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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**

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**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