

Report from the Assistant Director – Planning and Public Protection

Taxi Licensing Policy / Vehicle Licence Conditions – Executive Vehicles

Summary

1. This report seeks Members recommendation to the Executive Member for Housing and Safer Neighbourhoods an amendment to the Taxi Licensing Policy (the Policy) with regards to Executive Vehicles, following a request from a vehicle licence proprietor and the operator of Executive Vehicles. The proprietor has Exemption Notices in line with the Council’s Policy so that their executive vehicles do not have to display vehicle licence plates and signage. The proprietor is now seeking an amendment to the Policy so that such executive vehicles are also exempt from the requirements of private hire vehicle licence condition 19. Appendix 1 ‘Private Hire Vehicle Licence Conditions’ of the Policy is attached at Annex 1 of the report.

Recommendations

2. That Members approve Option 1 of this report.

Reason: the Council has already established a Policy with regards to executive vehicles which stipulates the vehicles use and therefore allows the exemption from displaying signage and licence plates.

Background

3. The Council has approved conditions relating to vehicle specification (Taxi Licensing Policy Appendix 1), one of these conditions relates to the light transmittance of windows in all licensed hackney carriage and private hire vehicles. The condition being No 19:
 - i) All licensed vehicles shall be fitted with windscreen glass that has a light transmittance of 75% and windows to either side of the drivers head shall have a light transmittance of not less than 70%.

- ii) All other windows within licensed vehicles shall have a light transmittance of not less than 50%.
 - iii) For estate-type vehicles the windows overlooking the luggage space can be of any manufacturer's tint providing it is not opaque.
 - iv) Any self applied material shall satisfy the requirements of i) ii) and iii) above if it has been approved by the Council.
4. Regulation 32 of the Road Vehicles (Construction and Use) Regulations 1986 requires the windscreen to have a minimum light transmission value of 75% and the windows to either side of the driver's head of not less than 70%.
5. As part of the review of the Taxi Licensing Policy, which was approved by this Committee on 23 April 2016, the light transmittance in relation to all other windows (ii) was reduced from 70% to 50% following representations received from the licensed trade.
6. On the 21 July 2014 this Committee approved an Exemption Policy in relation to the displaying of licence plates and signage on licensed private hire vehicles who exclusively undertake executive contract work (legislation only allows this provision in relation to private hire vehicles). This exemption policy has been consolidated in the Policy (at Appendix 2 to the Policy 'Private Hire Vehicle Licence Plate & Signage Exemption Policy') and is attached at Annex 2 of this report.
7. This Committee considered the same matter on the 24 April 2017, following a request from two operators of executive vehicles. At that time Members resolved to take no action and advised Officers to consult on this matter at a time when the council were formally consulting on other matters relating to hackney carriage and private hire licensing. A formal consultation has not taken place on matters relating to private hire vehicles since the Taxi Licensing Policy was approved in April 2016. Prior to that approval a formal consultation took place on the Policy which included all vehicle licence conditions and the Exemption Policy. As detailed at paragraph 6 above, the condition regarding light transmission was changed at that time.
8. The operator believe executive vehicles should be allow a darker tint to rear windows due to:
 - their customers expect privacy;
 - the vehicles they wish to provide come fitted with tinted windows (privacy glass);

- all their work is pre-booked on account; and
 - other licensing authorities allow tinted windows (privacy glass) in executive vehicles.
9. The proposed amended 'Private Hire Vehicle Licence Plate & Signage Exemption Policy' for executive vehicles can be found at Annex 3. An additional requirement would be included within the Policy, as follows:
- 'Condition 19 of the Private Hire Vehicle Licence Conditions does not apply, the light transmittance of windows can be:
- i) All licensed vehicles shall be fitted with windscreen glass that has a light transmittance of 75% and windows to either side of the drivers head shall have a light transmittance of not less than 70%.
 - ii) All other windows within licensed executive vehicles 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.'

Consultation

10. A formal consultation has not taken place. Officers have sought the views of the Private Hire Associations, as well as other operators of executive vehicles. No responses have been received.
11. As the Council is working with the West Yorkshire Authorities with regards taxi licensing policy, Officers contact the Authorities with regards to their requirements:
- Bradford – allows executive vehicles to have manufacturer's tint for windows other than the windscreen and at either side of the drivers head.
 - Calderdale – allows executive vehicles to have manufacturer's tint for windows other than the windscreen and at either side of the drivers head.
 - Leeds – allows executive vehicles to have manufacturer's tint for windows other than the windscreen and at either side of the drivers head.
 - Kirkless – allows executive vehicles to have manufacturer's tint for windows other than the windscreen and at either side of the drivers head.

- Wakefield – do not have a policy for executive vehicles.

Options

12. Option 1 - take into consideration the request made by the operator of executive vehicles, as well as the policies positions in place for the West Yorkshire Authorities and recommend to the Executive Member to approve the amendments to Appendix 2 of the Taxi Licensing Policy in relation to Private Hire Vehicle Licence Plate & Signage Exemption Policy, as detailed at Annex 3.
13. Option 2 – take into consideration the request made by the operator of executive vehicles, as well as the policies positions in place for the West Yorkshire Authorities and make further amendments to Appendix 2 of the Taxi Licensing Policy in relation to executive vehicles.
14. Option 3 – refuse the request

Analysis

15. The 'Private Hire Vehicle Licence Plate & Signage Exemption Policy' has been in place since July 2014. The Council currently issues 10 exemptions to licensed vehicles. The type of vehicles issues the exemption are:
 - Mercedes S320
 - Mercedes E220
 - Mercedes Viano
 - Ford Galaxy
 - Skoda Superb
16. The Council has not received a complaint about a licensed vehicle that has been issued an exemption notice since the policy was approve.
17. Vehicles that have been issued the exemption notice **cannot** engage in standard private hire work (picking Mr Smith up from Dunnington on a Saturday night and taking him to Yates in the city centre), this includes passenger service contracts for the carriage of school children, young persons or vulnerable adults. The vehicles can **only** operator in accordance with contracts entered into for a chauffeur type executive level service.

18. Vehicles that have been issued the exemption must display an exemption certificate card on the inside lower nearside of the front windscreen. The exemption certificate must be carried within the vehicle at all time and produced on request by an authorised officer. The front and rear licence plates and door signage must be carried in the boot and produced on request.

Council Priorities

19. The taxi licensing functions undertaken by the council are statutory, supporting the new and existing trade, as well as local resident and visitors through these functions supports the Council's Plan of a good quality of life for everyone.

Implications

20. The direct implications arising from this report are:
- (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

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

Contact Details

Author:

Lesley Cooke
Licensing Manager
01904 551515

Chief Officer Responsible for the report:

Mike Slater
Assistant Director – Planning and Public
Protection

Report
Approved



Date 14/11/19

Specialist Implications Officer(s)

Wards Affected:

All



For further information please contact the author of the report

Background papers

Taxi Licensing Policy

https://www.york.gov.uk/downloads/file/9715/taxi_licensing_policy

Annexes

Annex 1 – Appendix 1 Taxi Licensing Policy

Annex 2 – Appendix 2 Taxi Licensing Policy

Annex 3 – Proposed Amended Appendix 2