicles.

#### **Background**

2. The council currently has the following policy/vehicle licence condition in place:
  - 14)b) All hackney carriage vehicles licences from number 159 onwards are subject to the following condition:-
    - 'This licence is only valid for wheelchair accessible vehicles. Such vehicles must have wheelchair access from the nearside of the vehicle, i.e. be side loading”.
3. This condition was introduced by the Licensing and Regulatory Committee in November 2007. There is no reasoning within the report brought before the committee to explain why vehicles should be restricted to side loading only.
4. The council currently licences 183 hackney carriage vehicles, 138 licensed vehicles have no restrictions on type of vehicle, 20 licensed vehicles must be wheelchair accessible, no restriction on rear or side loading and 25 licensed vehicles must be side loading wheelchair accessible.
5. Officers have received a request from the Independent Taxi Associations to remove the requirement that vehicles licensed from number 159 onwards must be side loading wheelchair accessible vehicles. They have requested that the policy/condition should be the same as for vehicles licensed from number 121 to 140 inclusive, which is states:-

- This licence is only valid for vehicles which satisfy the City of York Council definition of wheelchair accessible vehicles.
6. This would allow vehicle licensed from 121 to 140 (inclusive) and 159 onwards to be side or rear loading wheelchair accessible vehicles.
  7. The reasons that the trade have made this request are as follows:
    - a) It is easier to load wheelchairs into rear loading vehicles;
    - b) It is easier to safely restrain passengers in rear loading vehicles;
    - c) It is easier to safely lock wheelchairs into place in rear loading vehicles;
    - d) Rear loading vehicles can carry a larger variety of wheelchairs, for example larger electric wheelchairs and some mobility scooters;
    - e) Wheelchair passengers can face forward when travelling;
    - f) The cost of purchasing a rear loading vehicle can be approximately 50% cheaper than a side loading vehicle.
    - g) Rear loading vehicles are used by the private hire trade and there are no disadvantages.

### **Consultation**

8. A formal consultation has not taken place regarding this proposal. The Independent Taxi Associations have requested this change to policy/condition. This report has been circulated to all Hackney Carriage Associations.

### **Options**

9. Option 1 – instruct officers to remove the condition/policy currently in place on all hackney carriage vehicles licensed from number 159 onwards which restricts the vehicle type to side loading wheelchair accessible vehicles only, and instruct officers to apply the condition/policy currently in place on hackney carriage vehicles licensed from number 121 to 140 – this licence is only valid for vehicles which satisfy the City of York Council definition of wheelchair accessible vehicles, to come into effect from 1 June 2013.
10. Option 2 – instruct officers to take no action.

## **Analysis**

11. Option 1 – will give hackney carriage vehicle licence proprietors greater choice of wheelchair accessible vehicles, in which they will be able to load and secure wheelchair passengers safely. It may provide wheelchair users, especially those who use larger heavier electric wheelchairs, more vehicles which will be able to carry them. It would be the responsibility of the driver to make sure wheelchair passengers are loaded and unloaded safely from the road.
12. Option 2 – there will be no changes to the current conditions/policies relating to wheelchair accessible vehicles.

## **Council Priorities**

13. The provision of hackney carriage licensing supports the council's priority of 'Get York Moving'.

## **Implications**

14.
  - (a) **Financial**  
There are no financial implications.
  - (b) **Human Resources (HR)**  
There are no HR implications.
  - (c) **Equalities**  
Wheelchair accessible vehicles assist those dependant on a wheelchair for mobility. A community impact assessment has been completed.
  - (d) **Legal**  
There are no legal implications.
  - (e) **Crime and Disorder**  
There are no crime and disorder implications.
  - (f) **Information Technology (IT)**  
There are no IT implications.

**(g) Property**

There are no property implications.

**(h) Other**

There are no other implications.

**Risk Management**

15. There are no known risks associated with this report.

**Recommendations**

16. That Members approve Option 1 of this report.

Reason: This option will provide a greater range of wheelchair accessible vehicles.

**Contact Details**

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	<b>Report Approved</b>	√	<b>Date</b> 29/04/13
<b>Specialist Implications Officer(s)</b> Head of Legal Services Ext: 1004			
<b>Wards Affected:</b>			<b>All</b> √
<b>For further information please contact the author of the report</b>			

**Annexes**

None