

Agenda

Meeting: **LICENSING COMMITTEE**
Date: **5 NOVEMBER 2012**
Time: **10.00AM**
Venue: **COMMITTEE ROOM**
To: **Councillor Mrs S Duckett, Councillor K Ellis, Councillor Mrs P Mackay, Councillor Mrs C Mackman, Councillor Marshall, Councillor Mrs K McSherry, Councillor Mrs S Ryder, Councillor Sayner, Councillor R Sweeting and Councillor J Thurlow**

1. Apologies for absence

2. Disclosures of Interest

A copy of the Register of Interest for each Selby District Councillor is available for inspection at www.selby.gov.uk.

Councillors should declare to the meeting any disclosable pecuniary interest in any item of business on this agenda which is not already entered in their Register of Interests.

Councillors should leave the meeting and take no part in the consideration, discussion or vote on any matter in which they have a disclosable pecuniary interest.

Councillors should also declare any other interests. Having made the declaration, provided the other interest is not a disclosable pecuniary interest, the Councillor may stay in the meeting, speak and vote on that item of business.

If in doubt, Councillors are advised to seek advice from the Monitoring Officer.

3. Minutes

To confirm as a correct record the minutes of the proceedings of the meeting of the Licensing Committee held on 1 October 2012 (pages 3 to 5 attached).

4. Procedure

To outline the procedure to be followed at the meeting (Pages 6 to 7)

5. Chair’s Address to the Licensing Committee

6. Hackney Carriage and Private Hire Licensing Policy – A Review of Vehicle Age Limits / Emissions Standards

To receive the report of the Senior Enforcement Officer L/12/06 (pages 8 to 14)

7. Private Session

That in accordance with Section 100(A)(4) of the Local Government Act 1972, in view of the nature of the business to be transacted, the meeting be not open to the Press and public during discussion of the following item as there will be disclosure of exempt information as defined in Section 100(1) of the Act as described in paragraph 7 of Part 1 of Schedule 12(A) of the Act.

8. Application for a Private Hire Driver’s Licence

To receive the report of the Senior Enforcement Officer L/12/07 (pages 15 to 22)

9. Issue concerning the behaviour of a Private Hire Vehicle Operator

To receive the report of the Senior Enforcement Officer L/12/08 (pages 23 to 29)

**Martin Connor
Chief Executive**

Dates of next meetings
3 December 2012
7 January 2013
4 February 2013
4 March 2013
8 April 2013
13 May 2013

Enquiries relating to this agenda, please contact Palbinder Mann on:
Tel: 01757 292207 Email: pmann@selby.gov.uk

Minutes

Licensing Committee

Venue:	Committee Room
Date:	1 October 2012
Present:	Councillors R Sayner (Chair), K Ellis (Vice Chair), Mrs C Mackman, B Marshall, Mrs K McSherry, D Peart (substitute for Mrs P Mackay), Mrs S Ryder, R Sweeting and J Thurlow.
Apologies for Absence:	Mrs S Duckett and Mrs P Mackay (substitute D Peart)
Officers Present:	Caroline Fleming - Senior Solicitor, Tim Grogan – Senior Enforcement Officer and Palbinder Mann – Democratic Services Officer

1. DECLARATIONS OF INTEREST

None.

2. MINUTES

It was agreed that the typographical error in condition three on page five should be amended to read as following:

- **CCTV will be installed to cover the premises and will include all areas where the public can purchase alcohol.**

It was agreed that the typographical error in condition two on page six should be amended to read as following:

- **Members of the public shall not bring their own alcohol into the event.**

RESOLVED:

That the Committee receive and approve the minutes of the Licensing Hearing held on 31 August 2012 with the above amendments and the Licensing Committee on 3 September 2012 and that they be signed by the Chair.

3. PROCEDURE

The Procedure was noted.

4. CHAIR'S ADDRESS TO THE LICENSING COMMITTEE

The Chair queried when the report regarding taxi omissions would be coming before the Committee. The Senior Enforcement Officer agreed to look into this issue.

5. PRIVATE SESSION

That in accordance with Section 100(A)(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business, as there will be disclosure of exempt information as defined in paragraph 3 of Part 1 of Section 12A of the Act, as amended by the Local Government (Access to Information) (Variation) Order 2006.

6. APPLICATION FOR EXEMPTION FROM ASSISTING PASSENGERS IN WHEELCHAIRS ON MEDICAL GROUNDS

The Senior Enforcement Officer presented the **Report L/12/03** which considered whether an application for an exemption from assisting disabled passengers by a Hackney Carriage driver should be granted. The applicant was in attendance.

Councillors were given the opportunity to question the applicant in connection with their application. The Committee then discussed the matter and considered their decision on whether the exemption should be granted.

RESOLVED:

- i) That the Committee receive and note Report L/12/03.**
- ii) That the application for exemption from assisting passengers in wheelchairs on medical grounds be REFUSED as the applicant had not provided the information requested by the Committee at the last meeting.**

7. ISSUE CONCERNING THE BEHAVIOUR OF A LICENSED HACKNEY CARRIAGE DRIVER

The Senior Enforcement Officer presented the **Report L/12/04** which outlined a complaint that had been received and considered whether the respective driver was a fit and proper person to drive a Hackney Carriage.

Councillors were given the opportunity to question the driver in connection with the matter. The Councillors then considered whether the driver was a fit and proper person to be licensed as a Hackney Carriage driver.

RESOLVED:

- i) That the Committee receive and note Report L/12/04.**
- ii) That the driver has his licence SUSPENDED for two calendar months in view of his conduct.**

The meeting closed at 11.40am

LICENSING COMMITTEE

PROCEDURES TO BE FOLLOWED

The Licensing Committee acts in a quasi judicial capacity to give a fair hearing to an applicant where a hearing is required by law or equity. When considering the case the only evidence the Members of the Committee can take into account is evidence previously submitted to form the agenda and any verbal evidence given at the actual meeting by Officers representing the Council and by the applicant or his/her representative, and their witnesses. The following procedures must be followed.

1. Procedures to be followed when submitting an application to the Licensing Committee for consideration;
 - i) The Council's Officers will liaise with the Committee Section to arrange a suitable date for the meeting. The applicant and Members of the Committee will be informed of this date in writing and a copy of the procedure note will be included for the applicant.
 - ii) The applicant and Council's Officers will submit any written evidence to the Committee Section for inclusion in the agenda by a given date. If the evidence is to be verbal, this should be stated.
 - iii) If witnesses are to be called the Committee Section must be notified prior to the hearing.
 - iv) Any application for adjournment because of late submission of papers, will in principle be considered sympathetically by the Committee.
2. The procedure to be followed by the Licensing Committee:
 - i) For each individual case the applicant and any representatives will be shown into the Committee Room at the same time as the appropriate Council's Officers. Witnesses will enter the room at the same time unless there are any objections.
 - ii) The District Solicitor will introduce the applicant, any representatives, witnesses and the Council's Officers to the Members of the Committee.
 - iii) The Chair will introduce Members of the Committee.
 - iv) The Chair will then go through the procedure as follows:

- a) Officers representing the Council will present the case for the Council. They may present such witnesses as they believe are appropriate.
- b) Officers representing the Council, and any witnesses, will then answer questions from the applicant or his/her representative, and from Members of the Committee.
- c) The applicant or his/her representative will then present the applicant's case. They may present such witnesses as they believe are appropriate.
- d) The applicant or his/her representative, and any witnesses, will then answer questions from the Committee and the Council's Officers.
- e) The Council's Officers will then sum up on behalf of the Council.
- f) The applicant or his/her representative will then sum up.
- g) The applicant and his/her representative will then be asked whether they consider they have had a fair hearing and the Committee will take into account any comments, which are then made. The Chair of the Committee will then ask the Council's Officers presenting the case the same question and will again take account of any comments made.
- h) The Council's Officers, the applicant and his/her representative, all witnesses, press and public, will then be asked to withdraw from the meeting whilst the Committee makes their decision on the evidence presented.
- i) The applicant and his/her representative, the Council's Officers, all witnesses, press and public, will be invited back into the meeting to be informed of the Committee's decision.

Following the Committee meeting the Committee Section will inform in writing to the applicant the decision of the Licensing Committee.



Report Reference Number L/12/06

Agenda Item No: 6

To: Licensing Committee
Date: 5 November 2011
Author: Simon Scarrott
Lead Officer: Simon Scarrott

Title: Hackney Carriage and Private Hire Licensing Policy –A review of vehicle age limits / emissions standards.

Summary:

The Selby District relies upon transport systems for continued economic success; however increases in vehicle use directly impacts upon both environment and public health. It is therefore desirable for the Authority to promote high quality licensed vehicles producing low emission levels.

Selby District Council's existing air quality monitoring program has recently identified 2 'street canyon' locations with potentially significant traffic emissions. These locations (New Street, Selby and Bridge Street, Tadcaster) are currently undergoing detailed assessments. Local authorities are legally required to carry out measures to improve air quality where it is found to be below certain standards.

Selby District Council licenses in excess of 100 Hackney Carriages and Private Hire Vehicles. It is the author's view that the Council's licensed vehicle policy should seek to reduce emission levels produced by the licensed vehicle fleet. The imposition of vehicle age limits or Euro emission standards (see Annex A) would reduce emissions generated by licensed vehicles within the District.

Recommendations:

That the Licensing Committee notes the content of this report and consider amending the existing policy with a view to improve air quality within the District.

The following options represent potential policy amendments that would reduce emissions from the licensed fleet:

- i. Introduce a rolling age limit policy with no specific requirement for vehicles to meet any particular Euro Standard.

For example, an 8-year rule applied to licence renewals would ensure that Euro 3 standard vehicles would be phased out completely in 2013 and Euro 4 vehicles would be phased out by 2017. All Euro 1 & 2 vehicles would require immediate replacement. All new vehicle licence applications could be subjected to a 4-year rule.

- ii. Introduce specific Euro Standards (with associated compliance dates) for the existing licensed fleet and/or for all new vehicle licence applications.

For example, as of 01 January 2013, a new vehicle licence would only be granted if the vehicle complies with the Euro 5 standard or higher. In addition as of April 2013 vehicle licences will not be renewed unless the vehicle complies with the Euro 4 standard or higher.

- iii. Incentivise the uptake of Hybrid or Euro 6 compliant vehicles with targeted reductions to licensing application/renewal fees

1. Introduction and background

The Local Air Quality Management (LAQM) process as set out in Part IV of the Environment Act (1995) & the Air Quality Strategy for England, Scotland, Wales and Northern Ireland 2007 stipulates that all local authorities must conduct an Updated Screening Assessment (USA) reviewing the air quality within their district.

Selby District Council's 2012 USA has identified 2 'street canyon' locations with potentially significant traffic emissions. These locations (New Street, Selby and Bridge Street, Tadcaster) are currently undergoing detailed assessments so as to determine the level of Nitrogen Dioxide at the respective sites. Initial monitoring results

obtained at these locations have exceeded the national air quality objectives for Nitrogen Dioxide.

The UK is required to meet the air quality limit values set out in the EU Directive 2008/50/EC by the 1st January 2015. As of December 2011 only 3 out of 43 areas and conglomerates in the UK met the Nitrogen Dioxide target.

If compliance with the limit values is not achieved then the UK faces significant EU fines for non-compliance. Reserve powers in the Localism Act 2011 allow Ministers to passport EU Air Quality infraction fines to local authorities where they can demonstrate that the authority has failed to take appropriate action.

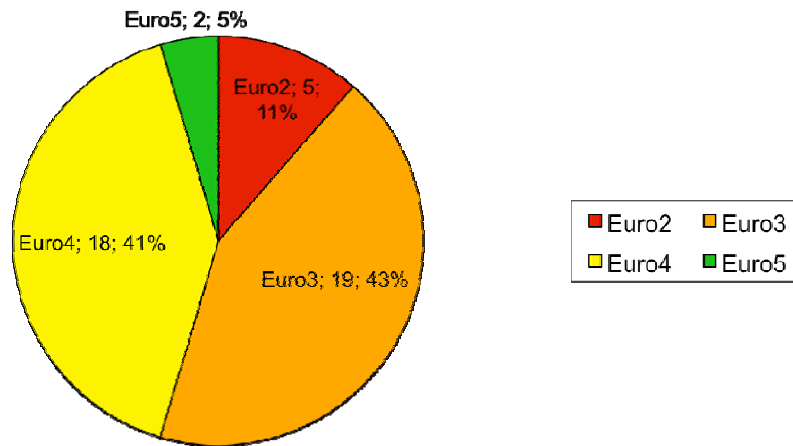
To date SDC has not declared any AQMAs (air quality management areas) within the district. This situation may however change, potentially leaving SDC open to EU fines pass ported under the Localism Act 2011.

Selby District Council licenses in excess of 100 Hackney Carriages/Private Hire Vehicles. An increasing number of local authorities are adopting licensing policies that promote air quality within their Districts.

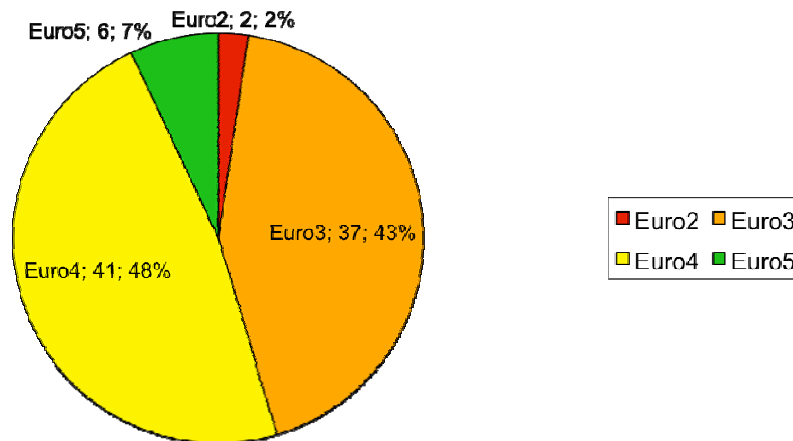
2. The Report

The composition (Euro Emission Standard) of the current SDC licensed Private Hire & Hackney Carriage fleet is illustrated in the following figures. These diagrams have been prepared using vehicle registration data & Euro Standard new vehicle approval dates (detailed in Annex A) and as such should be considered as 'conservative'. The data tags contained in each figure denote the Euro Emission Standard, the number of rated vehicles & the percentage of the fleet composition they represent.

SDC Licensed Hackney Carriage Vehicles - Fleet Composition (Euro Emission Standards)



SDC Private Hire Vehicles - Fleet Composition (Euro Emission Standards)



Registration data held by SDC indicates that 54% of licensed Hackney Carriage vehicles and 45% of Private Hire vehicles are of Euro Standard 3 or lower (vehicles registered in or prior to Jan 2005).

The vehicle emission levels permitted by each Euro Standard (and their commencement dates) are contained in Annex A to this report. A number of potential policy instruments (as outlined in Recommendations Section) could be used to alter the licensed fleet composition and its subsequent environmental impact. Potential reductions in licensed vehicle emission levels are dependent upon the nature and scope of the policy measures introduced.

Should the licensing committee wish to examine policy options aimed at reducing vehicle emission levels, additional information could be collated to inform future deliberations.

3. Legal/Financial Controls and other Policy matters

None at this time.

3.1 Legal Issues

None at this time.

3.2 Financial Issues

None at this time.

4. Conclusion

None at this time.

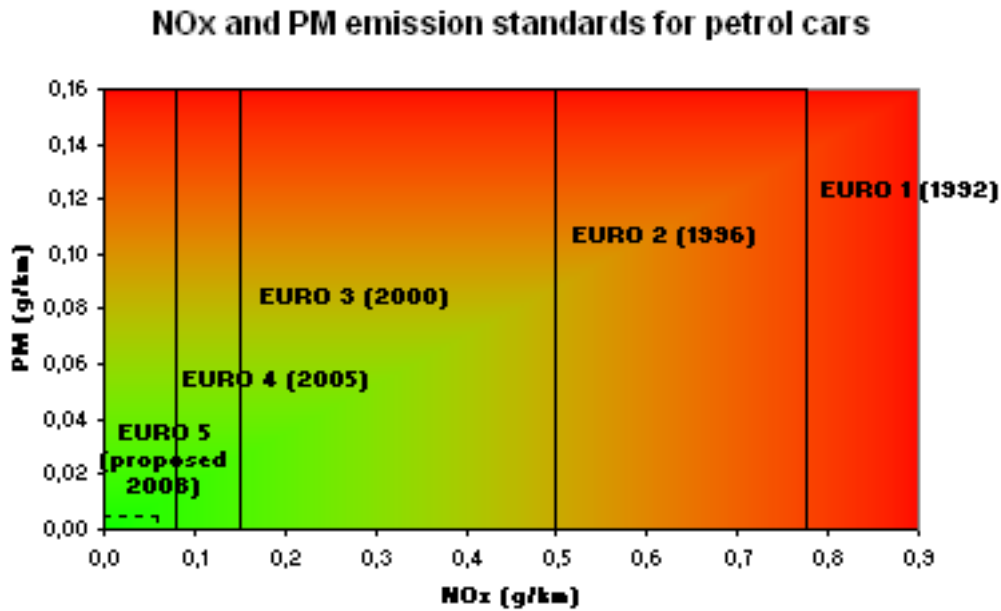
Annex : A – Euro Emission standards data

ANNEX A

Table 1 EU emission standards – (dates listed in the tables refer to new type approvals by manufacturer i.e. new models of vehicles that have not been produced before. All registered vehicles need to meet the standards a year after the date given.)

EU Emission Standards for Passenger Cars							
Stage	Date	CO g/km	HC	HC+NOx	NOx	PM	PN #/km
Compression Ignition (Diesel)							
Euro 1†	1992.07	2.72 (3.16)	-	0.97 (1.13)	-	0.14 (0.18)	-
Euro 2, IDI	1996.01	1.0	-	0.7	-	0.08	-
Euro 2, DI	1996.01 ^a	1.0	-	0.9	-	0.10	-
Euro 3	2000.01	0.64	-	0.56	0.50	0.05	-
Euro 4	2005.01	0.50	-	0.30	0.25	0.025	-
Euro 5a	2009.09 ^b	0.50	-	0.23	0.18	0.005 ^f	-
Euro 5b	2011.09 ^c	0.50	-	0.23	0.18	0.005 ^f	6.0×10 ¹¹
Euro 6	2014.09	0.50	-	0.17	0.08	0.005 ^f	6.0×10 ¹¹
Positive Ignition (Gasoline)							
Euro 1†	1992.07	2.72 (3.16)	-	0.97 (1.13)	-	-	-
Euro 2	1996.01	2.2	-	0.5	-	-	-
Euro 3	2000.01	2.30	0.20	-	0.15	-	-
Euro 4	2005.01	1.0	0.10	-	0.08	-	-
Euro 5	2009.09 ^b	1.0	0.10 ^d	-	0.06	0.005 ^{e,f}	-
Euro 6	2014.09	1.0	0.10 ^d	-	0.06	0.005 ^{e,f}	6.0×10 ¹¹
<p>* At the Euro 1..4 stages, passenger vehicles > 2,500 kg were type approved as Category N₁ vehicles</p> <p>† Values in brackets are conformity of production (COP) limits</p> <p>a. until 1999.09.30 (after that date DI engines must meet the IDI limits)</p> <p>b. 2011.01 for all models</p> <p>c. 2013.01 for all models</p> <p>d. and NMHC = 0.068 g/km</p> <p>e. applicable only to vehicles using DI engines</p> <p>f. 0.0045 g/km using the PMP measurement procedure</p> <p>g. 6.0×10¹² 1/km within first three years from Euro 6 effective dates</p>							

Graphical depiction of Euro Emission Standards & commencement dates (petrol vehicles- excludes Euro 6).



Graphical depiction of Euro Emission Standards & commencement dates (diesel vehicles- excludes Euro 6).

