

REGULATORY COMMITTEE

At a meeting of the Regulatory Committee on Thursday, 12 February 2009 in the Council Chamber, Runcorn Town Hall

Present: Councillors Philbin (Chairman), Wallace (Vice-Chairman), Bryant, Drakeley, D. Inch, A. Lowe and Murray

Apologies for Absence: Councillors Howard, E. Ratcliffe, Wainwright and Wharton

Absence declared on Council business: None

Officers present: C. Halpin, K. Cleary, J. Findlow, J. Tully, S. Baxter, W. Salisbury and Y. Sung

Also in attendance: Inspectors Dodd and Pierce (Cheshire Police), R. Ramsden (Warrington BC) and 4 Members of the Public.

ITEMS DEALT WITH UNDER DUTIES EXERCISABLE BY THE COMMITTEE

	<i>Action</i>
REG24 MINUTES	
The minutes of the meeting held on 21 st January 2009 were taken as read and signed as a correct record.	
REG25 CREAMFIELDS 2008	
The Committee considered a report from the responsible authorities on issues arising from carrying out the Creamfields Event 2008.	
The Committee was advised that the Creamfields Events had taken place in August 2006 and 2007 and feedback on the events was presented to Members at the November 2008 meeting of the Regulatory Committee.	
Members were advised that the purpose of the report was to present the facts from the viewpoint of the responsible authorities who had now had the opportunity of dealing with the three events.	
It was noted that reports on the event had been	

received from Cheshire Police, Halton Borough Council Environmental Health – Noise Control Department, Halton Borough Council Environmental Health – Health and Safety Department and Warrington Borough Council Environmental Health Department.

The reports from the responsible authorities were set out in Appendix A to the report and the responsible authorities had been invited to attend the Committee.

Inspector Dodd and Inspector Pierce of Cheshire Police attended the meeting and summarised the views of Cheshire Constabulary in providing the planning and operation of the Creamfields 2008 Music Festival.

Mr. S. Baxter of Halton Borough Council's Environmental Health Department gave an update on the Environmental Health aspects of the festival including noise, health and safety, food safety and standards.

Mr. P. Ramsden of Warrington Borough Council's Environmental Health Department also attended the meeting to give an update on the operation of the festival from Warrington Borough Council's viewpoint.

RESOLVED: That the reports from the responsible authorities be noted.

REG26 LEGAL SERVICES LICENSING IN TABLES

The Committee received a report which updated Members on the changes made to the Legal Services Licensing in Tables currently on the Council's internet.

It was noted that at the Committee meeting on 18th September 2006 Members were advised of a document relating to the various licences dealt with by Legal Services and resolved that the information as outlined be published on the Council's website.

It was further noted that this document was updated and presented to Members at the meeting on 21st January 2008 and had now been further updated again to reflect more recent changes.

The amended version of the Legal Services Licensing in Tables was presented to Members for consideration.

RESOLVED: That the amended information contained in the Legal Services Licensing in Tables be

noted.

REG27 VEHICLE LICENCE CONDITIONS

The Committee received a report which provided details of the outcome of a further consultation and provided options for the Committee to consider in relation to the review of the Council's Qualifying Vehicles conditions in respect of Hackney Carriage and Private Hire Vehicles.

It was noted that on 16th June 2008 the Committee resolved to undertake a review of the Council's Qualifying Vehicles conditions in respect of Hackney Carriage and Private Hire Vehicles. The Taxi Consultative Group was consulted at its meeting on 10th July 2008. The Group was briefed on the nature of Qualifying Vehicle conditions and asked for any recommendations to be produced by 31st July 2008.

Representations relevant to the review were received from two members of the taxi trade. The representations were reported back to the Regulatory Committee on 24th September 2008 and were set out at Appendix 1 to the report.

At the meeting on the 24th September the Members resolved to accept the amendments (see Council Minute 13/2008) and requested that a number of issues be referred back to the Taxi Consultative Group for further consultation.

The issues for further consultation were front bench seats, seat configuration, passenger numbers and privacy glass. Arising out of the further consultations two representations were received and details were set out in the Appendix to the report.

It was noted that the challenge for the Committee was to approve a policy that was logically defensible. This would involve identifying the underlying principles on which any policy was to be based.

In the context of the issues there were two basic conflicting sets of principles for the Committee to consider. The first set was passenger comfort. The second set comprised of keeping travelling costs to a minimum, carbon footprint reduction and the general principle that if a vehicle was rated, using national standards, for a particular number of passengers they should be allowed to be used as taxis and private hire vehicles for those numbers of passengers (which was called the national standards principle).

The reason why these two sets of principles were contradictory was that the first set implied fewer passenger per vehicle whereas the second set implied more passengers per vehicle.

The report also outlined principles which were relevant to the privacy glass issue.

The Committee considered that the optimum larger vehicle was the MPV type which did not have all forward facing seats. The advantage for the trade in choosing such vehicles were (1) that longer vehicle age limits applied and (2) a larger number of passengers would be permitted.

RESOLVED: That

- (1) there should be no restrictions as to the use of front bench seats except where the use of front bench seats meant that the minimum standards set out in the vehicle licence conditions could not be met (e.g. where transmission tunnels obstructed passengers);
- (2) conditions relating to passenger numbers and seat configuration shall be those set out at paragraph 2.3 of Appendix 1 for Hackney Carriage Vehicles and Private Hire Vehicles respectively;
- (3) conditions relating to privacy glass shall be those set out at paragraph 2.6 of Appendix 1 for Hackney Carriage Vehicles and Private Hire Vehicles respectively;
- (4) the conditions relating to qualifying vehicles for both Hackney Carriage Vehicles and Private Hire Vehicles arising out of the consultation exercise shall be those set out in Appendix 1 to reflect the decision of the Committee taken in the context of this report as well as with Minute 13 of the 24th September 2008; and
- (5) the Operational Director and Monitoring Officer (Legal, Organisational Development and Human Resources) be authorised to update the Council's rules, regulations and conditions relating to taxis and private hire as may be deemed appropriate from time to time.

<p>HACKNEY CARRIAGE VEHICLE CONDITIONS</p>	<p>PRIVATE HIRE VEHICLE CONDITIONS</p>
<p>NOTE: These Conditions contain qualifying requirements for a licence to be issued as well as requirements which must be complied with while any vehicle licence remains in force.</p>	<p>NOTE: These Conditions contain qualifying requirements for a licence to be issued as well as requirements which must be complied with while any vehicle licence remains in force.</p>
<p>(a) 2. Qualifying Vehicles</p>	<p>(b) 2. Qualifying Vehicles</p>
<p>2.1 Definitions</p> <p>In these conditions: “MPV” means an multi-purpose vehicle (that is, a vehicle in which the seats may be removed or reconfigured and be fully wheelchair accessible); “MSV” means a multi-seat vehicle (that is, a vehicle which is fitted with a number of fixed position seats for in excess of 5 passengers and not exceeding 8 passengers). “Minimum usable luggage space” means minimum <u>internal</u> usable luggage space which must be calculated with reference to the comfort and needs of passengers and may result in less passengers being carried at any particular time than the permitted maximum allowed under the licence. “vehicle” means the vehicle which is the subject of a Hackney Carriage Vehicle Licence “Wheelchair accessible” means capable of carrying a wheel chair in a folded and stored condition with the wheelchair passenger seated in a standard seat. “Fully wheelchair accessible” means capable of carrying a wheel chair in a</p>	<p>2.1 Definitions</p> <p>In these conditions: “MPV” means an multi-purpose vehicle (that is, a vehicle in which the seats may be removed or reconfigured and fully wheelchair accessible); “MSV” means a multi-seat vehicle (that is, a vehicle which is fitted with a number of fixed position seats for in excess of 5 passengers and not exceeding 8 passengers). “Minimum usable luggage space” means minimum <u>internal</u> usable luggage space which must be calculated with reference to the comfort and needs of passengers and may result in less passengers being carried at any particular time than the permitted maximum allowed under the licence. “ vehicle” means the vehicle which is the subject of a Private Hire Vehicle Licence “Wheelchair accessible” means capable of carrying a wheel chair in a folded and stored condition with the wheelchair passenger seated in a standard seat. “Fully wheelchair accessible” means capable of carrying a wheel chair in a folded and stored condition with the wheelchair</p>

folded and stored condition with the wheelchair passenger seated in a standard seat or at the election of the wheelchair passenger capable of carrying the passenger while sitting in the wheelchair provided that vehicles with rear access for wheelchair passengers shall not be deemed to be fully wheelchair compatible.

2.1 General Conditions

Wheel chair accessibility

2.1.2 All vehicles without exception shall be wheelchair accessible.

Colour

2.1.3 All vehicles must be painted manufacturer's black except that purpose built hackney carriages may be painted in any manufacturer's colour

Section 1.02 2.2 To qualify for a Hackney Carriage Vehicle Licence the vehicle must:

Purpose built hackney carriages

2.2.1 be purpose-built as a hackney carriage (which means that it must be type approved by the Public Carriage Office,

2.2.2 be under **sixteen** years old (This will be calculated on the basis of the expiry of the vehicle licence which falls within the sixteenth anniversary of first registration of that vehicle),

2.2.3 be **fully** wheelchair accessible OR

i) Saloon, estate

passenger seated in a standard seat or at the election of the wheelchair passenger capable of carrying the passenger while sitting in the wheelchair provided that vehicles with rear access for wheelchair passengers shall not be deemed to be fully wheelchair compatible.

2.1 General Condition

Wheel chair accessibility

2.1.2 All vehicles without exception shall be wheelchair accessible.

Colour

2.1.3 All vehicles may be painted in any colour **other than** manufacturer's black.

Section 1.03

Section 1.04 2.2 To qualify for a Private Hire Vehicle Licence the vehicle must:

i) Saloon, estate vehicles and MSVs

2.2.1 be a saloon, estate vehicle or MSV with the following characteristics –

- under **eight** years old (This will be calculated on the basis of the expiry of the vehicle licence which falls within the eighth anniversary of first registration of that vehicle).

- 4/5 doors
- minimum useable luggage space of 353 litres (12.5 cubic feet)

- minimum rear knee room spacing (the distance between the front surface of all seat backs and the back(s) in front): 650mm (25.61")

- minimum front knee room spacing (the distance between the front surface of the front seat back(s) and the surface of the front console): 650mm (25.61")

- minimum foot space (the clear space in front of the seat): 300mm long, 250mm wide and 80mm high (11.82" x 9.85" x

<p style="text-align: center;">vehicles and MSVs</p> <p>2.2.4 be a saloon, estate vehicle or MSV with the following characteristics –</p> <ul style="list-style-type: none"> • be under eight years old (This will be calculated on the basis of the expiry of the vehicle licence which falls within the eighth anniversary of first registration of that vehicle. • 4/5 doors • minimum useable luggage space of 353 litres (12.5 cubic feet) • minimum rear knee room spacing (the distance between the front surface of all seat backs and the back(s) in front): 650mm (25.61") • minimum front knee room spacing (the distance between the front surface of the front seat back(s) and the surface of the front console): 650mm (25.61") • minimum foot space (the clear space in front of the seat): 300mm long, 250mm wide and 80mm high (11.82" x 9.85" x 3.15") • minimum rear cabin width: 1346mm (53") • minimum of 4 (usable) wheels OR <p>MPV style vehicles</p> <p>2.2.5 be a MPV style vehicle with the following characteristics;</p> <ul style="list-style-type: none"> • full M1 type approval or Small Volume Production Certificate • be under twelve years old (This will be calculated on the basis of the expiry of the vehicle licence which falls within the twelfth anniversary of first registration of that vehicle) . • painted manufacturer's black • minimum useable luggage space 353 litres (12.5 cubic feet) • fully wheelchair accessible 	<p>3.15")</p> <ul style="list-style-type: none"> • minimum rear cabin width: 1346mm (53") • minimum of 4 (usable) wheels <p>MPV style vehicles</p> <p>2.2.2 be a MPV style vehicle with the following characteristics;</p> <ul style="list-style-type: none"> • full M1 type approval or Small Volume Production Certificate • under twelve years old (This will be calculated on the basis of the expiry of the vehicle licence which falls within the twelfth anniversary of first registration of that vehicle). • painted any colour other than manufacturer's black • minimum useable luggage space 353 litres (12.5 cubic feet) • fully wheelchair accessible <p>2.2.3 Calculation of Age (For the avoidance of doubt) - Vehicle ages shall be calculated using the following principles;</p> <ul style="list-style-type: none"> ▪ Ages shall be calculated from the date of first registration of the vehicle. ▪ The maximum ages specified in these conditions relate to the date when the <u>first application</u> is made in respect of the vehicle or (as the case may be) the date when the current licence applicable to a vehicle <u>is due to expire</u>; ▪ Where a vehicle has not reached its maximum age when the <u>first application</u> is made in respect of the vehicle a licence granted in respect of such vehicle shall continue for a period of 12 months notwithstanding that the vehicle shall have exceeded its maximum age by the date of expiry of such licence; ▪ Where a vehicle has not reached its maximum age
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2.2.6 Calculation of Age (For the avoidance of doubt) -Vehicle ages shall be calculated using the following principles;

- Ages shall be calculated from the date of first registration of the vehicle.
- The maximum ages specified in these conditions relate to the date when the first application is made in respect of the vehicle or (as the case may be) the date when the current licence applicable to a vehicle is due to expire;
- Where a vehicle has not reached its maximum age when the first application is made in respect of the vehicle a licence granted in respect of such vehicle shall continue for a period of 12 months notwithstanding that the vehicle shall have exceeded its maximum age by the date of expiry of such licence;
- Where a vehicle has not reached its maximum age when the date when the current licence applicable to such vehicle is due to expire a licence granted in respect of such vehicle shall continue for a period of 12 months notwithstanding that the vehicle shall have exceeded its maximum age by the date of expiry of such licence provided that no renewal licence shall be granted in respect of such vehicle if the vehicle shall not have qualified for renewal by such date of expiry

Other types of vehicle

when the date when the current licence applicable to such vehicle is due to expire a licence granted in respect of such vehicle shall continue for a period of 12 months notwithstanding that the vehicle shall have exceeded its maximum age by the date of expiry of such licence provided that no renewal licence shall be granted in respect of such vehicle if the vehicle shall not have qualified for renewal by such date of expiry

ii) Other types of vehicle

2.2.4 be any other type of motor vehicle, such as a limousine, which may be approved by the Council from time to time subject to any special requirements deemed appropriate to such vehicle

2.3 Passenger numbers and Seat configuration

2.3.1 The permitted number of passengers shall be one passenger per permitted passenger seat and the number of permitted passenger seats shall be calculated in accordance with the following rules:

- in **saloon and estate** vehicles the permitted passenger seats shall be in accordance with manufacturers' specifications;
- in **MSVs** the permitted passenger

- 2.2.6 be any other type of vehicle, such as a limousine, which may be approved by the Council from time to time subject to any special requirements deemed appropriate to such vehicle
- 2.2.7 Horse drawn vehicles are subject to special conditions

2.3 Passenger numbers, and Seat configuration

2.3.1 The permitted number of passengers shall be one passenger per permitted passenger seat and the number of permitted passenger seats shall be calculated in accordance with the following rules:

- in **purpose built hackney carriages** the permitted passenger seats shall be in accordance with manufacturers' specifications;
- in **saloon and estate** vehicles the permitted passenger seats shall be in accordance with manufacturers' specifications;
- in **MSVs** the permitted passenger seats shall be in accordance with manufacturers' specifications

seats shall be in accordance with manufacturers' specifications except that the nearside seat on the middle row of the vehicle shall be removed;

- in **MPVs which have all forward facing seats** the permitted passenger seats shall be in accordance with manufacturers' specifications except that the nearside seat on the middle row of the vehicle shall be removed;;
- in **MPVs which do not have all forward facing seats** the permitted passenger seats shall be in accordance with manufacturers' specifications;

2.3.2 In all cases the above rules are subject to (1) the right of proprietors to request fewer passenger numbers to be licensed and (2) to the minimum sizes specified elsewhere in these Conditions.

2.4 Trailers

except that the nearside seat on the middle row of the vehicle shall be removed;

- in **MPVs which have all forward facing seats** the permitted passenger seats shall be in accordance with manufacturers' specifications except that the nearside seat on the middle row of the vehicle shall be removed;;
- in **MPVs which do not have all forward facing seats** the permitted passenger seats shall be in accordance with manufacturers' specifications;

2.3.2 In all cases the above rules are subject to (1) the right of proprietors to request fewer passenger numbers to be licensed and (2) to the minimum sizes specified elsewhere in these Conditions.

2.4 Trailers

- 2.4.1 Trailers shall be subject to prior approval by the Council.
- 2.4.2 Trailers shall be painted the same

- 2.4.1 Trailers shall be subject to prior approval by the Council.
- 2.4.2 Trailers shall be painted the same colour as the towing vehicle.
- 2.4.3 An identity plate supplied by the Council shall be affixed to the rear of the trailer.
- 2.4.4 A trailer shall only be used in conjunction with one licensed vehicle.
- 2.4.5 Trailers shall be tested initially before use at the Council's testing facility and thereafter shall be tested annually at the same time as the towing vehicle.
- 2.4.6 Trailers shall not be used while the towing vehicle is standing or plying for hire.

2.5 Roof Pods

- 2.5.1 Roof pods shall be subject to individual prior approval

2.6 Privacy glass

Privacy glass shall be permitted subject to the following rules:

- Blackout glass shall be banned in Halton;
- The permitted degree of tinting of glass in front of the vehicles' "B-Pillar" shall be in accordance with national standards;
- The permitted degree

<p>colour as the towing vehicle.</p> <p>2.4.3 An identity plate supplied by the Council shall be affixed to the rear of the trailer.</p> <p>2.4.4 A trailer shall only be used in conjunction with one licensed vehicle.</p> <p>2.4.5 Trailers shall be tested initially before use at the Council's testing facility and thereafter shall be tested annually at the same time as the towing vehicle.</p> <p>2.4.6 Trailers shall not be used while the towing vehicle is standing or plying for hire.</p> <p>2.5 Roof Pods</p> <p>2.5.1 Roof pods shall be subject to individual prior approval</p> <p>2.6 Privacy glass</p> <p>Privacy glass shall be permitted subject to the following rules:</p> <ul style="list-style-type: none"> • Blackout glass shall be banned in Halton; • The permitted degree of tinting of glass in front of the vehicles' "B-Pillar" shall be in accordance with national standards; • The permitted degree of tinting of glass behind 	<p>of tinting of glass behind the vehicles' "B-Pillar" shall be in accordance with rules to be determined from time to time by the Council.</p>
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the vehicles' "B-Pillar" shall be in accordance with rules to be determined from time to time by the Council.	
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Meeting ended at 9.15 p.m.