



Leicester
City Council

MEETING OF THE LICENSING AND PUBLIC SAFETY COMMITTEE

DATE: TUESDAY, 14 MARCH 2023

TIME: 5:30 pm

PLACE: Meeting Room G.01, Ground Floor, City Hall, 115 Charles Street, Leicester, LE1 1FZ

Members of the Committee

Councillor Singh Johal – Vice Chair

Councillor Byrne – Co-Vice Chair

Councillor Pickering – Co-Vice Chair

Councillors Ali, Cank, Fonseca, Gee, Nangreave, O'Donnell, Sangster, Shelton, Westley and Whittle

One unallocated Labour Group place

One unallocated Conservative-Group place

Members of the Committee are summoned to attend the above meeting to consider the items of business listed overleaf.

for The Monitoring Officer

Officer contact : Aqil Sarang

Democratic Support

Leicester City Council

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If you have any queries about any of the above or the business to be discussed, please contact Aqil Sarang, **Democratic Support on (0116) 454 5591** or email aqil.sarang@leicester.gov.uk

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PUBLIC SESSION

AGENDA

FIRE / EMERGENCY EVACUATION

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1. APOLOGIES FOR ABSENCE

2. DECLARATIONS OF INTEREST

Members are asked to declare any interests they may have in the business on the agenda.

3. MINUTES OF PREVIOUS MEETING

**Appendix A
(Pages 1 - 4)**

The minutes of the meeting held on 15 March 2022 have been circulated and the Committee will be asked to confirm them as a correct record.

4. PETITIONS

The Monitoring Officer to report on the receipt of any petitions submitted in accordance with the Council's procedures.

5. QUESTIONS, REPRESENTATIONS, STATEMENTS OF CASE

The Monitoring Officer to report on the receipt of any questions, representations and statements of case submitted in accordance with the Council's procedures.

6. TAXI DRIVER KNOWLEDGE TEST

**Appendix B
(Pages 5 - 10)**

The Director, for Neighbourhood Services submits a report for approval to the Committee on the Knowledge Test used for drivers to demonstrate appropriate knowledge of Leicester and general taxi legislation.

The Licensing and Public Safety Committee is asked to consider the options in the report and decide which to adopt.

7. TAXI LICENSING - VEHICLE CONDITION OF FITNESS

**Appendix C
(Pages 11 - 28)**

The Director for Neighbourhood Services submits a report setting out set of standard requirements that all vehicles must satisfy before being licensed.

The Licensing and Public Safety Committee is asked to consider approving changes to the conditions of fitness for hackney carriages and private hire vehicles.

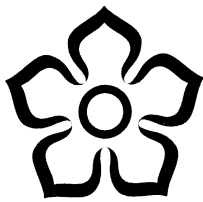
8. TAXI LICENSING - DRIVER RENEWALS

**Appendix D
(Pages 29 - 36)**

The Director for Neighbourhood Services submits a report setting out the process for renewing taxi driver licences (hackney and private hire) which has been revised. The report explains the reasons for this and sets out the new procedure.

The Licensing and Public Safety Committee is asked to note the report.

9. ANY OTHER URGENT BUSINESS



Leicester
City Council

Minutes of the Meeting of the
LICENSING AND PUBLIC SAFETY COMMITTEE

Held: TUESDAY, 15 MARCH 2022 at 5:30 pm

P R E S E N T:

Councillor Singh Johal (Chair)
Councillor Pickering (Co-Vice Chair)

Councillor Cank

Councillor Gee

* * * * *

11. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Fonseca, Shelton and Westley.

12. DECLARATIONS OF INTEREST

Members were asked to disclose any interests they might have on the business to be discussed.

There were no declarations of interest made.

13. MINUTES OF PREVIOUS MEETING

RESOLVED:

that the minutes of the meeting held on 15 November 2021 be approved as a correct record.

14. PETITIONS

The Monitoring Officer reported that no petitions had been submitted in accordance with the Council's procedures.

15. QUESTIONS, REPRESENTATIONS, STATEMENTS OF CASE

The Monitoring Officer reported that no questions, representations and statements of case had been submitted in accordance with the Council's procedures.

16. TAXI DRIVER KNOWLEDGE TEST

The Strategic Director, City Development and Neighbourhoods submitted a report for approval to the Committee on the Knowledge Test used for drivers to demonstrate appropriate knowledge of Leicester and general taxi legislation.

The Licensing and Public Safety Committee were asked to consider the options in Section 5 of the report and decide which to adopt.

Rachel Hall, Chief Licensing Officer presented the report. It was noted that every licensing authority sets its own bar for determining whether an applicant was a 'fit and proper' person to hold a Hackney Carriage and Private Hire Vehicle Driver's Licence, with part of the process in Leicester requiring applicants to pass a knowledge test to demonstrate appropriate knowledge of the city and general taxi legislation. It was reported the current driver paper-based knowledge test was considered to be antiquated, and a computer based technological solution had been sought without success.

The Officer felt that taxi drivers should be ambassadors for the city for visitors and wanted them to have some knowledge of Leicester. Each of the options were then presented to the Committee in detail including advantages and disadvantages for each one.

Members were then given the opportunity to comment and ask questions, as follows:

- It was asked for clarity that if drivers with Wolverhampton plates could operate in Leicester. It was acknowledged that deregulation meant a private hire company could transfer bookings to operators in other cities, with so called 'satellite operator's licences. It was noted that the scale of the problem was big, and through research it had been established that for every two drivers with a Leicester or Leicestershire licence, there was a third driver with a Wolverhampton plate.
- Members asked if Wolverhampton undertook knowledge tests but it was reported it was not a requirement in that authority. It was noted that their fees were cheap through economies of scale, and they currently had over 18,000 licensed drivers.
- Drivers believed they could be licensed more quickly and easily in Wolverhampton.
- Drivers in Leicester had to supply a full, detailed medical check completed by the applicant's own GP or a doctor with access to the applicant's medical records. It was understood that Wolverhampton simply require a doctor to state the person met the required standard.
- Members did not want an online assessment as it would not be known if the person applying would be completing the test or if they were assisted.
- Combining the existing practical and theory tests would reduce waiting times for applicants as currently staff could only test four people at a time, and it would reduce no-show bookings. It was explained that an external provider was likely to be more flexible in response to fluctuating demand.

- Wolverhampton had previously indicated that they send an enforcement officer to Leicester once a month.
- Members stated support for the combined test and having drivers licensed by Leicester was preferable.

The Chair was uncertain about outsourcing the knowledge test and combining it with the existing practical assessment. He asked how the examiners would be monitored to assure the Committee that the assessment would be robust. It was noted that drivers were currently asked 50 questions, and drivers needed a certain level of knowledge of Leicester.

The Officer responded that there was a difficulty with trying to raise the bar of licence standards that drivers would not be able to afford the test, and that whatever option was chosen, the authority had to be mindful of affordability for the applicants.

The Officer informed Members that assessments undertaken by an outside provider would be similar to a driving test, with an assessor monitoring driving skills and assessing an applicant's local driving knowledge. The number of questions that would be asked of an applicant would be set during the procurement process. She added there were no concerns with the companies that currently undertook practical driving assessments as they reported any incidents and shared information with Licensing.

Members were assured that there would be no lowering of standards in the testing, it would just be different in its delivery. In response to Members' concerns a monitoring process could be built into the contract. It was reiterated that the testing method currently being used was not adequate and that a more up to date and robust test was needed. It was further acknowledged that cost was a factor and that a computer-based system would require resources.

Members stated that they wanted taxi drivers under Leicester City Council's control and ultimately to make taxi travel safe for the citizens of Leicester.

The Officer confirmed the combination of practical knowledge test during the driving to specific landmarks, different locations, what routes to take, quickest main roads etc. would be a robust method of assessing knowledge of the city.

The Chair stated that he preferred a computer-based approach, but he was guided by the Committee in supporting option (e) with the combination of practical driver and knowledge assessment. He added he wanted the test monitoring and auditing, and that the Council should set the questions for the knowledge test.

RESOLVED:

That:

1. The comments be noted and taken into further consideration by the Licensing Team.
2. Option (e) be considered as the option of choice by Members.
3. The authority to continue to monitor and audit the knowledge

test, the questions of which should be set by the Council.

17. CLOSE OF MEETING

There being no other items of urgent business, the meeting closed at 6.32pm.

Taxi Driver Knowledge Test

Licensing and Public Safety Committee

Decision to be taken by: Licensing (Hearings)
Sub-Committee

Decision to be taken on/Date of meeting: 14/03/2023

Lead director/officer: Sean Atterbury, Director of
Neighbourhood and Environmental Services

Useful information

- Ward(s) affected: All
- Report author: Deborah Bragg Licensing Manager (Policy and Applications)
- Author contact details: Deborah.bragg@leicester.gov.uk
- Report version number: 1

1. Summary

- 1.1 The licensing authority is responsible for licensing taxi drivers, including drivers of hackney carriages and private hire vehicles.
- 1.2 The authority must determine whether each applicant is “fit and proper” to hold a licence.
- 1.3 Each authority sets its own standards for establishing fitness and propriety. In Leicester that includes applicants passing a “knowledge test” to demonstrate appropriate knowledge of Leicester and general taxi legislation.
- 1.4 A report was presented to members on 15 March 2022 where members were presented with a number of options to replace/amend the current knowledge test.
- 1.5 Members determined that option (e) was their preferred choice and that the Authority should continue to monitor and audit the knowledge test with the questions being set by the Council.
- 1.6 The purpose of this report is to provide an update to members on progress being made to procure an appropriate replacement to the existing knowledge test.

2. Determination to be made

- 2.1 Members are asked to note the contents of the report.

3. Scrutiny/Stakeholder Engagement

- 3.1 Consultation took place in October and November 2019 in connection with the taxi strategy. The consultation about driver licensing included a specific question on the knowledge test.
- 3.2 Officers are currently working towards a set of requirements to include in a procurement proposal to go out for tender via the Councils Procurement Portal. This has included contacting suppliers that are already known to provide such services to Licensing Authorities and a visit to an Authority where officers sat through their training day to gather further information about what was included in their testing process.

4. Detailed report

- 4.1 Since the last report was presented to members outlining various options about whether to retain/amend or discontinue the knowledge test, officers have carried out further research on what is currently available from providers of training courses specific to Licensing Authorities and the assessments of the suitability of applicants to be licensed as a driver.

- 4.2 Initially this was focused on finding a suitable provider to undertake the practical driving test and include at the same time the knowledge element of what we require.
- 4.3 Our research has found that there are providers out there that could potentially combine not only the knowledge test element of our requirements but also combine other important matters that we need to assess the suitability of applicants.
- 4.4 This includes (but is not limited to) safeguarding, disability awareness, specific questions around our licensing conditions and PREVENT. The systems can also be easily updated and amended in real time so that outdated information is removed.
- 4.4 There are also face to face training courses that can be tailored to our specific needs and undertaken by professional trainers covering what we as the Licensing Authority require with an online assessment at the end of the training. The knowledge assessment compiled by the Licensing Authority would be done online but would be conducted on our premises and supervised by licensing staff. This approach had been considered previously but dismissed due to the practicalities at that time. However, advances in the market together with changes in how we operate mean that this is now a viable approach.
- 4.6 In light of what has been discovered in terms of training for licensed drivers it is proposed that the practical driving test is revisited on its own and a separate procurement exercise undertaken for providers of a practical driving test.
- 4.8 A proposal covering what we would require of any additional training requirements including elements of knowledge, will also be drafted and a procurement exercise undertaken.
- 4.7 The cost of any test is met by the applicant. This means that the procurement of a new system internally or externally would need to be factored into the cost of a new driver application, as would the cost of providing IT systems, accommodation and staffing to run the tests. This would be balanced against reductions in staff time spent on administering the current knowledge test.

5. Financial, legal, equalities, climate emergency and other implications

5.1 Financial implications

There are no direct financial implications arising from the recommendations in this report. The cost of any testing mechanism is met through the fee that is charged to the applicant. Changes to the underlying cost of carrying out the assessment (either increases or decreases) will be passed on to the applicant through amendments to the fee.

Stuart McAvoy, Head of Finance

5.2 Legal implications

Sections 51(1) and 59(1) of the Local Government (Miscellaneous Provisions) Act 1976 detail that the Council shall not to grant a Private Hire Vehicle Driver's licence or a Hackney Carriage Driver's licence unless they are satisfied that the applicant is a 'fit and proper person' to hold a driver's licence. To assess whether an applicant is 'fit and proper' to hold

a licence the council are entitled to assess and test a driver's personal characteristics and professional qualifications. Knowledge tests or topographical knowledge tests can be part of such assessments. Whilst the report is for noting at this stage, Committee and Officers should when it comes to approving recommendation have regard to the Department of Transport's 2010 best practice guidance (paragraphs 75 and 76). The stringency of any test should reflect the complexity or otherwise of the local geography, in accordance with the principle of ensuring that barriers to entry are not unnecessarily high.

In relation to Procurement, officers should seek the advice of the Council's procurement team before approaching would be suppliers and ensure that they comply with the law and the Council's own rules set out in its Constitution

Feizal Hajat, Qualified Lawyer, 0116 454 6881

5.3 Equalities implications

Under the Equality Act 2010, public authorities have a Public Sector Equality Duty (PSED) which means that, in carrying out their functions, they have a statutory duty to pay due regard to the need to eliminate unlawful discrimination, harassment and victimisation and any other conduct prohibited by the Act, to advance equality of opportunity between people who share a protected characteristic and those who don't and to foster good relations between people who share a protected characteristic and those who don't.

Protected Characteristics under the Equality Act 2010 are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The report provides an update on progress being made to procure an appropriate replacement to the existing knowledge tests for taxi drivers. An Equality Impact Assessment is currently underway, and this will need to be updated to reflect progress including the change of direction for the procurement of a practical driving test and any associated costs.

Sukhi Biring, Equalities Officer, 454 4175

5.4 Climate Emergency implications

There are limited climate emergency implications associated with this report. As service delivery contributes to the council's carbon emissions, the impacts of commissioning and procurement can be managed through applying the council's sustainable procurement guidance, as applicable to the project and activities that are carried out.

Aidan Davis, Sustainability Officer, Ext 37 2284

5.5 Other implications (You will need to have considered other implications in preparing this report. Please indicate which ones apply?)

None.

6. Background information and other papers:

Report presented to Licensing and Public Safety Committee on 15 March 2022

7. Summary of appendices:

None

8. Is this a private report (If so, please indicate the reasons and state why it is not in the public interest to be dealt with publicly)?

No

9. Is this a “key decision”? If so, why?

No

Taxi licensing – Vehicle conditions of fitness

Licensing & Public Safety Committee

Date of meeting: 14 March 2023

Lead director/officer: Sean Atterbury, Director of
Neighbourhood & Environmental Services

Useful information

- Ward(s) affected: All
- Report author: Rachel Hall, Chief Licensing Officer
- Author contact details: rachel.hall@leicester.gov.uk
- Report version number: 1

1. Summary

- 1.1 The council is responsible for licensing vehicles for use as hackney carriages and private hire vehicles. To help fulfil this obligation the council has put in place a set of standard requirements that all vehicles must satisfy before being licensed.
- 1.2 These conditions of fitness have been reviewed to ensure they are relevant and appropriate.

2. Recommended actions/decision

- 2.1 The Licensing and Public Safety Committee is asked to approve changes to the conditions of fitness for hackney carriages and private hire vehicles.

3. Scrutiny / stakeholder engagement

- 3.1 Consultations carried out before the taxi strategy was implemented included some updates to the conditions of fitness for both hackney carriages and private hire vehicles.

4. Background and options with supporting evidence

- 4.1 Existing conditions of fitness for hackney carriages and private hire vehicles have been in place for a number of years. Officers have reviewed the conditions and now propose changes to bring them up to date.
- 4.2 The taxi strategy includes a commitment to review the conditions of fitness.
- 4.3 Under the council's constitution non-executive policy developments of strategic significance on taxi licensing matters are reserved to the Licensing & Public Safety Committee.
- 4.4 Options available to the committee are to:
 - i) Accept the proposed changes
 - ii) Suggest additional / alternative changes
 - iii) Reject the proposed changes

5. Detailed report

- 5.1 The council is responsible for licensing vehicles for use as hackney carriages and private hire vehicles. In fulfilling this obligation, the council must be satisfied that each vehicle is safe and suitable for use as a licensed vehicle.
- 5.2 The council has separate sets of conditions of fitness for hackney carriages and private hire vehicles. These set out minimum requirements that must be met before a vehicle will be licensed and for the duration of the licence.
- 5.3 The taxi strategy includes a commitment to review the conditions of fitness to ensure they remain appropriate. Consultation took place as part of the preliminary work for the taxi strategy.
- 5.4 Some changes are straightforward, such as removing items that have been superseded or which have now become standard, such as the requirement for a fuel

cut off system. Other changes are needed to clarify existing requirements, for example the positioning of door signs on private hire vehicles. Some new items have been added to drive forward improvements in the taxi fleet and provide a better service for customers, eg, the provision of card payment devices in hackney carriages.

5.5 The proposed new conditions of fitness for hackney carriages are attached at **Appendix A**.

5.6 The proposed new conditions of fitness for private hire vehicles are attached at **Appendix B**.

5.7 The proposed revision for the minimum standards and guidance relating to CCTV used in vehicles licensed by this authority is attached at **Appendix C**.

5.8 Further changes are to be brought forward at a later date, including a revised age / emissions policy. These changes are more detailed and require additional work that would unnecessarily delay the updates currently being proposed.

6. Financial, legal, equalities, climate emergency and other implications

6.1 Financial implications

There are no financial implications for the Council arising from the recommendations within this report.

Stuart McAvoy – Head of Finance, 37 4004

6.2 Legal implications

The Council may in accordance with sections 47 and 48 of the Local Government (Miscellaneous Provisions) Act 1976 attach conditions it considers to be reasonably necessary to the grant of a hackney carriage vehicle licence and a private hire vehicle licence. A person aggrieved by any of the conditions may appeal to the Magistrates' Court.

John Moss, Legal Services, 373010

6.3 Equalities implications

When making decisions, the Council must comply with the Public Sector Equality Duty (PSED) (Equality Act 2010) by paying due regard, when carrying out their functions, to the need to eliminate unlawful discrimination, advance equality of opportunity and foster good relations between people who share a 'protected characteristic' and those who do not. In doing so, the council must consider the possible impact on those who are likely to be affected by the recommendation and their protected characteristics.

Protected groups under the Equality Act 2010 are age, disability, gender re-assignment, pregnancy/maternity, marriage and civil partnership, race, religion or belief, sex and sexual orientation.

The proposal is to approve changes to the conditions of fitness for hackney carriages and private hire vehicles. It is important to note that taxis and Private Hire Vehicles are vital to people from across all communities, it is important to ensure the public travel safely and receive a good level of service, the proposed conditions of fitness replace existing conditions that are out of date. These will apply equally to all licence holders. The purpose of the proposed these changes is to deliver an appropriate standard of service to the

travelling public, including customers who are less able to travel by other forms of transport. There are no direct equality implications arising from the report. Taxi strategy is a strategic overarching document setting out the role of the licensing authority and how the council will apply its taxi policies. The taxi strategy includes a commitment to review the conditions of fitness.

Elderly and disabled users also rely heavily on the door-to-door service taxis and PHVs provide, as it is often the only way for many residents to access local services. Any changes need to be communicated effectively to relevant stakeholders in an accessible, fair and proportionate way this includes meeting any language and access needs as appropriate.

Where aspects of taxi licensing will require further consultation before they are taken forward, such as the possible introduction of CCTV in licensed vehicles, it is recommended that Equality Impact Assessments (EIAs) are carried out as appropriate.

Surinder Singh, Equalities Officer, 454 4148

6.4 Climate Emergency implications

The recommended changes to the conditions will only have a very small positive impact in reducing greenhouse emissions from taxis licensed in the city, because only three Hackney Carriages and one Private Hire Vehicle are currently Euro 4. Additionally, the Euro standards do not cover carbon dioxide, which is the main greenhouse gas in vehicle exhaust, so the main impact on greenhouse gas emissions will be through the replacement vehicles being more fuel efficient, or being electric or plug-in hybrids – depending on the purchasing choice made by the owners.

Duncan Bell, Climate Change Manager, 37 2249

6.5 Other implications (You will need to have considered other implications in preparing this report. Please indicate which ones apply?)

None

7. Background information and other papers:

None

8. Summary of appendices:

Appendix A – Proposed conditions of fitness for hackney carriages

Appendix B – Proposed conditions of fitness for private hire vehicles

Appendix C – Proposed minimum standards for CCTV for licensed vehicle

9. Is this a private report (If so, please indicate the reasons and state why it is not in the public interest to be dealt with publicly)?

No

10. Is this a “key decision”? If so, why?

No

APPENDIX A – PROPOSED REVISION OF HACKNEY CARRIAGES – CONDITIONS OF FITNESS AND DIRECTIONS

PURPOSE

1. These conditions set out the requirements that the City Council expects all hackney carriages to meet.
2. The decision on whether to licence a particular type of vehicle will be made by the Licensing & Public Safety Committee on this basis. However, each case will be decided on its own merits and, if justifiable reasons exist, the Licensing & Public Safety Committee may decide to licence a type of vehicle that does not completely comply with the conditions or not to licence a type of vehicle that does meet the conditions.

GENERAL CONSTRUCTION

3. Every cab must comply in all respects with the requirements of any Acts and Regulations relating to motor vehicles in force at the time of licensing including the Motor Vehicle (Type Approval) Regulations 1980 and 1980, and the Motor Vehicles (Construction and Use) Regulations 1984. It must also comply fully with all other test requirements and conditions imposed by Leicester City Council and in force at the time of licensing.
4. Every cab must be type approved to the requirements of the M or M1 category¹ of European Whole Type Approval 70/156/EEC as amended. Those cabs (e.g., van conversions) which have not been type approved must be presented with approved certification that the specific vehicle meets the requirements of one of those categories.

VEHICLE AGE

5. At the time a vehicle is first presented for licensing by Leicester City Council, it must be no more than five years old, based on the date it was first registered,
6. The maximum age for re-licensing a currently licensed vehicle is eleven years.

STEERING

7. The steering wheel must be on the offside of the vehicle.

BRAKING SYSTEMS

8. All vehicles must be fitted with an ABS braking system.

ENGINE EMISSIONS

9. Engine emissions must meet a minimum of Euro 5 standard.

INTERIOR LIGHTING

8. Adequate lighting must be provided for the driver and passengers. Separate lighting controls for both passengers and driver must be provided. In the case of the

¹ Category M: Motor vehicles with at least four wheels designed and constructed for the carriage of passengers.

•Category M1: Vehicles designed and constructed for the carriage of passengers and comprising no more than eight seats in addition to the driver's seat.

•Category M2: Vehicles designed and constructed for the carriage of passengers, comprising more than eight seats in addition to the driver's seat, and having a maximum mass not exceeding 5 tonnes.

•Category M3: Vehicles designed and constructed for the carriage of passengers, comprising more than eight seats in addition to the driver's seat, and having a maximum mass exceeding 5 tonnes.

passengers compartment an illuminated control switch must be fitted in an approved position. Lighting must also be provided at floor level to every passenger door and be actuated by the opening of those doors.

ELECTRICAL EQUIPMENT

10. Any additional electrical installation to the original equipment must be adequately insulated and be protected by suitable fuses.

FIRE APPLIANCES

11. The vehicle must be provided with a dry powder type fire extinguisher, minimum capacity 1 kilo (1 litre), meeting current British Standards. The extinguisher must be fixed in the vehicle in such a position so as to be readily accessible for immediate use.

BODY DESIGN

12. The body must be of the fixed head type with a partially glazed partition glazed partition separating the passenger from the driver.

13. a) Outside dimensions:

(i) The overall width of the vehicle exclusive of driving mirrors must not exceed 1.845 metres.

(ii) The overall length must not exceed 5 metres.

b) Inside dimensions of passengers compartment:

(i) The vertical distance between the point of maximum deflection of the seat cushion when a passenger is seated to the roof immediately above the point must not be less than 96.5 centimetres.

(ii) The width across the rear seat cushion must not be less than 1.07 metres.

14. Any curvature of the floor of the passenger's compartment must be continuous and must not exceed 2 centimetres at the partition and 5 centimetres at the base of the rear seat when measured between the centre line and sills.

15. The door and doorway must be so construction as to permit of an unrestricted opening across the doorway of at least 0.75 metres. The minimum angle of the door when opened must be 90 degrees.

16. The clear height of the doorway must not be less than 1.195 metres.

17. Grab handles must be placed at door entrances to assist the elderly and disabled.

STEPS

18. The top of the tread for any entrance must be at the level of the floor of the passenger compartment and must not exceed 0.53 metres above ground level when the vehicle is unladen.

19. The outer edge of the floor at each entrance must be fitted with non-slip treads. If a colour contrast is used to aid a partially sighted person it must be of an approved type.

WHEELCHAIR FACILITIES

20. Approved anchorages must be provided for the wheelchair. These anchorages must be either chassis or floor linked and capable of withstanding approved dynamic or static tests. Restraints for wheelchair and occupant must be independent of each

other. Anchorages must also be provided for the safe stowage of a wheelchair when not in use, whether folded or otherwise, if carried within the passenger compartment.

21. A ramp or ramps for the loading of a wheelchair and occupant must be available at all times for use at the nearside passenger's door. An adequate locating device must be fitted to ensure that the ramp/ramps do not slip or tilt when in use. The ramp/ramps must be capable of being stowed safely when not in use.

PASSENGER SEATS

22. The measurements from the upholstery at the back to the front edge of the back seat must be at least 0.40 metres and for each adult person carried a minimum of 0.40 metres must be available when measured along the front parallel edge of the seat cushion.

23. The width of each front seat must not be less than 0.40 metres and such seats must be at least 0.355 metres when measured from the back to the front of the upholstery.

24. The vertical distance between the highest point of the undeflected seat cushion and the top of the floor covering must not be less than 0.355 metres.

25. Where seats are placed facing each other there must be a clear space of 0.48 metres between any part of the front of a seat and any part of any other seat which faces it. This measurement may be reduced to 0.435 metres provided adequate foot room is maintained at floor level. Where all seats are placed facing to the front of the vehicle there must be a clear space of at least 0.66 metres in front of every part of each seat squab.

26. Rear facing seats in the passenger compartment must be so arranged as to rise automatically when not in use. They must be symmetrically placed and at least 0.04 metres apart. When not in use these seats must not obstruct doorways.

27. All forward and rearward facing seats must be fitted with suitable head restraints.

28. Approved seatbelts must be fitted to all passenger seats.

29. Suitable means must be provided to assist persons to rise from the rear seat with particular attention to the needs of the elderly and disabled.

30. Vehicles with sliding passenger doors must have an approved visible warning system at the rear of the vehicle to indicate to other vehicles that a door is open and that a passenger may be alighting.

PASSENGER COMPARTMENT

31. Every cab must be provided with an approved means of communication between the passenger and the driver. When a sliding window is fitted at the rear of the driver's compartment, the maximum width of the opening must not exceed 11.5 centimetres.

32. Windows must be provided at the sides and at the rear.

33. Passenger door windows must be capable of being opened easily by passengers when seated. The control for opening a door window must be easily identified so as not to be mistaken for any other control.

34. An adequate heating and ventilation system must be fitted for the driver and passengers and means provided for independent control by the driver and passengers.

35. The flooring of the passengers' compartment must be covered with non-slip material which can be easily cleaned.

36. The windscreen must be of a laminated construction and not be tinted. All other windows and glass must be of an approved safety type.

37. An approved type of automatic door locking device must be fitted to passenger doors. When the vehicle is stationary, the passenger doors must be capable of being readily opened from the inside and outside the vehicle by one operation of the latch mechanism. The interior door handle must be easily identified so as not to be mistaken for any other control.

DISPLAY OF LICENCE

38. The vehicle must be capable of displaying licence details that shall be provided by the Council and fixed to the vehicle as follows:

- i) an external licence plate shall be permanently fixed to the rear of the vehicle in a location approved by the Licensing Team Manager;
- ii) an internal licence shall be permanently fixed in the passenger side of the windscreen so that it is visible from outside and inside the vehicle;
- iii) the driver's licence supplied by Leicester City Council shall be displayed within the vehicle in a location where it can reasonably be viewed by a passenger.

INTERNAL FARE TABLE, LICENCE PLATE AND ADVERTISING

39. A frame must be provided for the fare table, interior number plate and driver's licence details. The frame may also include space for advertising and must be fitted in an approved position.

TAXIMETER

40. A taximeter of an approved type must be fitted in an approved position. Details of approved taximeter suppliers and fitters are available on the council's website.

"TAXI" SIGNS

41. A "Taxi" sign of approved pattern, clearly visible both by day and by night when the cab is not hired, must be fitted.

RADIO APPARATUS

42. Where apparatus for the operation of a two-way radio system is fitted to a cab, no part of the apparatus may be fixed in the passenger's compartment or in the rear boot compartment if LPG tanks or equipment are situated therein.

43. Any other radio equipment either in the passenger or driver compartment, must be approved.

44. It is illegal to hold and use any mobile phone, sat nav, tablet or device that can send or receive data, while driving. Hands-free use is permitted as long as the device is not held at any time during usage. The device must not block the driver's view of the road and traffic ahead.

FITTINGS

44. No fittings other than those approved may be attached to or carried upon the inside or outside of the cab

PAINTWORK AND BODY FINISHES

45. Only the manufacturers colour range may be used on exterior or interior body finishes.

LIVERY

46. All hackney carriages must have an all black livery and, in addition, the Council's Crest and the words "Hackney Carriage" must be permanently affixed to the front nearside and offside doors and the bonnet.

ADVERTISEMENTS

47. Suitable advertisements may be allowed on the inside and outside of the cab subject to the approval of the Council.

48. Inside advertisements and public safety information may be displayed so as to be visible to travelling passengers inside the passenger compartment subject to approval from the Council. All such adverts must be encapsulated in clear non-flammable plastic.

48. Except as provided for below, outside advertisements may be displayed only on the lower panels of the rear doors and must be of an approved size. All advertisements must be correctly affixed to a continuous flat surface. There must be no conflict between the livery and Leicester City Council crest and any external advertisement.

49. Advertisements must be of such a form as not to become easily soiled or detached.

50. All materials and adhesives used in the manufacture of and for the purpose of affixing advertised displays to cabs must be approved.

51. Applications for approval of advertisements must be made in writing to the Licensing Manager of the Leicester City Council.

BADGES/EMBLEMS

52. In addition to advertisements displayed in accordance with the above requirements, the official badge or emblem of a motoring organisation which provides genuine round the clock emergency vehicle and recovery services on a country wide basis may be affixed to the radiator grille. Only one such badge or emblem may be so displayed.

CCTV

53. Please see the separate policy setting out minimum standards for CCTV in licensed vehicles

54. Please note that in the longer term it is the council's intention to consider whether or not CCTV should be mandatory in all licensed vehicles.

WINDOWS

55. The minimum light transmission through the windows shall be as follows:

- The front windscreen must allow 75% of light through
- The front side windows must allow 70% of light through
- The rear windows must allow 65% of light through.

APPENDIX B – PROPOSED REVISION OF PRIVATE HIRE VEHICLES – CONDITIONS OF FITNESS AND DIRECTIONS

PURPOSE

1. This document sets out the minimum requirements for vehicles being presented for licensing as private hire vehicles.

2. A private hire vehicle is a motor vehicle constructed or adapted to seat fewer than nine passengers, (other than hackney carriage or public service vehicle), which is provided for hire, with the services of a driver for the purpose of carrying passengers. Such a vehicle may not ply for hire from a stand or in a street, but must be pre-booked.

GENERAL CONSTRUCTION

3. Every cab must comply in all respects with the requirements of any Acts and Regulations relating to motor vehicles in force at the time of licensing including the Motor Vehicle (Type Approval) Regulations 1980 and 1980, and the Motor Vehicles (Construction and Use) Regulations 1984. It must also comply fully with all other test requirements and conditions imposed by Leicester City Council and in force at the time of licensing.

4. The vehicle must have no fewer than four doors.

VEHICLE AGE

5. At the time a vehicle is first presented for licensing by Leicester City Council, it must be no more than five years old, based on the date it was first registered

6. The maximum age for re-licensing a currently licensed vehicle is eleven years.

STEERING

7. The steering wheel must be on the offside of the vehicle.

BRAKING SYSTEM

8. All vehicles must be fitted with an ABS braking system.

FUEL

9. The vehicle must use diesel, unleaded fuel, LP Gas or hydrogen. The vehicle may be wholly or partially powered by electricity.

10. LP Gas conversions must be carried out in accordance with “Code of Practice 11, Autogas Installations” and by an installer approved by the LP Gas Association.

ENGINE CAPACITY

11. The engine capacity must not be less than 1290cc or in the case of hydrogen, electric / hybrid engines not below 80hp.

ENGINE EMISSIONS

12. Engine emissions must meet a minimum of Euro 5 standard.

PASSENGER COMPARTMENT

13. The vehicle must be suitable to seat at least four adult passengers. Any continuous rear seat must be a minimum length of 122 centimetres (48 inches).

LUGGAGE

14. The vehicle must have adequate capacity for luggage.

FIRE APPLIANCES

15. The vehicle must be provided with a dry powder type fire extinguisher, minimum capacity 1 kilo (1 litre), meeting current British Standards. The extinguisher must be fixed in the vehicle in such a position so as to be readily accessible for immediate use.

COMMUNICATION DEVICES

16. Where apparatus for the operation of a two-way radio system is fitted, no part of the apparatus may be fixed in the boot if LPG tanks or equipment are situated therein.

17. Any other radio equipment must be approved.

18. It is illegal to hold and use any mobile phone, sat nav, tablet or device that can send or receive data, while driving. Hands-free use is permitted as long as the device is not held at any time during usage. The device must not block the driver's view of the road and traffic ahead.

LIVERY, PAINTWORK AND BODY FINISHES

19. Vehicles cannot be wholly or substantially black in colour, or be so dark as to be apparently black.

ADVERTISING

20. Suitable advertisements may be allowed on the inside and outside of the vehicle subject to the approval of the Council. These must not detract from the overall livery of the vehicle or the door signs that identify the vehicle as a private hire vehicle licensed by Leicester City Council.

21. Inside advertisements must be encapsulated in clear non-flammable plastic.

22. Advertisements must be of such a form as not to become easily soiled or detached.

23. All materials and adhesives used in the manufacture of and for the purpose of affixing advertised displays to cabs must be approved.

24. Applications for approval of advertisements must be made in writing to the Licensing Officer of the Leicester City Council.

CCTV

25. Please see the separate policy setting out minimum standards for CCTV in licensed vehicles.

26. Please note that in the longer term it is the council's intention to consider whether or not CCTV should be mandatory in all licensed vehicles.

WINDOWS

27. The minimum light transmission through the windows shall be as follows:

- The front windscreen must allow 75% of light through
- The front side windows must allow 70% of light through
- The rear windows must allow 65% of light through.

WHEELCHAIR FACILITIES (WHERE RELEVANT)

28. Approved anchorages must be provided for the wheelchair. These anchorages must be either chassis or floor linked and capable of withstanding approved dynamic or static tests. Restraints for the wheelchair and the occupant must be independent of each other. Anchorages must also be provided for the safe stowage of a wheelchair when not in use, whether folded or otherwise, if carried within the passenger compartment.

29. A ramp or ramps for the loading of a wheelchair and occupant must be available at all times for use at the nearside passenger's door. An adequate locating device must be fitted to ensure that the ramp/ramps do not slip or tilt when in use. The ramp/ramps must be capable of being stowed safely when not in use.

30. It must be noted that the total number of passengers that a vehicle can carry safely may be reduced when one or more of the passengers are transported in a wheelchair.

MAINTENANCE

31. Private hire vehicles, including all fittings, advertisements, etc., must be well maintained and kept clean and in good working order. The vehicle will at all times be subject to test and inspection and should it be found that a vehicle is not being properly maintained or that any part or fitting is not in good working order, a notice will be served on the owner prohibiting him from using the vehicle until the defect has been remedied.

DISPLAY OF LICENCE

32. The vehicle must be capable of displaying licence details that shall be provided by the Council and fixed to the vehicle as follows:

- iv) an external licence plate shall be permanently fixed to the rear of the vehicle in a location approved by the Licensing Team Manager;
- v) Leicester City Council door signs shall be permanently fixed to the centre of both front doors of the vehicle;
- vi) an internal licence shall be permanently fixed in the passenger side of the windscreen so that it is visible from outside and inside the vehicle;
- vii) the driver's licence supplied by Leicester City Council shall be displayed within the vehicle in a location where it can reasonably be viewed by a passenger.

33. Individual requests for discreet plating will be determined according to the council's specific policy, which is available on request.

Policy regarding CCTV systems in Leicester City Council Licensed Vehicles



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Introduction

These guidelines set out to ensure that CCTV systems voluntarily installed in Hackney Carriages (HCV's) and Private Hire Vehicles (PHVs) licensed by Leicester City Council are properly managed whilst being used to prevent and detect crime; and enhance the health, safety and security of both Hackney/PHV drivers and passengers.

Vehicle owners, who may also be the driver and/or operator, installing CCTV systems must fully comply with the requirements set out in these guidelines.

For the purposes of these guidelines the term "CCTV system" will include any electronic recording device attached to the inside of vehicle having the technical capability of capturing and retaining visual images from inside or external to the vehicle. In addition to the standard CCTV camera system these may include for example, such devices as events/incident/accident data recording devices.

The purpose of CCTV

The purpose of the CCTV system shall be to provide a safer environment for the benefit of the Hackney/PHV driver and passengers by:

- Deterring and preventing the occurrence of crime
- Reducing the fear of crime
- Assisting the Police/Licensing Authority in investigating incidents of crime/breaches
- Assisting insurance companies in investigating motor vehicle accidents

Legality

Data recorded by any CCTV system must be handled in accordance with The Data Protection Act and UK GDPR. The Information Commissioner's Office (ICO) is the UK regulator for all matters relating to the use of personal data.

It is contrary to the Motor Vehicle (Construction and Use) Regulations 1986, for equipment to obscure the driver's view of the road through the windscreen.

Compliance, Regulation and Complaints

The Surveillance Camera Commissioner (SCC) works to encourage compliance with the 'Surveillance camera code of practice'.

The Information Commissioner's Office (ICO) is the regulatory body responsible for enforcing compliance with privacy and data protection legislation.

Licence holders must comply with any relevant guidance issued by the SCC and ICO.

If a passenger or any other individual wants to request CCTV footage relating to themselves, they should make a Subject Access Request (SAR) to the Data Controller detailed on the signage in the vehicle. Signage is covered in greater detail in this document, under the section 'Signage and Advising of CCTV'. Information on how to make a valid SAR is available at <https://ico.org.uk/your-data-matters/your-right-to-get-copies-of-your-data/>

If a passenger has an issue with their taxi journey relating to the use of CCTV they should contact the Data Controller, in the first instance, using the details displayed on the CCTV signage within the vehicle. If the Data Controller fails to resolve the issue, the complainant may escalate this to the ICO at <https://ico.org.uk/make-a-complaint/>

ICO Registration as Data Controller

The ICO defines a 'Data Controller' as the individual or organisation which has ultimate responsibility for how personal data is collected and processed.

For the purpose of the installation and operation of in-vehicle CCTV, the Data Controller is the vehicle licence holder. The licence holder must be registered with the Information Commissioner's Office and be able to evidence continuous registration throughout the lifetime of the licence.

Registration with the Information Commissioner's Office requires renewal on an annual basis and payment of the appropriate fee.

Data Processors

A Data Processor, in relation to personal data, means any person (other than an employee of the Data Controller) who processes data on behalf of the Data Controller, in response to specific instructions. Where a service provider is authorised for the remote storage and/or management of CCTV data, they will act as a 'Data Processor'.

There must be a formal written contract between the Data Controller and Data Processor. The contract must contain provisions covering security arrangements, retention/deletion instructions, access requests and termination arrangements.

Audio Recording

Leicester City Council cannot justify audio recording within its licensed vehicles as a proportionate solution to prevent and record crime. As such, CCTV systems must not be used to record conversations as this is highly intrusive to people's data rights and unjustified in meeting the purpose of preventing and evidencing crimes. You should choose a system without this facility where possible and any system with an independent sound recording facility must have audio recording turned off or disabled in some other way.

Signage and Advising of CCTV

Any vehicle fitted with CCTV must display clearly visible and readable signage informing passengers that such a system is fitted. This signage must be displayed so as to minimise obstruction but must be visible before and after entering the vehicle. At a minimum, this will be a double-sided sticker in the window on the left and right sides of the vehicle.

The signage must contain:

- The purpose for using the surveillance system, "in the interests of public safety, crime detection and crime prevention".
- The name and contact number of the Data Controller, which should be the vehicle licence holder. (Leicester City Council is **not** the Data Controller)
- The Data Controller's ICO Registration Number.

Signage will be available to purchase from Licensing Services. If signage is lost or removed, new signage must be installed prior to any licensable activities being undertaken.

The driver should verbally advise that CCTV is in operation where necessary e.g. where people may have visual impairments.

Storage of Data

Data must be handled securely in a way that 'ensures appropriate security', including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.

CCTV footage must be encrypted to prevent unauthorised access, with appropriate controls to limit access to relevant individuals only, such as password protection. Data should be deleted after 31 days, unless it has been legitimately shared, in which case it should be deleted when appropriate on the conclusion of the request.

Digital screens within the vehicle for the purposes of viewing footage are prohibited.

Sharing Data

The licence holder must comply with valid information requests, in consideration of The Data Protection Act (2018) and UK General Data Protection Regulations (UK GDPR).

Data must be shared securely, and requests must be fulfilled without charge.

Data must only be shared where there is a valid lawful reason, for example:

- a) where a crime report has been made involving the specific vehicle and the Police have formally requested that data.
- b) when a substantive complaint has been made to the licensing authority regarding a specific vehicle/driver and that complaint is evidenced in writing (and cannot be resolved in any other way).
- c) where a data request is received from an applicant e.g. police/licensing authority, that has a legal basis to have access to the data requested to assist them in an investigation that involves a licensed vehicle or driver.
- d) a Subject Access Request (SAR) compliant with the UK GDPR. The DPA gives individuals the right to see information held about them, including CCTV images of them. More information on the Data Controller's responsibilities relating to SARs is available at <https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/individual-rights/right-of-access/>

This list is not exhaustive; it is the responsibility of the Data Controller to consider the lawfulness of requests to share information in line with UK Data Protection Law.

The uploading of footage to social media does not have a lawful basis and it is expressly prohibited.

This includes, by way of examples, but is not limited to: YouTube, WhatsApp, Instagram, TikTok, Facebook and Twitter. Where licence holders' have shared footage unlawfully, they will be liable to criminal prosecution. Unlawful sharing is a breach of UK Data Protection law and is considered a breach of policy.

Summary of CCTV Requirements

1. Licence holders must comply with any relevant guidance issued by the Surveillance Camera Commissioner and Information Commissioner's Office.
2. The vehicle proprietor must be registered with the Information Commissioner's Office and be able to evidence continuous registration throughout the lifetime of the licence.
3. Clearly visible and readable signage advising of the system and the Data Controller's contact details, including ICO registration number, must be displayed in the vehicle.
4. The system must not obscure the driver's view of the road through the windscreen.
5. The system must not record audio at any time.
6. The system must be recording on **any** journey the vehicle is used for taxi purposes if fitted.
6. Data must be stored securely, with access controls to prevent unauthorised access and only shared when lawful.

A vehicle licence may be refused, suspended or revoked where the CCTV system does not comply with this policy, or on any other reasonable grounds.

Taxi licensing – Driver renewals

Licensing & Public Safety Committee

Date of meeting: 14 March 2023

Lead director/officer: Sean Atterbury, Director of
Neighbourhood & Environmental Services

Useful information

- Ward(s) affected: All
- Report author: Rachel Hall, Chief Licensing Officer
- Author contact details: rachel.hall@leicester.gov.uk
- Report version number: 1

1. Summary

- 1.1 The process for renewing taxi driver licences (hackney and private hire) has been revised. The report explains the reasons for this and sets out the new procedure.

2. Recommended actions/decision

- 2.1 It is recommended that the report be noted.

3. Scrutiny / stakeholder engagement

- 3.1 The revised procedure has been developed in consultation with the Legal team. Cllr Clair, Deputy City Mayor for Culture, Leisure, Sport and Regulatory Services has been informed and details have been sent to all licensed drivers and their representative.

4. Background and options with supporting evidence

- 4.1 The Town Police Clauses Act 1847 makes provision for councils to license hackney carriage drivers. The Local Government (Miscellaneous Provisions) Act 1976 makes provision for councils to license drivers of private hire vehicles.
- 4.2 Both types of licence must be renewed before they expire and licence holders are reminded of this requirement in advance. Most drivers do apply in good time and their applications are determined before the existing licence expires. However, there are occasions when licence holders apply close to the deadline, or when applications are incomplete at the expiry date. Officers have reviewed the process in relation to these applications and have established that the procedure needs to be amended to ensure that applications are determined within the correct timescale.
- 4.3 Colleagues from Legal Services have taken part in the review and are content with the new process

5. Detailed report

- 5.1 The former process for driver renewals began with licence holders being sent renewal reminders 6-8 weeks before their existing licence was due to expire. This was to allow sufficient time for them to apply and submit supporting information before the expiry date.
- 5.2 Whilst most applications were received and determined before the expiry date, some remained incomplete by the deadline. Officers would process applications after the expiry date having informed the applicant that they were not licensed in the interim period and so could not work as a taxi driver. However, it came to light that this is not the correct procedure and applications must be determined no later than the

expiry date of the existing licence. As a result officers have developed a revised process.

- 5.3 The renewal process is now being started earlier to give licence holders plenty of time to complete their application and have it properly determined before the expiry date.
- 5.4 Renewal reminders are sent as a courtesy although there is no legal requirement to do so. These are now being issued 12 weeks before the licence expiry date. The reminders set out clearly that the licensing authority will determine applications no later than the expiry date and that incomplete applications will be refused. To achieve this, licence holders are advised to submit their complete application (i.e., including payment and any supporting information) no later than six weeks before the expiry date. However, applications will continue to be accepted right up to the expiry date.
- 5.5 Applicants must undertake to update the licensing authority if anything changes between the submission of the application and the licence expiry date.
- 5.6 There are three different scenarios for applications. These are described below and are illustrated in the table at **Appendix A**.
- 5.7 Scenario 1 - Application received and able to be determined before expiry date
- 5.7.1 In most cases the application will be received in good time and will be determined before the expiry date, and the renewed licence will be issued to commence the day after the expiry date. This should be the case even if referral to the Head of Service or the Licensing Enforcement Sub-Committee is required. If the determination is to refuse to renew, the applicant has the right of appeal.
- 5.8 Scenario 2 - Application received but incomplete at expiry date
- 5.8.1 Applications that are incomplete on the expiry date will be considered by a Licensing Team Manager. If the Team Manager is of the opinion that the applicant has not satisfied all the pre-licensing checks the application will be refused. Noting that the onus is on the authority to show that the applicant is no longer suitable to be licensed as a taxi driver, Team Managers will have discretion to grant a renewed licence where appropriate (e.g., where there is a minor clarification awaited on a medical report) and the Team Manager believes there is insufficient evidence to warrant a refusal.
- 5.8.2 Where an application becomes complete just before the expiry date and requires determination by the Licensing & Public Safety Sub-Committee or the Head of Service but there is insufficient time available for this to take place, the Team Manager will refuse the application.
- 5.8.3 Where a renewal application is refused the applicant may appeal and is permitted to drive in the 21-day appeal window or until any appeal is determined. During the appeal period the applicant may satisfy the outstanding pre-licensing checks and be granted a new licence, in which case it is anticipated that the appeal will be withdrawn. If completed pre-licensing checks warrant higher level determination, then referral to the Head of Service or the Sub-Committee will be necessary.
- 5.8.4 Late renewals may be accepted in exceptional circumstances (in accordance with caselaw) but this is only for a few days and the circumstances must be more exceptional as time passes. In such cases driver cannot work pending determination. Any grant would be from the date of determination. The appeal period for any refusal would begin from the date of determination. By requiring submission

of applications 6 weeks before the expiry date, cases with an 'exceptional' reason are expected to be rare.

5.9 Scenario 3 - Application not received by expiry date

5.9.1 In all other cases where an application is not received before the expiry date, the licence will lapse, and no appeal will be possible. In such cases, drivers must apply for a new licence if they wish to continue to drive licensed vehicles.

5.10 Circumstances where determination should be made by the Sub-Committee or by the Head of Service are referred to in the constitution, as follows:

MATTERS RESERVED TO THE LICENSING ENFORCEMENT SUB COMMITTEE

1. Applications for a licence, consent or permit where a representation has been received from a ward councillor, a member of the public or an external organisation, (excluding the Licensing Act 2003 and Gambling Act 2005).

2. Applications for a licence, consent or permit where the Director Neighbourhoods & Environmental Services considers that the existing policy does not provide sufficient clarity on determining the application and/or where it would be more appropriate for the application to be determined by the Sub-Committee.

3. Applications for a licence, consent or permit which the law determines cannot be taken by an officer.

All matters within the Terms of Reference of a Licensing Sub-Committee which are not reserved to Full Council, the Licensing and Public Safety Committee or a Sub-Committee as stated above, are delegated to the Director Neighbourhoods & Environmental Services.

5.11 The Sub-Committee traditionally sits on the first Tuesday of every month. It is considered appropriate to move this to the end of each month to allow consideration of renewal applications within a reasonable timescale and to avoid refusals just because they don't fit in with the Sub-Committee report deadlines. As meeting dates are scheduled at the start of the municipal year this will commence from May 2023.

5.12 Head of Service hearings generally take place on the same day as the Sub-Committee but can be more flexible as required.

6. Financial, legal, equalities, climate emergency and other implications

6.1 Financial implications

6.6.1 There are no significant financial implications arising from this report.

Stuart McAvoy – Head of Finance, 37 4004

6.2 Legal implications

6.2.1. Section 61(1) of the Local Government (Miscellaneous Provisions) Act 1976 lists the grounds on which a Council may suspend, revoke or [on application therefor under section 46 of the Act of the Town Police Clauses Act 1847 or section 51 of the Local Government (Miscellaneous Provisions) Act 1976] refuse to renew the licence of a driver of a hackney carriage or a private hire vehicle.

- 6.2.2. Section 61(3) provides drivers with a right of appeal against a decision to the Magistrates' Court.
- 6.2.3. Section 77(2) provides: If any requirement, refusal or other decision of a district council against which a right of appeal is conferred by this Act -
- (a) involves the execution of any work or the taking of any action; or
 - (b) makes it unlawful for any person to carry on a business which he was lawfully carrying on up to the time of the requirement, refusal or decision;
- then, until the time for appealing has expired, or, when an appeal is lodged, until the appeal is disposed of or withdrawn or fails for want of prosecution -
- (i) no proceedings shall be taken in respect of any failure to execute the work, or take the action; and
 - (ii) that person may carry on that business.
- 6.2.4. In Greater London, section 17(7) of The Transport Act 1985 applies and provides - Where a person holds a licence which is in force when he applies for a new licence in substitution for it, the existing licence shall continue in force until the application for the new licence, or any appeal under this section in relation to that application, is disposed of, but without prejudice to the exercise in the meantime of any power of the licensing authority to revoke the existing licence.
- 6.2.5 Section 17(7) of The Transport Act 1985 does not apply outside of Greater London and there is no equivalent 'continue in force' provision within the legislation which does apply i.e. there is no statutory provision for a licence to remain valid until the Council's determination process has been determined.
- 6.2.6 R (on the application of Exeter City Council) v Sandle [2011] considered the renewal of a hackney carriage vehicle licence where the application for renewal was made one day late. In the circumstances of that case the Court accepted that the licence should have been renewed and whilst there was no particular period, only in exceptional circumstances would an application for renewal be entertained after a delay of two to three days.

John Moss, Legal Services, 373010

6.3 Equalities implications

- 6.3.1 Under the Equality Act 2010 (including the local authority and schools), have a Public Sector Equality Duty (PSED) which means that, in carrying out their functions, they have a statutory duty to pay due regard to the need to eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act, to advance equality of opportunity between people who share a protected characteristic and those who don't and to foster good relations between people who share a protected characteristic and those who don't.
- 6.3.2 Protected Characteristics under the Equality Act 2010 are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation.

6.3.3 There are no direct equality implications arising from the report as it is for noting and looks at the revised process for renewing taxi driver licences (hackney and private hire), however it is important that any communication of the changes is accessible.

Sukhi Biring, Equalities Officer, 454 4175

6.4 Climate Emergency implications

6.4.1 There are no significant climate emergency implications associated with this report.

Aidan Davis, Sustainability Officer, Ext 37 2284

6.5 Other implications (You will need to have considered other implications in preparing this report. Please indicate which ones apply?)

None

7. Background information and other papers:

None

8. Summary of appendices:

Appendix A – Illustration of scenarios

9. Is this a private report (If so, please indicate the reasons and state why it is not in the public interest to be dealt with publicly)?

No

10. Is this a “key decision”? If so, why?

No

APPENDIX A - Illustration of three possible scenarios:

Original licence in effect			Original licence expired - renewed licence needed		
Reminder letters	Application phase (6 weeks)	Determination phase (6 weeks)	Day 1 after expiry	Day 1-21 after expiry	Day 22+ after expiry
Sent out 12 weeks before expiry date	Renewal application received	Renewal application determined before expiry date	Renewed licence in effect from day 1		
Sent out 12 weeks before expiry date	Renewal application received but not complete	Renewal application incomplete / out of time	EXPIRY DATE	Refuse to renew – determined by Team Manager	If appeal lodged – may continue driving until appeal is determined or withdrawn
				Pre-licensing checks may be completed and determined as a new application using usual procedure – grant or refusal starts from determination date (i.e., appeal window begins from determination of new application, not from original expiry date)	
Sent out 12 weeks before expiry date	No renewal application received	No renewal application received by expiry date	EXPIRY DATE	Late renewal application – if application is complete <u>may</u> consider exceptional circumstances in the first few days; driver can't work pending determination; grant or refusal starts from determination date (i.e., appeal window begins from determination of new application not from original expiry date)	
				No renewal application – licence lapsed; no appeal	

