

# Agenda

Meeting: **LICENSING COMMITTEE**  
Date: **3 DECEMBER 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](http://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 5 November 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. A Review of Hackney Carriage and Private Hire Vehicle Age Limits / Emissions Standards**

To receive the report of the Senior Enforcement Officer L/12/09 (pages 8 to 17)

**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. Issue concerning the behaviour of a Scrap Metal Dealer and Motor Salvage Operator.**

To receive the report of the Senior Enforcement Officer L/12/10 (pages 18 to 21)

**Martin Connor  
Chief Executive**

<b>Dates of next meetings</b>
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](mailto:pmann@selby.gov.uk)

## Minutes

### Licensing Committee

Venue:	Committee Room
Date:	5 November 2012
Present:	Councillors R Sayner (Chair), K Ellis (Vice Chair), Mrs S Duckett, Mrs C Mackman, Mrs P Mackay, B Marshall, Mrs K McSherry, Mrs S Ryder, R Sweeting and J Thurlow.
Apologies for Absence:	None
Officers Present:	Caroline Fleming - Senior Solicitor, Tim Grogan – Senior Enforcement Officer, Simon Scarrott – Senior Enforcement Officer, Palbinder Mann – Democratic Services Officer

#### 1. DECLARATIONS OF INTEREST

None.

#### 2. MINUTES

It was agreed that the typographical error under item three on page two should be amended to read as following:

- **The Chair queried when the report regarding taxi emissions would be coming before the Committee.**

It was agreed that the grammatical error under paragraph two of item six should be amended to read as following:

- **Councillors were given the opportunity to question the applicant in connection with his application.**

#### RESOLVED:

**That the Committee receive and approve the minutes of the Licensing Committee on 1 October 2012 with the above amendments and that they be signed by the Chair.**

### **3. PROCEDURE**

The procedure was noted.

### **4. CHAIR'S ADDRESS TO THE LICENSING COMMITTEE**

The Chair reminded the Committee that when they were asking questions of the Senior Enforcement Officer or applicant and appellants, they should keep their questions relevant and not issue statements.

The Chair agreed to amend the agenda with the private items being taken first.

### **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 A PRIVATE HIRE DRIVER'S LICENCE**

The Senior Enforcement Officer presented the **Report L/12/07** which considered whether an application for a Private Hire Driver's Licence 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 a Private Hire Driver's Licence should be GRANTED.**

### **7. ISSUE CONCERNING THE BEHAVIOUR OF A PRIVATE HIRE VEHICLE OPERATOR**

The Senior Enforcement Officer presented the **Report L/12/08** which outlined a complaint that had been received and considered whether the respective individual was a fit and proper person to be a Private Hire Vehicle Operator.

Councillors were given the opportunity to question the operator in connection with the matter. The Councillors then considered whether the individual was a fit and proper person to be a Private Hire Vehicle Operator.

**RESOLVED:**

- i) That the Committee receive and note Report L/12/08.**
- ii) That the operator have a written WARNING on his record for a period of 12 months.**

The Committee moved back into public session.

**7. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY – A REVIEW OF VEHICLE AGE LIMITS / EMISSIONS STANDARDS**

The Senior Enforcement Officer presented the **Report L/12/06** which provided information on reviewing the Council's Hackney Carriage and Private Hire Licensing Policy relating to vehicle age limits and emissions standards.

The Senior Enforcement Officer explained that the report outlined some potential policy options and that the Council were legally obliged to monitor air quality in the district. The Committee were informed that two areas in the district had been identified as areas with potentially significant traffic emissions, these were New Street, Selby and Bridge Street, Tadcaster. It was explained that the authority may need to create an air quality plan to tackle the high emissions in these areas should current monitoring exceed air quality objectives.

Discussion took place on the options proposed. In response to a query concerning pollutants identified during an MOT test, the Senior Enforcement Officer explained that not all pollutants were identified during the MOT and that further policies to tackle emissions along with monitoring was needed. The Committee were informed that other local authorities had also taken measures to reduce emissions.

The Committee felt that there should be a follow up report outlining possible options for consideration with information also included regarding financial implications. It was also agreed that in the report, consideration should also be given to the policy regarding Council vehicles. The Councillors suggested that the 5, 8 or 10 year possible options should be included in the report. It was agreed that the report would be considered at the next Committee meeting on 3 December 2012.

**RESOLVED:**

- i) That the Committee receive and note Report L/12/06.**
- ii) That a further report be brought to the next meeting of the Committee outlining the details mentioned above.**

The meeting closed at 11.12am

## **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/12/09**

**Agenda Item No: 6**

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**To: Licensing Committee**  
**Date: 3 December 2012**  
**Author: Simon Scarrott**  
**Lead Officer: Simon Scarrott**

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**Title:** A review of Hackney Carriage and Private Hire Vehicle age limits / emissions standards.

**Summary:**

A report was presented to the Licensing Committee on the 05<sup>th</sup> November 2012 outlining potential amendments to the existing licensing policy that would reduce vehicle emissions from the Hackney Carriage & Private Hire fleets. A copy of this report and associated supporting documents are contained in Annex A to this document.

Further to the meeting of the Licensing committee held on the 05<sup>th</sup> November 2012 the Senior Enforcement Officer was requested to compile a further report containing detailed potential policy amendments for the consideration of Councillors.

**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:

Option 1 –

*A new vehicle licence will not be granted in respect of a vehicle unless it is less than 4 years old and a vehicle licence will not be renewed unless the vehicle is less than 8 years old.*



Option 2 –

*A new vehicle licence will not be granted in respect of a vehicle unless it is less than 5 years old and a vehicle licence will not be renewed unless the vehicle is less than 10 Years old.*

Option 3 -

*A new vehicle licence will not be granted in respect of a vehicle unless it is less than 4 years old.*

(Licence renewals would not be subject to a vehicle age limit).

Option 4 -

*A new vehicle licence will not be granted in respect of a vehicle unless it is less than 5 years old.*

(Licence renewals would not be subject to a vehicle age limit).

## **Introduction and background**

The issues and legislative framework surrounding Air Quality monitoring within the UK (and the Selby District) are detailed within a report that was submitted to the Licensing Committee on the 05/11/2012 by the Senior Enforcement Officer. A copy of this report and associated supporting documents are contained in Annex A to this document.

## **The Report**

A number of potential policy instruments (as detailed in the Recommendations Section) could be used to alter the licensed fleet composition and it's subsequent environmental impact. Potential reductions in licensed vehicle emission levels are dependent upon the nature and scope of the policy measures introduced.

In response to queries raised during the Licensing Committee hearing of the 05/11/2012 it has since been established that MOT emission tests do not monitor vehicular emissions of Nitrogen Dioxide. In light of this fact the MOT testing regime cannot be relied upon to tackle locations where Nitrogen Dioxide levels exceed national air quality objectives.

## **Legal Issues**

Should the Licensing committee wish to endorse a policy option contained within this report the proposed policy amendment would require submission to the Council's Executive for consideration.

## **Financial Issues**

The imposition of an age limit for new and/or existing licensed vehicles will have a financial impact upon licensed vehicle operators throughout the Selby District. The scale of this financial impact is dependent upon the nature and scope of the policy measures introduced. Newer vehicles attract a higher initial purchase price, although this may be offset by potentially lower running costs and fuel consumption levels.

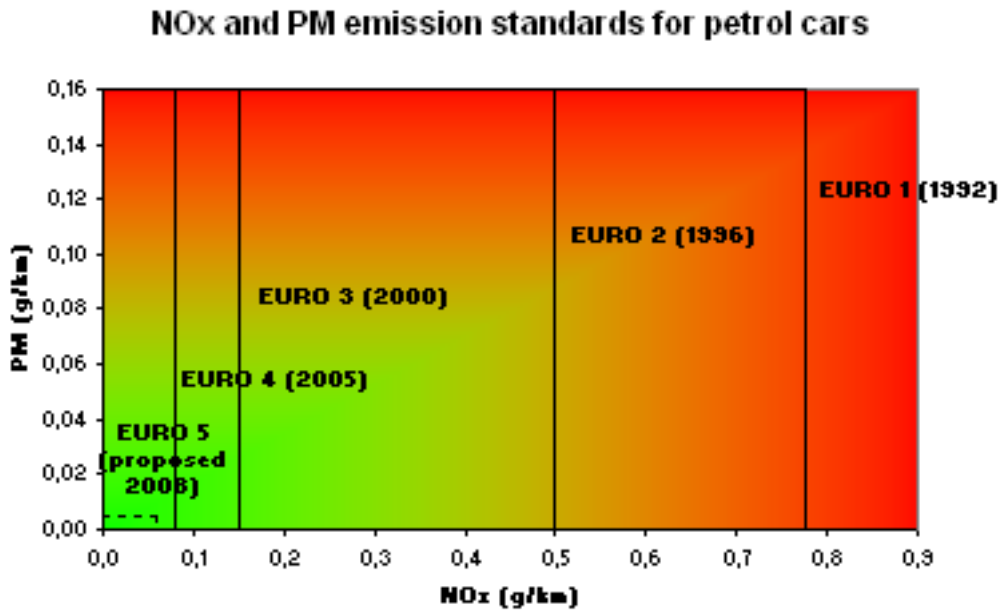
**Annex : A – Euro Emission standards data & Officer report dated 05<sup>th</sup> November 2012**

## ANNEX A

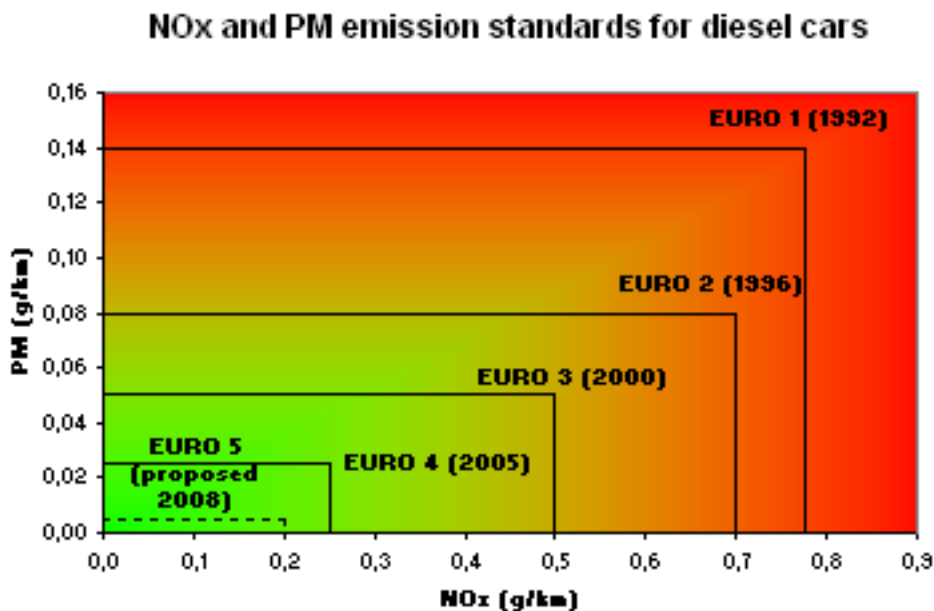
**Table 1 EU emission standards – (dates listed in the tables refer to new type approvals by manufacturer i.e. new models of vehicles that have not been produced before. All registered vehicles need to meet the standards a year after the date given.)**

EU Emission Standards for Passenger Cars							
Stage	Date	CO g/km	HC	HC+NOx	NOx	PM	PN #/km
<b>Compression Ignition (Diesel)</b>							
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 <sup>a</sup>	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 <sup>b</sup>	0.50	-	0.23	0.18	0.005 <sup>f</sup>	-
Euro 5b	2011.09 <sup>c</sup>	0.50	-	0.23	0.18	0.005 <sup>f</sup>	6.0×10 <sup>11</sup>
Euro 6	2014.09	0.50	-	0.17	0.08	0.005 <sup>f</sup>	6.0×10 <sup>11</sup>
<b>Positive Ignition (Gasoline)</b>							
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 <sup>b</sup>	1.0	0.10 <sup>d</sup>	-	0.06	0.005 <sup>e,f</sup>	-
Euro 6	2014.09	1.0	0.10 <sup>d</sup>	-	0.06	0.005 <sup>e,f</sup>	6.0×10 <sup>11</sup>
<p>* At the Euro 1..4 stages, passenger vehicles &gt; 2,500 kg were type approved as Category N<sub>1</sub> 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. 6.0×10<sup>12</sup> 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).





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**To:** Licensing Committee  
**Date:** 05/11/2012  
**Author:** Simon Scarrott  
**Lead Officer:** Simon Scarrott

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**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 1<sup>st</sup> 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.

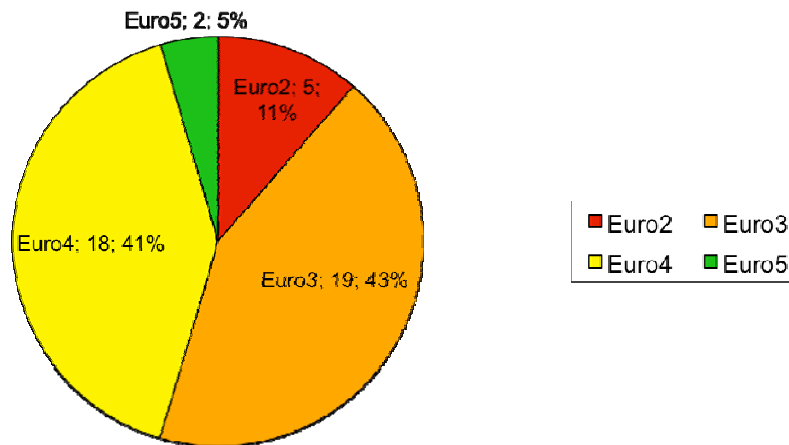
To date SDC has not declared any AQMAs (air quality management areas) within the district. This situation may however change, potentially leaving SDC open to EU fines pass ported under the Localism Act 2011.

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.

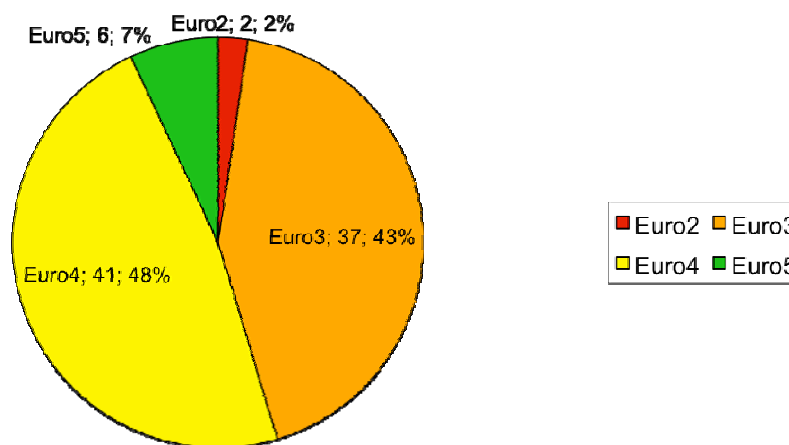
## **2. The Report**

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.