



Leicester
City Council

MEETING OF THE LICENSING AND PUBLIC SAFETY COMMITTEE

DATE: TUESDAY, 24 APRIL 2018

TIME: 5:30 pm

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

Members of the Committee

Councillor Thomas – Chair

Councillor Hunter – Co-Vice Chair

Councillor Singh Johal – Co-Vice Chair

Councillors Dr Barton, Byrne, Cank, Fonseca, Shelton and Unsworth.

1 unallocated Non-Grouped 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 : Angie Smith
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PUBLIC SESSION

AGENDA

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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. DATES OF MEETINGS

The proposed dates for meetings of the Licensing and Public Safety Committee have been placed in the Annual Calendar of Meetings for the 2018/19 Municipal Year, and will be confirmed with Committee Members after agreement at Annual Council, as follows:

All 5.30pm
10 July 2018
24 October 2018
12 February 2019
23 April 2019

4. MINUTES OF PREVIOUS MEETING

**Appendix A
(Pages 1 - 6)**

The minutes of the meeting held on 5 March 2018 are attached and the Committee will be asked to confirm them as a correct record.

5. PETITIONS

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

6. 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.

7. HACKNEY CARRIAGE AND PRIVATE HIRE SERVICES - CROSS BORDER HIRING

**Appendix B
(Pages 7 - 14)**

The Director of Neighbourhood and Environmental Services submits a report to inform the Committee of issues associated with cross-border hiring and seek support for proposals put forward by Transport for London regarding legislative change to address the problems.

The Committee is recommended to consider the proposals in the report, and request that the City Mayor and Executive communicate Leicester City Council's support for the proposals made by Transport for London for legislative changes to address the problems associated with cross-border hiring.

8. TEMPORARY RELAXATION OF TAXI AGE POLICY FOR HACKNEY CARRIAGES - UPDATE

**Appendix C
(Pages 15 - 18)**

The Director of Neighbourhood and Environmental Services submits a report to inform the Committee of the current position regarding the temporary relaxation of the Taxi Age Policy for hackney carriages. Members are recommended to note the report.

9. LICENSING POLICY REVIEW SCHEDULE

**Appendix D
(Pages 19 - 22)**

The Director of Neighbourhood and Environmental Services submits a report to inform the Committee of the schedule for the review of licensing policies. The Committee is recommended to note the content of the report.

10. ANY OTHER URGENT BUSINESS



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Appendix A

Minutes of the Meeting of the
LICENSING AND PUBLIC SAFETY COMMITTEE

Held: MONDAY, 5 MARCH 2018 at 5:30 pm

P R E S E N T:

Councillor Thomas (Chair)
Councillor Hunter (Co-Vice Chair)
Councillor Singh Johal (Co-vice Chair)

Councillor Byrne

Councillor Cank

Councillor Unsworth

In Attendance
Councillor Singh Clair

* * * * *

21. APOLOGIES FOR ABSENCE

Apologies were received from Councillors Dr. Barton, Fonseca and Shelton.

22. DECLARATIONS OF INTEREST

Councillor Thomas declared an Other Disclosable Interest in Agenda Item 7, Differential Charging of Wheelchair-Dependent Passengers, and his wife was disabled and a wheelchair user. When she has a hospital appointment she has to use a hackney carriage.

In accordance with the Council's Code of Conduct the interest was not considered so significant that it was likely to prejudice Councillor Thomas' judgement of the public interest. Councillor Thomas was not therefore required to withdraw from the meeting during consideration and discussion on the item.

Councillor Singh Clair was present as an observer, as he was interested in Agenda Item 6, Consideration of the LEVC TX Ultra-Low Emission Vehicle for Licensing as a Hackney Carriage, as he wanted to see how the low emission vehicle was fit for purpose as a future Hackney Carriage.

23. MINUTES OF PREVIOUS MEETING

RESOLVED:

that the minutes of the meeting held on 24 October 2017 be approved as a correct record.

24. PETITIONS

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

25. 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.

26. CONSIDERATION OF THE LEVC TX ULTRA-LOW EMISSION VEHICLE FOR LICENSING AS A HACKNEY CARRIAGE

The Director of Neighbourhood and Environmental Services submitted a report seeking approval of the LEVC TX to be licensed as a hackney carriage.

The Committee was recommended to approve the LEVC TX, which was not fully compliant with the conditions of fitness to be licensed as a hackney carriage, provided that they accepted that the benefits of licensing the vehicle outweighed the disadvantages outlined in paragraph 5 of the report.

The Licensing Team Manager presented the report. Members were asked to note the age policy on the licensing of Hackney Carriages was temporarily relaxed from September 2016 and had been extended to 30th June 2018, after which anybody with an overage vehicle could only extend a licence if they could prove they had ordered a ULEV vehicle. Members were informed that other vehicles would be brought before the Committee in the future, and the 30th June date would be reviewed nearer to the time.

The Licensing Team Manager drew attention to the two areas where the vehicle was not fully compliant with the existing conditions of fitness. These were:

- a) The overall width of the vehicle was 1874mm, which exceeded the maximum width of 1845mm specified in Appendix 1 by 29mm.
- b) The seat spacing was 0.448 m with adequate foot room. The minimum width specified in Appendix 1 was 0.48 m, although it may be reduced to 0.435 m provided adequate foot room was maintained at floor level.
- c) The manufacturers had been asked to address those deviations from the conditions of fitness and their response would be reported verbally at the meeting.

In addition a certificate of European Whole Vehicle type approval had been provided for the vehicle.

It was reported the vehicle was checked by Licensing Enforcement Officers prior to the meeting on 5 March 2018. It was noted that there was a third area of non-compliance in that the sliding window between compartments was wider than the condition of fitness at 17cm, although the window was curved.

At 5.51pm the Chair adjourned the meeting to enable Members to inspect the vehicle, which was parked outside of City Hall. At this point a RMT Union representative joined members.

Members inspected the vehicle and observed the operation of the wheelchair ramp and forward facing anchorage points for wheelchairs, the panoramic roof, wi-fi capabilities and charging sockets. Members also received information on the fitted radar and auto-braking system and information on the Volvo engine, battery operation and CO₂ emissions.

At 6.25pm the meeting was reconvened with all Members present who were present when the meeting was adjourned.

Following the inspection of the vehicle, the Chair then invited Alistair Fairgreave, representative of LEVC (formerly known as the London Taxi Company), to provide information on the vehicle, and answer questions from Members and the RMT Union Representative:

- A driver could choose different options, for example, heated seat, extra storage, reversing camera;
- Card payment systems – regulations differed in every city, and LEVC were not involved with the installations of such systems. There were, however, brackets to support card payment machines hidden behind the trim, and did not interfere with air bags;
- The vehicle was launched the second week of January 2018;
- The vehicle had been approved in London, Glasgow, Edinburgh, Paisley, Liverpool and Manchester. Approval was still pending in Nottingham and Birmingham as a vehicle charging infrastructure needed to be put in place;
- There was a 14-week lead time for delivery (3½ months);
- The aperture in the dividing panel had been made smaller to prevent people putting their arm through;
- The styling of the vehicle made it look more imposing than current hackney carriages, and although the body was wider the overall width including the mirrors was the same as the previous non-ULEV model;
- There was an extra seat in the back (six instead of five), with no seat in the front;
- All materials in the vehicle had passed stringent testing, the flooring was stain resistant, and there was a vinyl option for the seat and floor;
- The cost of £55k was a big factor to consider for drivers, but could save £100 a week with the low running costs. The manufacturers had to build a vehicle that met all the requirements (low fuel usages, wheelchair friendly),

and LEVC's approach was to make a really good taxi that justified the prices charged by a taxi. The organisation could have made a cheaper vehicle but it would have been difficult to meet requirements;

- The vehicle had a five-year battery warranty, 3-year vehicle warranty and roadside assistance. Ball joints as a taxi were included in the warranty for semi-wear parts. Services were included for three years, with the first service undertaken at 25,000 miles;
- All parts were stocked for maintenance and repair. LEVC were in discussions with a dealer in Leicester to cover repairs under warranty. The deal had not yet been confirmed, but the dealer had been asked to meet new standards to come on board. Currently the nearest point for drivers was in Coventry, but the list of dealers was growing all the time.

Members discussed the merits of the application and,

RESOLVED:

that the application for the LEVC TX to be approved for licensing as a hackney carriage vehicle be approved, with the proviso that the company get some form of servicing for them locally.

The reasons for the Members making their decision were that the three areas where the vehicle was not compliant with the Council's Conditions for Fitness for a Hackney Carriage were considered to be minimal differences, and the benefits of licensing outweighed these areas of non-compliance. The vehicle met the needs of passengers and drivers and had some extra features which were beneficial.

It was noted there would be other opportunities to view competitors' vehicles in the future to provide further choice for drivers.

27. DIFFERENTIAL CHARGING OF WHEELCHAIR-DEPENDENT PASSENGERS

The Director of Neighbourhood and Environmental Services submitted a report which advised Members of action taken by the Licensing Enforcement Team to ensure that wheelchair dependent passengers using Private Hire Vehicles were not discriminated against through the imposition of additional charges.

The Committee was recommended to note the action taken to address the discriminatory issues described.

The Licensing Enforcement Officer presented the report, and drew Members' attention to recent licensing enforcement intervention, and steps taken to inform operators of their obligations and importance in complying with legislation.

Members were informed that Licensing Enforcement had completed test purchases on two operators who had been the subject of recent complaints, using different names and venues, and there had been no issues.

It was hoped the initial letter and advice had had an effect, and no further complaints had been received since. It was further noted however, that compared to cities like Nottingham and Birmingham, Leicester had not received the same amount of complaints, and had acted on the issue immediately.

Members discussed the issue and stated rates should be on display. They also suggested the driver's licence number should be on prominent display, and the code of conduct should reflect the instruction to do so. It was noted there was a condition in the code regarding overcharging.

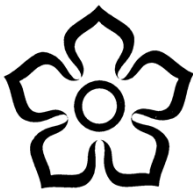
Members were informed that there was legislation which related to wheelchair accessible vehicles. Once a list of those vehicles was compiled, drivers would have a number of obligations in relation to wheelchair passengers, and a further report would be brought to the Committee.

The Chair thanked the officer for the report.

RESOLVED:
that the report be noted.

28. CLOSE OF MEETING

The meeting closed at 7:05pm.



Leicester
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WARDS AFFECTED
All

Appendix B

**FORWARD TIMETABLE OF CONSULTATION AND MEETINGS:
Licensing and Public Safety Committee**

24 April 2018

Hackney carriage and private hire services - Cross border hiring

Report of the Director of Neighbourhood and Environmental Services

1. Purpose of Report

- 1.1. To inform the Committee of issues associated with cross border hiring and seek support for proposals put forward by Transport for London regarding legislative change to address the problems.

2. Recommendations

- 2.1. It is recommended that the Committee –
 - a) Considers the proposals in the report, and
 - b) Requests that the City Mayor and Executive communicate Leicester City Council's support for the proposals made by Transport for London for legislative changes to address the problems associated with cross-border hiring.

3. Summary

- 3.1. Cross border hiring is a significant issue across the country, and is causing concern to licensing authorities and the trade alike.
- 3.2. These issues include matters such as public safety, enforcement, undermining local standards and complaints.
- 3.3. Transport for London has carried out some work on this subject and has made proposals for changes to the legislation and guidance that it believes will address these problems. The proposals include a start or finish requirement for bookings, the introduction of national minimum standards and the introduction of national enforcement powers.

4. Background

- 4.1. Cross border hiring is a term used to describe the practice where hackney carriages or private hire vehicles licensed by one licensing authority work wholly or mostly in another licensing authority area. This practice is lawful, provided that:
- a) For private hire, the driver, vehicle and operator are licensed by the same licensing authority, and the booking is accepted in that authority.
 - b) For hackney carriages, the driver and vehicle are licensed by the same licensing authority. Hackney carriages may only ply for hire in their own authority area.
- 4.2. The effect of this is that drivers and vehicles licensed anywhere in the country may come and work in Leicester, and vice versa.
- 4.3. The practice of cross border hiring:
- limits a licensing authority's ability to carry out effective enforcement, because officers only have the power to control drivers, vehicles and operators licensed by that authority;
 - means that the standards a licensing authority sets for its taxi trade may be undermined if 'out of town' taxis are licensed by authorities with different or lower standards;
 - encourages operator/driver 'migration' to neighbouring and other authorities with cheaper and potentially less demanding licensing regimes;
 - creates difficulties in enforcing traffic regulations because drivers with vehicles licensed as hackneys elsewhere are exempt from bus lane controls in Leicester;
 - may lead to a lack of trust and confidence in the trade from the travelling public;
 - results in a reduction in revenue income to finance development of standards and regulatory activities
 - may lead to a lack of trust and confidence in the City Council's as an effective regulator from the licensed trade
- 4.4. Cross border hiring has become an increasing challenge for licensing authorities to ensure public safety, partly due to advances in technology that enable passengers to book taxis via smartphones.
- 4.5. There have been anecdotal reports for a long time of 'out of town' vehicles and drivers working in Leicester. These reports have included comments that drivers who have had licences refused or revoked by Leicester City Council have subsequently been licensed by neighbouring authorities, and continued to work within the city.
- 4.6. A letter dated 6 March 2018 and signed by almost 100 drivers licensed by Leicester City Council, has been received by the City Mayor. The letter raises concern about 'out of town' drivers and vehicles who are encouraged by certain operators within the city to be licensed by other authorities, that have lower standards and requirements. The drivers who have signed the letter feel it is unfair that 'out of town' drivers and vehicles are allowed to work in Leicester.

5. Issues arising from cross border hiring

Public safety

- 5.1. The licensing authority's primary duty is to protect public safety. This is achieved by setting standards for drivers, vehicles and operators that are appropriate to the particular licensing authority area.
- 5.2. Cross border hiring allows a driver who has had their licence revoked, suspended or refused in one area to be licensed by another authority, which is unlikely to have information on the driver's prior licensing history. Transport for London reports that this is a big issue across the country, with several licensing authorities providing examples of this happening.
- 5.3. A licensing authority may have access to information about licensing issues that other authorities would not know about. This may also extend to additional information the police have discretion to provide in connection with an application for an enhanced criminal record check from the Disclosure and Barring Service.

Enforcement

- 5.4. Licensing authorities have limited powers to enforce against out of town vehicles and drivers. This means drivers operating in different authority areas can effectively choose to pay little attention to enforcement officers. Some of these drivers know this and may choose to compromise public safety by disregarding rules on matters such as vehicle standards, touting, plying for hire, refusing to assist or carry a disabled passenger or guide dog.
- 5.5. It is unlikely that enforcement officers from the home authority will regularly undertake enforcement operations in other areas. This means that enforcement will fall solely to the police, whose resources are already stretched.

Undermining local licensing standards

- 5.6. Cross border hiring weakens the ability of local licensing authorities to set and enforce standards appropriate to their local area. This can undermine the standards that local customers expect.
- 5.7. In Leicester, pre-licensing requirements for drivers include a spoken English assessment, a local 'knowledge' test and an advanced driving test. Drivers licensed elsewhere will not necessarily have been assessed to the same standards. There is concern that drivers will choose to be licensed outside Leicester specifically to avoid these standards, even though they intend to work wholly or predominantly in Leicester. This may compromise public safety.
- 5.8. Pre-licensing standards for vehicles are also a concern. The requirements for hackney carriages in Leicester include wheelchair accessibility, door signs and crests, and black livery. The requirements for private hire vehicles in Leicester include door signs and livery that is not black. Both types of vehicle must be no more than 5 years old when first

licensed, and no more than 11 years old on renewal. Vehicles licensed in other areas may be subject to lower standards and therefore pose a risk to public safety and to air quality.

Complaints

- 5.9. Cross border hiring makes it harder for customers to complain to the appropriate authority in the event of an incident or the failure to meet their expectations. This could lead to a loss of vital intelligence for targeting regulatory activity.
- 5.10. Complaints that relate to a criminal breach may still be pursued by the police and/or the appropriate licensing authority. However, other relatively low level complaints may not be reported to the correct authority and hence not be dealt with.

6. Transport for London's proposals

- 6.1 Transport for London recognizes cross border hiring as a significant issue, and has received numerous reports complaints about its own licensed drivers from licensing authorities around the country. It is also aware of the number of drivers licensed elsewhere working with the Transport for London licensing area. For example, 233 of drivers licensed by Transport for London have home addresses in the City of Leicester.
- 6.2 As a result, Transport for London has consulted with its own Taxi and Private Hire Task and Finish Working Group and engaged with stakeholders and other licensing authorities on the issue of cross border hiring. This work has resulted in Transport for London putting forward a package of legislative changes in response:
 - New primary legislation to introduce a start or finish requirement, meaning that all taxi and private hire journeys must either start or end in the area in which the driver and vehicle (and operator in respect of private hire) are licensed;
 - New primary legislation or statutory guidance from the Department of Transport to introduce national minimum standards, that are high enough to provide a guarantee of customer safety and accessibility; and
 - New primary legislation to introduce national enforcement powers, to enable licensing authority enforcement officers to enforce the national minimum standards in their areas regardless of where the operator, driver and vehicle are licensed, supported by a provision for data sharing.
- 6.3 It is important that all three proposals are progressed, as none will tackle the issues in their entirety without the other supporting proposals.

Start or finish in home area requirement

- 6.4 Under this proposal private hire operators would be able to accept bookings for –
 - Journeys starting and finishing in the home licensing area;
 - Journeys starting in the home licensing area but ending outside it;
 - Journeys starting outside the home licensing area but finishing within it.

- 6.5 Some exemptions would be required to avoid undue burdens on operators, such as those who provide chauffeur services for an entire day, school contract work, etc.
- 6.6 Operators, drivers and vehicle owners who wish to take bookings across multiple licensing areas would need to be licensed in each area. Transitional arrangements could be implemented to minimize the impact on existing operators.
- 6.7 Initial enforcement may benefit from a light touch approach, but after an initial period non-compliance could result in enforcement action.

National minimum standards

- 6.8 National minimum standards would be a way of improving safety in the trade, and would minimize the incentive for drivers, operators and vehicle owners to 'shop around' for more permissive licensing regimes.
- 6.9 Transport for London proposes some minimum standards but recommends that further input is sought from other parties such as the LGA and the Suzy Lamplugh Trust. The proposals are not very different from the standards currently in place in Leicester.
- 6.10 The proposal is for national minimum standards, rather than for mandatory national standards. This would allow licensing authorities to set additional local standards if appropriate, and would avoid the national standards being set low so as not to impose unnecessary mandatory standards in some areas.

National enforcement powers

- 6.11 Enforcement powers for licensing officers are currently limited to those entities licensed by their authority and although they can take action for some criminal activity, this can be time consuming and it does not cover non criminal issues. To safeguard passengers and carry out effective enforcement in their areas, licensing officers should be granted national enforcement powers to check drivers, vehicles and operators licensed by any authority.
- 6.12 Effective enforcement is dependent on the ability of licensing authorities to share intelligence and information. A proposed national database is unlikely to become law, but a voluntary database is being developed by the Local Government Association that will fulfil a similar function, enhancing enforcement and information sharing.

7. Addressing concerns about the proposals

- 7.1 Concerns have been expressed about the increased burden on businesses that the proposals may cause. The application process is already complex and thorough, and it is not anticipated that the proposals will make a significant difference. The local licensing regime is vital to maintaining local standards and ensuring the safety of the travelling public. The proposals will ensure that licensing income is available in the area of operation, ensuring that each licensing authority is adequately resourced to meet the demands placed on it.

- 7.2 The proposal that operators, drivers and vehicle owners be licensed in each licensing area that they wish to work will help to avoid unnecessary consequences for bordering authorities or for businesses that work in a number of areas.
- 7.3 Some parts of the trade are concerned that a start or finish requirement is not flexible enough for their way of operating. The Transport for London argument is that this requirement would make them more accountable to one or more localized licensing authorities. Demand will not fundamentally change, and operators could expand their operations in areas that are currently served by out of town vehicles.
- 7.4 It is acknowledged that there will be a reduction in flexibility of the trade to operate, but this is a necessity in order to safeguard the public. Public safety is the primary concern for all licensing authorities.

8. Other requests for reform

- 8.1 In addition to the above proposals, the Mayor of London has requested changes to address other problems faced in London and elsewhere in England –
- A statutory definition of plying for hire and pre-booked services – to remove ambiguity and retain the distinction between hackney and private hire services;
 - Greater enforcement powers – eg, to seize vehicles without appropriate hire or reward insurance cover, automatic disqualification from driving following conviction for touting or plying for hire, to take DNA samples for touting offences to include unlawfully plying for hire;
 - Fixed penalty notices – to be issued for minor offences such as not wearing a seat belt;
 - Capping the number of private hire drivers and vehicles – this is a particular issue in London regarding congestion.

9. FINANCIAL, LEGAL AND OTHER IMPLICATIONS

9.1. Financial Implications

There are no significant or quantifiable financial implications arising from this report. However, the Council is potentially losing licensing income whilst having to deal with any issues caused by the drivers and their vehicles –

Colin Sharpe, Head of Finance, ext. 37 4081.

9.2. Legal Implications

Taxis and their drivers have to be licensed. Licences are issued under the Town Police Clauses Act 1847 or that Act as amended by the Local Government (Miscellaneous Provisions) Act 1976. In granting a taxi driver's licence, the Local Authority is required to satisfy itself that [the](#) applicant is a fit and proper person.

Leicester City Council's Licensing Authority has in place conditions of fitness with regards to the drivers which must be complied with prior to being licensed and have set standards for the vehicles it licenses.

Under current law, a licensed private hire driver can undertake journeys starting or ending anywhere in England and Wales and operators are allowed to accept jobs where the pick-up and drop off are both outside the operators licensing district.

Drivers, vehicles and operators must be licensed in the same area and operators can only invite and accept bookings within that licensing area.

Under current law, responsibility for enforcement of the taxi and private hire licensing regime lies with the Local Authority that issued the relevant licence. Authorities have powers to suspend, revoke or refuse to renew licences. Licensing Authorities can also bring criminal charges against a suspected offender. However, licensing officers are unable to undertake enforcement action against vehicles, drivers and operators licensed in another area.

Katherine Jamieson – Solicitor, Legal Services

10. Other Implications

OTHER IMPLICATIONS	YES/ NO	Paragraph/References Within the Report
Equal Opportunities	No	
Policy	No	
Sustainable and Environmental	No	
Crime and Disorder	No	
Human Rights Act	No	
Elderly/People on Low Income	No	
Corporate Parenting	No	
Health Inequalities Impact	No	

11. Background Papers – Local Government Act 1972

11.1. None

12. Consultations

12.1. None

13. Report Author

13.1. Rachel Hall, Chief Licensing Officer
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WARDS AFFECTED
All

FORWARD TIMETABLE OF CONSULTATION AND MEETINGS:
Licensing and Public Safety Committee

24 April 2018

Temporary Relaxation of Taxi Age Policy for Hackney Carriages - update

Report of the Director of Neighbourhood and Environmental Services

1. Purpose of Report

- 1.1. To inform the Committee of the current position regarding the temporary relaxation of the Taxi Age Policy for hackney carriages.

2. Recommendations

- 2.1. Members are asked to note the report.

3. Background

- 3.1 The current policy on vehicle age is that no vehicle will be licensed once it is over 11 years old. The policy approved by the City Mayor on 12 June 2012 permits no exceptions to the policy.
- 3.2 The proposal to introduce a temporary relaxation of the current policy was considered by the Licensing Committee on 13 July 2017, prior to a decision being made by the City Mayor.
- 3.3 On 31 August 2017 the City Mayor decided to introduce a temporary relaxation of the age policy. The details were as follows:
- a) Where any HC vehicle has a last licensable date between the date of the decision and 30 June 2018 then, on request of the owner, it will be relicensed to 30 June 2018 [the end of general moratorium date].
 - b) Where a HC vehicle has a last licensable date after the end of the general moratorium date then, on request of the owner and supply of evidence of a contract to purchase an approved ULEV, it will be relicensed for a period of 3 months [the delivery period] to accommodate delivery of the replacement vehicle.

- c) That authority is delegated to the Director of Neighbourhood and Environmental Services to defer, after consultation with the relevant Assistant Mayor/s, the end of general moratorium date.
- d) That authority is delegated to the Team Manager (Licensing Policy & Applications) and direct line managers to set, in exceptional circumstances, a different delivery period to facilitate replacement with an approved ULEV.
- e) That the relaxation arrangements will not extend beyond 31 March 2019.

4 Progress since September 2017

- 4.1 At the commencement of the temporary relaxation, there were 20 hackney carriages due to reach their 'end of life' under the Council's Age Policy between October 2017 and March 2018, and a further 26 between April and September 2018
- 4.2 Up to the end of March 2018, 7 of these vehicles have had their licences extended to 30 June 2018 and 17 have been replaced by other vehicles that meet the current age policy.
- 4.3 On 5 March 2018 the Licensing and Public Safety Committee approved the LEVC TX for licensing as a hackney carriage. This vehicle is an ultra-low emissions vehicle, and therefore hackney carriage owners now have the option of replacing their current vehicle with a ULEV.
- 4.4 It had been hoped that grant funding would be in place by April 2018, to assist hackney owners who wanted to replace their existing vehicle with a new ULEV. Delays in the process mean that grant funding is not in place, and is now expected in late summer/early autumn.
- 4.5 A second ULEV hackney carriage may become available later in 2018. If this is approved for licensing it would offer choice to hackney owners who want to purchase a new ULEV.

5 Update to temporary relaxation of age policy

- 5.1 Following consultation with the relevant Deputy City Mayors, the Director of Neighbourhood and Environmental Services has decided
 - a) To defer the end of the general moratorium date to 31 December 2018.
 - b) The temporary relation policy is consequently amended as follows: "Where any HC vehicle has a last licensable date between the date of the decision and 31 December 2018 then, on request of the owner, it will be relicensed to 31 December 2018 [the end of general moratorium date]."
 - c) To review the deferment in September 2018 (or sooner if appropriate)

5.2 The reasons for this decision are:

- a) Leicester City Council has an 11 year age policy for licensing vehicles as taxis. ULEV hackney cabs are not expected to be available for delivery before end June 2018 and the LCC grant scheme will not be available to taxi drivers until September 2018.
- b) This deferment is to advance the aims of Air Quality Plan 2015-26 by supporting owners of hackney carriages to replace their existing old hackney carriage with a new ULEV hackney carriage.

6 Financial, Legal and Other Implications

Financial Implications

6.1 There are no significant financial implications arising directly from this report.

Colin Sharpe, Head of Finance, ext. 37 4081

Legal Implications

6.2 It is for individual licensing authorities to reach their own decisions within their statutory powers on overall policies and individual licensing matters. It is therefore within the Authority's power to relax the Age Policy.

6.3 The power for the Council to license a Hackney Carriage/s is contained within Section 37 of the Town Police Clauses Act 1847 and the power to place conditions on the licensing of hackney carriages is contained in Section 47 of the Local Government (Miscellaneous Provisions) Act 1976.

6.4 Any contractual agreement between the Local Authority and a Hackney Carriage driver, cannot override statutory requirements.

John Moss, Solicitor – Legal Services

7 Other Implications

OTHER IMPLICATIONS	YES/ NO	Paragraph/References Within the Report
Equal Opportunities	No	
Policy	Yes	The report refers to the council's age policy for hackney carriages
Sustainable and Environmental	Yes	Paragraphs 3.1, 3.2 & 3.3 concern air quality
Crime and Disorder	No	

Human Rights Act	No	
Elderly/People on Low Income	No	
Corporate Parenting	No	
Health Inequalities Impact	No	

8 Background Papers – Local Government Act 1972
None

9 Consultations
None

10 Report Author
Rachel Hall, Chief Licensing Officer
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Leicester
City Council

WARDS AFFECTED
All

Appendix D

**FORWARD TIMETABLE OF CONSULTATION AND MEETINGS:
Licensing and Public Safety Committee**

24 April 2018

Licensing policy review schedule

Report of the Director of Neighbourhood and Environmental Services

1. Purpose of Report

1.1. To inform the Committee of the schedule for the review of licensing policies.

2. Recommendations

2.1 It is recommended that the Committee notes the content of the report.

3. Background

3.1. The licensing section operates a number of licensing regimes under various different pieces of legislation. In some cases a formal licensing policy is a statutory requirement, but even when this is not the case it is considered best practice to have a published policy that will set out how Leicester City Council intends to approach a particular licensing system. This provides transparent guidance for officers and Members of the authority as well as for applicants, partner organisations, the courts and any other party that may be affected by the grant, refusal or use of a licence.

4. Policy review schedule

4.1 Where there is a statutory obligation to produce a licensing policy there is usually a defined maximum timescale in which the policy must be reviewed. In other cases, existing policies have been reviewed on an ad hoc basis. Officers consider that a planned schedule of review is more appropriate in order to work in a planned way and keep policies as up to date as reasonably possible.

4.2 The following schedule has been agreed by Cllr Clair, Deputy City Mayor:

2018/2019 (AGREED 21/03/2018 – DCM Cllr Clair)

Policy	Existing policy / procedure start date	Review completion date	Proposed review cycle
Gambling Act 2005	Feb 2016	February 2019	3 years (statutory)
Taxi strategy	Various	November 2018	5 years

2019/2020 (PROVISIONAL)

Policy	Existing policy / procedure start date	Review completion date	Proposed review cycle
Street trading	August 2008	Qtr 1 2019/20	5 years
Sexual entertainment venues	April 2011	February 2019	5 years
Sex shops	January 2003	Qtr 2 2019/20	5 years
Charitable collections	Various parts - 2008/2012/2014	Qtr 3 2019/20	5 years
Animal welfare	?	Qtr 4 2019/20	5 years

2020/2021 (PROVISIONAL)

Policy	Existing policy / procedure start date	Review completion date	Proposed review cycle
Skips and scaffolding	June 2013	2020/21	5 years
Scrap metal dealers	2013	2020/21	5 years
Pavement cafes	?	2020/21	5 years
Free distribution of printed matter	2008	2020/21	5 years
Licensing Act 2003	Feb 2016	Feb 2021	5 years (statutory)

5. FINANCIAL, LEGAL AND OTHER IMPLICATIONS

5.1. Financial Implications

None

Colin Sharpe, Head of Finance, ext. 37 4081.

5.2. Legal Implications

None

John Moss – Solicitor, Legal Services

6. Other Implications

OTHER IMPLICATIONS	YES/ NO	Paragraph/References Within the Report
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Equal Opportunities	No	
Policy	Yes	Report details with policy review schedule
Sustainable and Environmental	No	
Crime and Disorder	No	
Human Rights Act	No	
Elderly/People on Low Income	No	
Corporate Parenting	No	
Health Inequalities Impact	No	

7. Background Papers – Local Government Act 1972

7.1. None

8. Consultations

8.1. None

9. Report Author

9.1. Rachel Hall, Chief Licensing Officer

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