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**Licensing and Regulatory Committee****3<sup>rd</sup> November 2006**

Report of the Director of Neighbourhood Services

**Revision of Hackney Carriage and Private Hire Vehicle Conditions.****Summary**

1. This report requests members to consider two aspects of vehicle licence conditions which, due to advances in motor vehicle technology, are causing licensing difficulties. These are minimum engine size and the fitting of tinted windows. Members are requested to consider if a revision of conditions is necessary and make, if necessary, recommendation to full council to effect such revisions.

**Background**

2. The council issues licences for hackney carriages and private hire vehicles subject to prescribed conditions.
3. The conditions were last reviewed in 1999. It is intended to carry out a comprehensive review of all conditions in 2007 but there are two issues that need earlier consideration.
4. Recent years have seen considerable advancements in vehicle technology and design. This has resulted in the licensing office being requested to licence vehicles which are not covered by these conditions. Of particular and immediate concern are the restriction on engine size and the fitting of tinted windows
5. Our current conditions state that licensed vehicles must have a minimum engine capacity of 1250cc. There is no condition in respect of tinted windows.

**Engine Capacity**

6. Minimum engine capacity was a criteria the council had adopted to ensure that licensed vehicles were sufficiently powerful to fulfil the intended purpose. However this condition is increasingly creating anomalies in that many small diesel engines are producing more power than larger engined petrol equivalents.
7. Increasing demands for cleaner, more fuel efficient engines also mitigate against the logic for specifying a minimum engine size.

8. Officers consider that given engine development there is no reason to continue to prescribe a minimum size for new vehicles. As however we currently have no minimum age for vehicles, a complete abolition of a minimum engine size for all vehicles could result in an old vehicle being licensed with an inadequate engine or licensed when it had previously been refused on engine size. For this reason, and to encourage less polluting engines, officers are recommending that the minimum engine size should be removed for all vehicles fitted with a Euro IV (or better) emission rated engine. This would ensure that only new vehicles fitted with modern engines would benefit from this relaxation.

#### Tinted Windows

9. Although officers try to discourage the use of tinted glass for the reasons listed below they have no authority to prohibit the fitting of tinted glass to licensed taxis and private hire vehicles. This is giving increasing concern for the following public safety reasons:
  - a. Enforcement officers cannot see that the maximum number of passengers is not being exceeded
  - b. Police cannot check if passengers are wearing a seat belt
  - c. Activities taking place in the vehicle cannot be viewed from outside posing a risk to both passengers and the driver
  - d. Vulnerable passengers will feel safer in a vehicle where they can be seen
  - e. In the event of an accident the emergency services can easily check if there are passengers inside
10. The Motor Vehicles (Construction and Use Regulations)1986 prescribe a legal minimum percentage visibility of 75% in respect of windscreens and 70% for all vehicle glass within the drivers normal field of vision e.g. front doors. There are no requirements in relation to rear windows or rear side windows. People carriers in particular are often supplied by the manufacturer with heavily tinted rear glass.
11. It is also possible for drivers to purchase and fit laminates or films to the glass to achieve the same effect.
12. Officers are proposing that a new condition be introduced that will restrict the use of tinted glass in licensed vehicles to a minimum of 75% light transmittance for windscreens and a minimum of 70% light transmittance for all other windows. Any self applied film will be required to meet the same qualifying conditions.
13. The condition as regards factory fitted glass will not be applied retrospectively to existing licensed vehicles.

#### **Consultation**

14. The York Taxi Association and the York Private Hire Association have been consulted on these issues and have both informally stated they are in

agreement with officers proposals. Their written comments will be available at the meeting.

### **Options**

15. Members have the following options

To accept the officer recommendations as set out in paragraphs 8 and 12 of this report

To amend either or both of those recommendations

To make no changes to the existing conditions

### **Analysis**

16. The reasoning and analysis of the proposals has been set out in previous paragraphs of the report.

### **Corporate Priorities**

17. The ability to license vehicles with smaller, less polluting engines contributes to the priority to increase the use of public and other environmentally friendly modes of transport.

### **Implications**

- 18.

- **Financial** - None
- **Human Resources (HR)** - None
- **Equalities** -None
- **Legal** - Clear, enforceable standards should be set which are reasonable in relation to current circumstances.
- **Crime and Disorder** – The restriction on the used of tinted windows in licensed taxis and private hire vehicles has the potential to reduce crime and disorder
- **Information Technology (IT)** - None
- **Property** - None
- **Other** – None

## Risk Management

- 19 In compliance with the Councils risk management strategy any decision made which is unreasonable or unlawful could be open to legal challenge resulting in loss of image reputation and potential financial penalty.
20. Measured in terms of impact and likelihood, the risk score has been assessed at less than 16. This means that at this point the risks need only to be monitored, as they do not provide a real threat to the objectives of this report

## Recommendations

- 21 It is recommended that this committee recommends to council that the licence conditions in respect to hackney carriages and private hire vehicles be amended to include the following conditions:
- a) The licensed vehicle shall have a minimum engine capacity of 1250cc except for vehicles fitted with an engine rated with a Euro IV (or better) emission standard.
- b) The licensed vehicle shall be fitted with windscreen glass that has a light transmittance of 75% and all other window glass in the vehicle shall have a light transmittance not less than 70%. Any self applied material shall be of the same standard and shall be approved by the taxi licensing office, and

That condition b) will not apply to tinted glazing fitted by the manufacturer to vehicles when new in respect of vehicles currently licensed by this council .

Reason: to update standard vehicle licensing conditions to match current developments in vehicle specifications .

## Contact Details

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### Chief Officer Responsible for the report:

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Report Approved

yes

Date 17/10/06

Wards Affected: *List wards or tick box to indicate all*

All  yes

For further information please contact the author of the report

## Background Papers:

Local Government ( Miscellaneous Provisions)Act 1976