
MEETING	LICENSING & REGULATORY COMMITTEE
DATE	1 MAY 2009
PRESENT	COUNCILLORS FIRTH, GILLIES (CHAIR), LOOKER, MOORE (VICE-CHAIR) AND DOUGLAS (SUBSTITUTE)
APOLOGIES	COUNCILLOR HORTON

11. DECLARATIONS OF INTEREST

At this point Members were asked to declare any personal or prejudicial interests they had in the business on the agenda. Councillor Gillies declared a personal interest as a former hackney carriage proprietor.

12. MINUTES

RESOLVED: That the minutes of the meeting held on 6 March 2009 be approved and signed as a correct record by the Chair.

13. 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.

14. HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE LICENCE CONDITIONS.

Members received a report advising them of a recent statutory appeal against the Council's conditions for Hackney Carriage Vehicles in respect of emissions and livery.

The judge had concluded that the appeal should be dismissed in respect of the condition relating to emissions but was upheld in respect of the standard black livery. The taxi proprietor had subsequently submitted an appeal to the Crown Court in respect of the issue of emissions and the case was waiting to be heard.

During the appeal hearing in the Magistrates' Court, the District Judge had indicated that a vehicle age policy, in itself, was inappropriate. In the light of this it was officers' view that the emission condition should be rewritten and refer specifically to emission standards rather than using an age criteria to meet these standards. Members' approval was sought to consult on an amended condition in light of the appeal and the comments of the District Judge.

In view of the pending appeal, Members were asked to consider approving action whereby all hackney carriage vehicle licences issued on 1 June 2009 would be issued for six months only with the conditions relating to emissions deleted to allow time for the Crown Court appeal to be dealt with. The conditions regarding emissions and livery also applied to private hire vehicles, albeit the application dates differed.

Members expressed their disappointment that the Court had ruled against the standard livery but were pleased to note that they had approved the display of the city coat of arms decal on the front doors. Members were encouraged that Station Taxis had made the livery one of the conditions of a permit.

Consideration was given to the options detailed in the report:

Option 1 – Maintain the proposed conditions from 2 June 2009, i.e.

- (a) all new licenses issued or, any change of vehicle on an existing licence, the vehicle must be under 4 years old, and
- (b) no vehicle will be re-licensed after it has reached 8 years old.

Option 2 – Renew the hackney carriage vehicle licences for 6 months only deleting conditions relating to emissions and livery. Consult with the York Taxi Association and York Private Hire Association on the following conditions to replace the vehicle age restrictions in the future should the appeal be dismissed.

- (a) From 2 June 2011 all new licences issued or, any change of vehicle on an existing licence, the vehicle must be Euro 4 (or better) emission standards.
 - (b) From 1 June 2013 all licensed vehicles must meet Euro 4 (or better) emission standards
- Mirror the approved changes to hackney carriage vehicle licences to those relating to private hire vehicles.
 - Instruct officers to consult with the York Taxi Association on the subject of advertising on hackney carriages and report to a subsequent meeting of this committee.
 - Instruct officers to carry out further work on vehicle liveries and report back to a subsequent meeting of this committee.

Concerns were expressed that if hackney carriage vehicle licences were to be renewed for six months only, this would increase the administrative and financial burden for taxi proprietors and could cause further hardship during the current economic climate.

RESOLVED: That Option 2 be approved but with the licences being issued for a twelve month period and not a six month period.

REASONS: To ensure the licence condition is transparent in representing the Council's policy in respect of vehicle emissions contained in the Local Transport Plan.

To ensure consistency between both vehicle hire codes and reduce the threat of legal challenge.

To ensure the full benefit of vehicle identification is derived from the display of the side decal.

To ensure that all aspects of the introduction of a standard livery have been examined to inform any future strategy.

15. REVIEW OF THE ISSUE OF NEW HACKNEY CARRIAGE VEHICLE LICENCES.

Members received a report, which provided them with additional information on which to base a decision with respect to the issue of new Hackney Carriage Vehicle Licences. It contained information regarding a survey of un-met demand and the results of consultation with those waiting to be issued with a licence. This was in response to a request from the York Taxi Association to curtail the issue of any new Hackney Carriage Vehicle Licences due to the current economic climate.

Three members of the public had registered to speak on this item:

Mr Phillips, York Taxi Association, stated that he endorsed the findings in the Halcrow report and drew Members' attention to the impact that the current economic situation was having on business. He urged that the current policy be suspended.

Mr S Robinson, taxi driver, drew Members' attention to the reduction in drivers' income and the short waiting times for passengers. He stated that the service currently offered was more than adequate and urged Members to support Option 1 in the report.

Mr K Hatfield, Director of Station Taxis, informed Members that takings were considerably lower and drivers were working longer hours. He drew attention to particular issues in respect of the station, including the problems with the exit. He stated that there was no unmet demand at the station. Mr Hatfield asked Members to support Option 1 in the report.

Members sought advice from the Legal Officer regarding the implications of suspending the existing policy. Members were reminded that in May 2008 a policy had been agreed whereby there would be a managed release of licences over time. It had been agreed that the policy would be reviewed in three years. Although Members had the option to review policies at any time it should be noted that a decision to suspend the policy could be challenged in court. Members were advised to consider whether the absence of unmet demand identified by Halcrow in the survey taken together with other consultation, justified any change to the policy adopted

last year. The evidential base had to be robust. Technical advice may need to be sought regarding an appropriate evidential base.

Members expressed their concern at the impact that the current financial situation was having on the taxi trade and were keen to support the trade if possible. They were, however, mindful of the possibility of legal challenge if the policy were to be suspended and the financial implications of such a challenge.

Discussion took place as to whether it would be appropriate to seek further evidence to support a suspension of the current policy. Officers advised that a more rigorous study could be carried out but that this would incur financial costs.

Consideration was given to the three options detailed in the report:

Option 1 – suspend the current policy for 12 months (or some other time period as determined)

Option 2 – suspend the current policy indefinitely

Option 3 – continue with the current policy and issue 2 new vehicle licences on 1 July 2009 and thereafter at 6 monthly intervals until, and including, 1 January 2011 after which a further unmet demand survey be undertaken.

Discussion took place regarding possible amendments to Option 3. It was agreed that there was a need to continue with the existing arrangements at this time but that further evidence should be gathered prior to a decision being taken as to whether to continue with the existing policy in the longer term.

RESOLVED: That the current policy continue and that 2 new vehicle licenses be issued on 1 July 2009 but that officers be instructed to continue, in consultation with taxi proprietors and Halcrow, to review the situation and the evidence base, prior to the scheduled release of licences in January 2010.

REASON: To enable officers to manage the issue of licences and the trade to plan future business development.

Councillor I Gillies, Chair

[The meeting started at 2.00 pm and finished at 2.55 pm].