



Leicester
City Council

MEETING OF THE LICENSING AND PUBLIC SAFETY COMMITTEE

DATE: THURSDAY, 13 JULY 2017

TIME: 5:30 pm

PLACE: Meeting Room G.02, Ground Floor, City Hall, 115 Charles Street, Leicester, LE1 1FZ

Members of the Committee

Councillor Thomas – Chair

Councillor Hunter – Vice Chair

Councillor Singh Johal – 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 : Graham Carey

Democratic Support

Leicester City Council

City Hall, 115 Charles Street, Leicester, LE1 1FZ

(Tel. 0116 454 6356)

Email@ graham.carey@leicester.gov.uk

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- ✓ to ensure that the sound on any device is fully muted and intrusive lighting avoided;
- ✓ where filming, to only focus on those people actively participating in the meeting;
- ✓ where filming, to (via the Chair of the meeting) ensure that those present are aware that they may be filmed and respect any requests to not be filmed.

Further information

If you have any queries about any of the above or the business to be discussed, please contact Graham Carey, **Democratic Support on (0116) 454 6356 or email graham.carey@leicester.gov.uk** or call in at City Hall, 115 Charles Street, Leicester, LE1 1FZ.

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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. MEMBERSHIP OF THE COMMITTEE

To note the membership of the Committee for the municipal year 2017/18 as approved at the Council meeting on 11 May 2017.

Chair	Councillor Thomas
Co Vice-Chair	Councillor Hunter
Co Vice-Chair	Councillor Singh Johal

Councillor Barton
Councillor Byrne
Councillor Cank
Councillor Fonseca
Councillor Shelton
Councillor Unsworth

4. TERMS OF REFERENCE

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

To note the Terms of Reference of the Committee that were approved by the Annual Council Meeting on 11 May 2017.

5. DATES OF MEETINGS

To note that the dates for Committee meetings for the municipal year 2017/18 approved by the Annual Council meeting 11 May 2017 are:-

Tuesday 15 August 2017 - it is now proposed to cancel this meeting in view of the meeting arranged for tonight.

Tuesday 24 October 2017

Tuesday 24 April 2018

6. MINUTES OF PREVIOUS MEETING

**Appendix B
(Pages 5 - 8)**

The minutes of the meeting held on 25 October 2016 are attached and the Committee will be asked to confirm them as a correct record.

7. PETITIONS

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

8. 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.

9. CONSIDERATION OF THE FORD PROCAB FOR LICENSING AS A HACKNEY CARRIAGE

**Appendix C
(Pages 9 - 18)**

The Director of Neighbourhood and Environmental Services submits a report seeking approval for the Ford Procab to be licensed as a hackney carriage.

The Committee is recommended to approve the Ford Procab, which is not fully compliant with the conditions of fitness, to be licensed as a hackney carriage provided that Members accept that the benefits of licensing outweigh the disadvantages outlined in paragraph 5 of the report.

10. TEMPORARY EXTENSION OF AGE POLICY FOR HACKNEY CARRIAGES

**Appendix D
(Pages 19 - 26)**

The Director of Neighbourhood and Environmental Services submits a report seeking the Committee's views on a temporary relaxation of the Taxi Age Policy for hackney carriages, prior to a decision being made by the City Mayor.

11. ANY OTHER URGENT BUSINESS

Appendix A

LICENSING AND PUBLIC SAFETY COMMITTEE

TERMS OF REFERENCE

1. To secure the health and comfort of the persons living or working in or visiting the City by requiring the observance of proper standards by persons owning or occupying property in or using the streets or other public places in the City.
2. All licensing and registration functions of the Council with regard to the following:-

Licensing Act 2003.

Gambling Act 2005

Hairdressers and barbers.

Sale of pet animals.

Caravan sites.

Conduct of animal boarding establishments.

Conduct of riding establishments.

Hackney carriages and private hire cars and operators and their drivers.

House to house collections.

Street collections.

Pool Promoters.

Exposure of goods for sale in streets (Street Trading).

Scrap metal dealers.

Dog Breeding establishments.

Sexual Entertainment.

Dangerous Wild Animals.

Leicester Doorwatch Scheme

Distribution of free printed matter

Skin Piercing and Tattooists

Street Cafés

Skips, scaffolding and deposits on the highway

Zoos

3. To determine the issue of all statutory licences, approvals, certificates and consents and the maintenance of all statutory registers except in any case where a specific matter falls within the Terms of Reference of another Committee or Sub-Committee of Council.
4. To enforce any other non-executive licensing legislation which the Council is required or empowered to enforce.
5. To exercise the Council's power to take legal proceedings in the public interest in relation to matters within the Committee's Terms of Reference.
6. To keep under review, comment on and provide advice to the City Mayor on policies relating to licensing and registration functions of the Council.

All matters within the Terms of Reference of the Licensing and Public Safety Committee which are not reserved to Full Council, or this Committee as stated below, or to a Licensing Sub-Committee are delegated to the Director Local Services and Enforcement

MATTERS RESERVED TO THE LICENSING AND PUBLIC SAFETY COMMITTEE:-

1. Policy developments of strategic significance relating to the above Terms of Reference.
2. Such other matters as the Committee may from time to time reserve to itself for decision.

LICENSING SUB-COMMITTEES

TERMS OF REFERENCE

The Terms of Reference of a Licensing Sub-Committee shall include the functions of the Licensing and Public Safety Committee with the exception of the consideration of policy issues, which the Licensing and Public Safety Committee has reserved to itself.

MATTERS RESERVED TO THE LICENSING ENFORCEMENT SUB COMMITTEE

1. Applications for a licence, consent or permit where a representation had 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 of Local Services and Enforcement 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.

MATTERS RESERVED TO THE LICENSING HEARINGS SUB-COMMITTEE

1. Decisions required under the Licensing Act 2003 or the Gambling Act 2005, which the law determines cannot be taken by an officer.
2. Decisions required under the Licensing Act 2003 or the Gambling Act 2005 where the Director of Local Services and Enforcement 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.

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 of Local Services and Enforcement.

- N.B. The City Council's Constitution Council Procedure Rules 4 4 (i) (iv) states that decisions which, in the opinion of the Monitoring Officer, are of a quasi-judicial nature, which includes the decisions of a Licensing Sub-Committee may not be the subject of an Objection.



Leicester
City Council

Appendix B

Minutes of the Meeting of the
LICENSING AND PUBLIC SAFETY COMMITTEE

Held: TUESDAY, 27 OCTOBER 2015 at 5:30 pm

P R E S E N T:

Councillor Cank (Vice-Chair in the Chair)

Councillor Dr Barton
Councillor Sangster

Councillor Westley

Councillor Fonseca
Councillor Singh Johal

* * * * *

19. CHAIR FOR THE MEETING

In accordance with Rule 41a of Part 4A of the Council Procedure Rules Councillor Cank took the Chair in Councillor Thomas' absence.

20. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Byrne, Hunter and Thomas.

21. DECLARATIONS OF INTEREST

Members were asked to declare any interests they might have in the business on the agenda. No such declarations were received.

22. MINUTES OF PREVIOUS MEETINGS

RESOLVED:

That the minutes of the meetings held on 28 August and 30 September (Special Meeting) be confirmed as a correct record.

23. PETITIONS

The Monitoring Officer reported that no petitions had been submitted in

accordance with the Council's procedures.

24. 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.

25. REVIEW OF THE LICENSING ACT POLICY

The Director of Local Services and Enforcement submitted a report requesting Members to comment upon the proposed policy and special policy on cumulative impact to assist Council when setting the policy for 2016-2021.

The Committee were previously asked to comment upon the policy in August 2015, and requested to see the comments received as part of the public consultation. These comments were appended to the report together with officers' responses.

The main changes to the Licensing Policy were:-

Paragraph 7.8 - The licensing authority recommends that proper incident recording systems are in place.

Paragraph 7.13 - Recognises that it may be appropriate to carry out a risk assessment where events promoted by a third party or which are not part of the usual business of the premises are to take place.

Paragraph 7.14 – Sets out the steps that the licensing authority would expect to be taken to prevent crowd disorder at boxing events.

Paragraph 9.1 – The licensing authority recommends that off-licences in areas associated with problem street drinking take certain steps to prevent problems occurring.

Paragraph 10.6 – The licensing authority recommends that a risk assessment is undertaken and the police are informed about events aimed at children in premises which normally sell alcohol.

It was also suggested that the Policy should have a Foreword which would provide an opportunity to set out the Council's views on issues that would not normally be included in the policy, such as a vision, aspirations or a desired direction of travel for licensed premises in the City. The foreword would need to contain a clear statement that it did not form part of the licensing policy in order to prevent it being used as the basis for a potential challenge to a decision which had been taken in accordance with the licensing policy and the licensing objectives.

RESOLVED:

- 1) That the Council be informed that the Committee supports the draft Statement of Licensing Policy and recommends it be adopted.
- 2) That the Committee supports the inclusion of a Foreword to set the vision, aspirations or a desired direction of travel for licensed premises in the City provided it contains a clear statement that it does not form part of the licensing policy to prevent it being used as the basis for a potential challenge.

26. REVIEW OF THE GAMBLING ACT POLICY

The Director of Local Services and Enforcement submitted a report seeking the Committee's views on the Gambling Policy for 2016 – 2019 prior to its approval by Council.

It was noted that the new Gambling Policy for 2016-19 was required to be published by 3 January 2016.

It was also suggested that the Policy should have a Foreword which would provide an opportunity to set out the Council's views on issues that would not normally be included in the policy, such as a vision, aspirations or a desired direction of travel for gambling premises in the City and the Council's views on Fixed Odds Betting Terminals. The foreword would need to contain a clear statement that it did not form part of the licensing policy in order to prevent it being used as the basis for a potential challenge to a decision which had been taken in accordance with the gambling policy. The Committee also supported the development and publication of a local area profile.

RESOLVED:

- 1) That the Council be informed that the Committee supports the draft Statement of Gambling Policy and recommends it be adopted.
- 2) That the Committee supports the inclusion of a Foreword to set the vision, aspirations or a desired direction of travel for gambling premises in the City provided it contains a clear statement that it does not form part of the gambling policy to prevent it being used as the basis for a potential challenge.
- 3) That the Foreword should contain a specific reference to the Council's views on stakes for Fixed Odds Betting Terminals.

27. CLOSE OF MEETING

The Chair declared the meeting closed at 5.50 pm.



Leicester
City Council

WARDS AFFECTED
All

Appendix C

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

13 July 2017

Consideration of the Ford Procab for licensing as a Hackney Carriage

Report of the Director of Neighbourhood and Environmental Services

1. Purpose of Report

- 1.1. To allow Licensing Committee to consider approving a new vehicle for licensing as a hackney carriage.

2. Recommendations

- 2.1. It is recommended that the Ford Procab, which is not fully compliant with the conditions of fitness, be approved for licensing as a hackney carriage provided that Members accept that the benefits of licensing outweigh the disadvantages outlined in paragraph 5.

3. Summary

- 3.1. On 30 October 2006, Cabinet approved revised Conditions of Fitness for hackney carriages. The conditions require Licensing Committee to approve new vehicle types, before they can be licensed as hackney carriages. They also allow Licensing Committee discretion to approve vehicles for licensing that do not comply, or refuse approval for vehicles that do, where there are justifiable reasons for doing so. The revised Conditions of Fitness are attached at Appendix 1.
- 3.2. The Ford Procab has been put forward by the manufacturers, Allied Vehicles, to be considered for licensing:

4. Background

- 4.1. The Licensing Committee has approved a number of vehicles for licensing as hackney carriages. These include some vehicles that do not fully comply with the revised Conditions of Fitness, because Members considered that the advantages of licensing them outweighed the disadvantages.
- 4.2. The manufacturers have been asked to demonstrate the vehicle on 13 July 2017, should any members wish to see it.

5. Compliance Summary

- 5.1. A vehicle compliance form has been completed by the manufacturer of the Ford Procab, which shows that the vehicle is not fully compliant with the conditions of fitness. The area where the vehicle is not compliant is:
- The overall width of the vehicle is 1986mm, which exceeds the maximum width of 1845mm specified in Appendix 1.
 - The top of the tread for any entrance is shown to be 0.56m, although Appendix 1 specifies a maximum of 0.53 metres above ground level when the vehicle is unladen. However, the manufacturer's comments that the vehicle is fitted with a side step with a height of 0.22m.
 - The manufacturer has been asked to address these deviations from the conditions of fitness and their response will be reported verbally at the meeting.
- 5.2. The vehicle has not been checked by an enforcement officer at the time of writing the report, but this will take place before 13 July 2017 and will be reported upon verbally.
- 5.3. A certificate of European Whole Vehicle type approval has been provided for the vehicle.

6. Vehicle options

- 6.1 At the Licensing Committee meeting on 6 September 2010, Members asked about options available for vehicles that are presented for approval to be licensed as hackney carriages.
- 6.2 The suppliers have been asked to provide details of the options available for this vehicle and they have advised that the only options are a manual or an automatic gearbox. The manufacturer's brochure will be available to view at the meeting on 13 July 2017.

7. FINANCIAL, LEGAL AND OTHER IMPLICATIONS

7.1. Financial Implications

There are no direct financial implications arising from this report.

Paresh Radia - Principal Accountant (City Development and Neighbourhoods & Corporate Resources)

7.2. Legal Implications

The power for the Council to license a Hackney Carriage/s ("HC/s") is contained in 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 ("the 1976 Act").

The 1976 Act states that a Council may attach to the grant of a HC conditions they consider reasonably necessary. The Section also requires that any vehicle licensed by them to be such of a design and appearance or bear such distinguishing marks that clearly identify it as a hackney carriage.

As stated in point 5 of the report the Ford Procab has been shown not to be fully compliant with the City Council's Conditions of Fitness and therefore can only be approved by the

Licensing Committee as vehicles that can be licensed as a Hackney Carriage within the City if the Committee is satisfied that justifiable reasons exist to license a vehicle that does not completely comply with the conditions.

The 1976 Act allows any person aggrieved by conditions attached to a hackney carriage vehicle licence to appeal to the Magistrates' Court.

Katherine Jamieson – Solicitor, Legal Services

8. 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	

9. Background Papers – Local Government Act 1972

9.1. None

10. Consultations

10.1. None

11. Report Author

11.1. Rachel Hall, Licensing Team Manager

0116 4543047

Rachel.hall@leicester.gov.uk

APPENDIX 1

HACKNEY CARRIAGE LICENSING – CONDITIONS OF FITNESS

CONSTRUCTION AND LICENSING OF MOTOR CABS IN LEICESTER CITY CONDITIONS OF FITNESS AND DIRECTIONS

APPLICATION

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

GENERAL CONSTRUCTION

2. 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.
3. Every cab must be type approved to the requirements of the M or M1 category 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.

STEERING

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

BRAKING SYSTEM

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

FUEL TANKS

6. A device must be provided by means of which the supply of fuel to the engine may be immediately cut off. Its situation together with the means of operation and “off”

position must be clearly marked on the outside of the vehicle. In the case of an engine powered by LPG or petrol the device must be visible and readily accessible at all times from the outside of the vehicle.

ENGINE EMISSIONS

7. Engine emissions must meet a minimum of Euro III 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 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

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

FIRE APPLIANCES

10. An appliance for extinguishing fire must be carried in such a position as to be readily available for use and such appliances must be independently certified that they are manufactured to meet the requirements of BS EN3 1996 and have a minimum fire rating of 5a and 34b.

BODY DESIGN

11. The body must be of the fixed head type with a partially glazed partition glazed partition separating the passenger from the driver.
12. 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.
13. 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.

14. 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.
15. The clear height of the doorway must not be less than 1.195 metres.
16. Grab handles must be placed at door entrances to assist the elderly and disabled.

STEPS

17. 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.
18. 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

19. 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.
20. 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.

PAINTWORK AND BODY FINISHES

21. Only the manufacturers colour range may be used on exterior or interior body finishes. *(Please note that additional requirements in relation to the livery of hackney carriages require that all hackney carriages, first licensed after 1 December 2006, have an all black livery with, in addition, the Council's Crest and the words "Hackney Carriage" displayed on the front nearside and offside doors and bonnet.)*

PASSENGERS 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. Front seats 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 front seats must not obstruct doorways.
27. All forward and rearward facing seats must be fitted with suitable head restraints.
28. 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.
29. 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

30. 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 drivers compartment, the maximum width of the opening must not exceed 11.5 centimetres.
31. Windows must be provided at the sides and at the rear.
32. Passenger door window 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.
33. 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.
34. Approved seatbelts must be fitted to all forward facing passenger seats.
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.

FARE TABLE AND NUMBER PLATE

38. A frame must be provided for the Fare Table and interior number plate and fitted in an approved position. The words "The number of this cab is" are to be shown above the position for the interior number plate.

TAXIMETER

39. A taximeter of an approved type must be fitted in an approved position.

"TAXI" SIGNS

40. 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

41. 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.
42. Any other radio equipment either in the passenger or driver compartment, must be approved.

FITTINGS

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

MAINTENANCE

44. Cabs, 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 cab 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.

ADVERTISEMENTS

45. Suitable advertisements may be allowed on the inside and outside of the cab subject to the approval of the Council.
46. Inside advertisements may be displayed only on the base of the occasional seats or along the bulkheads on top of the passenger/driver partition. All such adverts must be encapsulated in clear non-flammable plastic.
47. Except as provided for below, outside advertisements may be displayed only on the lower panels of the front doors and must be of an approved size. All advertisements must be correctly affixed to a continuous flat surface.
48. Advertisements must be of such a form as not to become easily soiled or detached.
49. All materials and adhesives used in the manufacture of and for the purpose of affixing advertised displays to cabs must be approved.
50. Applications for approval of advertisements must be made in writing to the Licensing Officer of the Leicester City Council.

BADGES/EMBLEMS

51. 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.
52. No advertisements, badge or emblem, including the stick-on-types is to be exhibited other than as provided for the above and any subsequent conditions.



Leicester
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WARDS AFFECTED
All

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

13 July 2017

Temporary Relaxation of Taxi Age Policy for Hackney Carriages

Report of the Director of Neighbourhood and Environmental Services

1. Purpose of Report

- 1.1. To seek the Committee's views on a temporary relaxation of the Taxi Age Policy for hackney carriages, prior to a decision being made by the City Mayor.

2. Recommendations

- 2.1. Members are asked to comment on the proposals.

3. Background

- 3.1 The Leicester's Air Quality Action Plan (2015-2026), Healthier Air for Leicester, set out a package of sixteen measures to accelerate improvements in air quality and deliver public health benefits. Two actions directly relevant to the taxi sector are:
 - 3.2 Action 2: to introduce a low emission zone focused initially on buses using Haymarket bus station and St Margarets bus station, by 2017, and to work towards an ultra low emission zone (ULEZ) for all vehicles over the period to 2026, or sooner if possible.
 - 3.3 Action 3: to work with bus, freight, rail and taxi transport sectors to reduce their environmental impact.
- 3.4 In 2016 officers were tasked to consider how the licensing framework could be applied to facilitate the take-up of Ultra-Low Emission Taxis in Leicester.
- 3.5 Officers have been following the policy changes being introduced by the London City Mayor for the Hackney Carriage and Private Hire Vehicle fleets and have submitted a request for additional project support to model scenarios for Leicester.

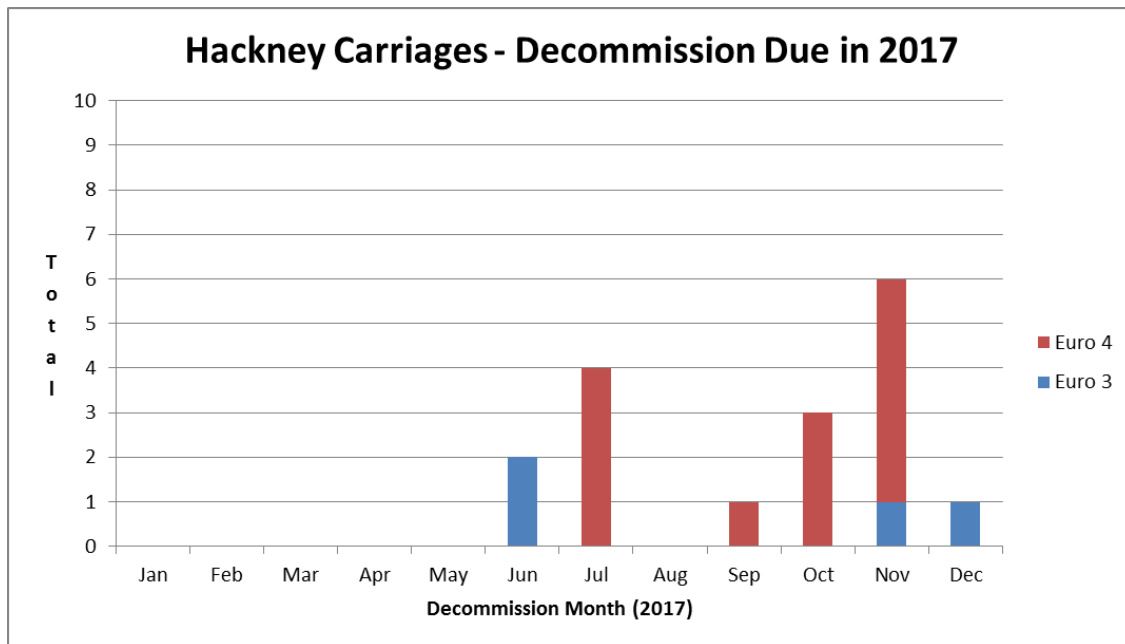
4 Age policy and ULEVs

- 4.1 The current policy on vehicle age is that no vehicle will be licensed once it is over 11 years old. The current policy approved by the City Mayor on 12 June 2012 permits no exceptions to the policy.
- 4.2 A number of operators have asked to be allowed to use vehicles older than permitted by the Age Policy to bridge the gap before they are able to acquire ULEVs. This, it is argued, provides an opportunity to advance the Air Quality Plan by supporting owners of hackney carriages who want to replace their existing old hackney carriage with a new ULEV hackney carriage.
- 4.3 In March 2017 officers were tasked with devising an arrangement whereby a relaxation for a specific vehicle would be given in exchange for a commitment to purchase a ULEV replacement when it was available. Officers were asked to consider how the risk of a non-follow through by an operator/driver can be minimised and, given the uncertainty of availability, to build in the possibility of 6 month extendable moratorium for anybody committing to replace with a ULEV vehicle.
- 4.4 A relaxation would mean moving away from what was a strict age limit set by the Council in the face of opposition from taxi operators arguing that this age limit was not substantiated by empirical evidence of poor conditions and that the vehicles were designed for a long life span.
- 4.5 At the present time there are no ULEV Hackney Carriages available for purchase and delivery. Media releases from the manufacturers and other bodies, e.g. TfL, indicate that vehicles will “start to be available” mid/late 2017.
- 4.6 London Taxi Company have now said that *“the order book for the TX5 will open in 2017 with delivery in 2018”* and the timing dependant on when ECWVTA type approval is obtained.
- 4.7 No ULEV Hackney Carriage has been submitted to Licensing and Public Safety Committee for approval due to the absence of European ‘type approval’

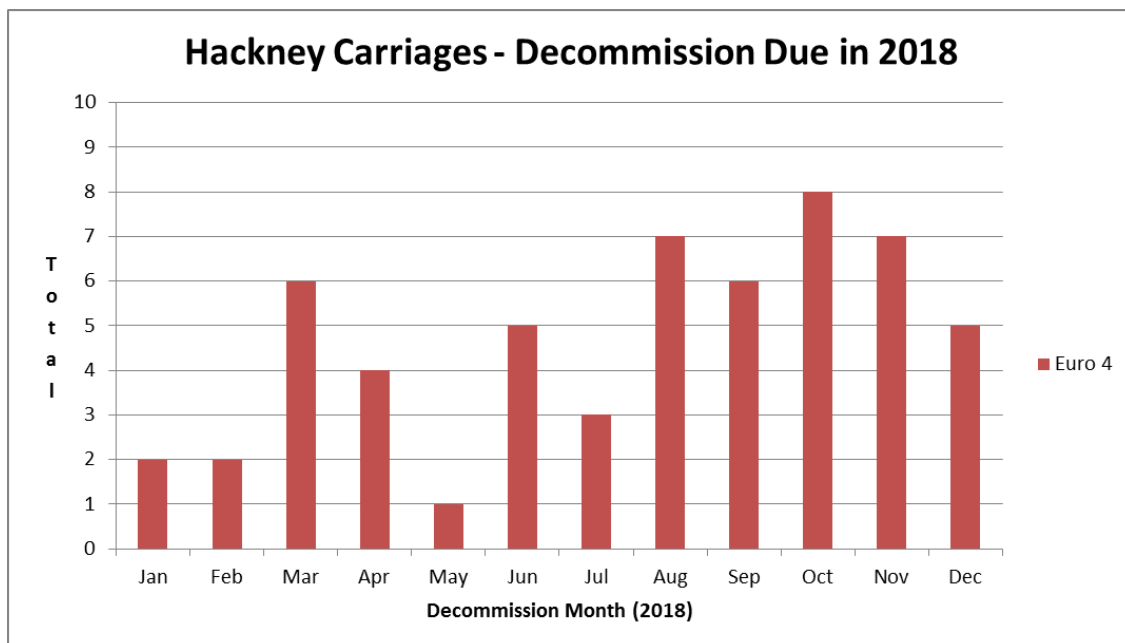
5 The profile of the HC and PHV fleets (2017/2018)

- 5.1 The following charts show the HC and PHV reaching their ‘end of life’ in the next 18 months under the Council’s Age Policy.

5.2 Hackney Carriage - 2017 Decommission

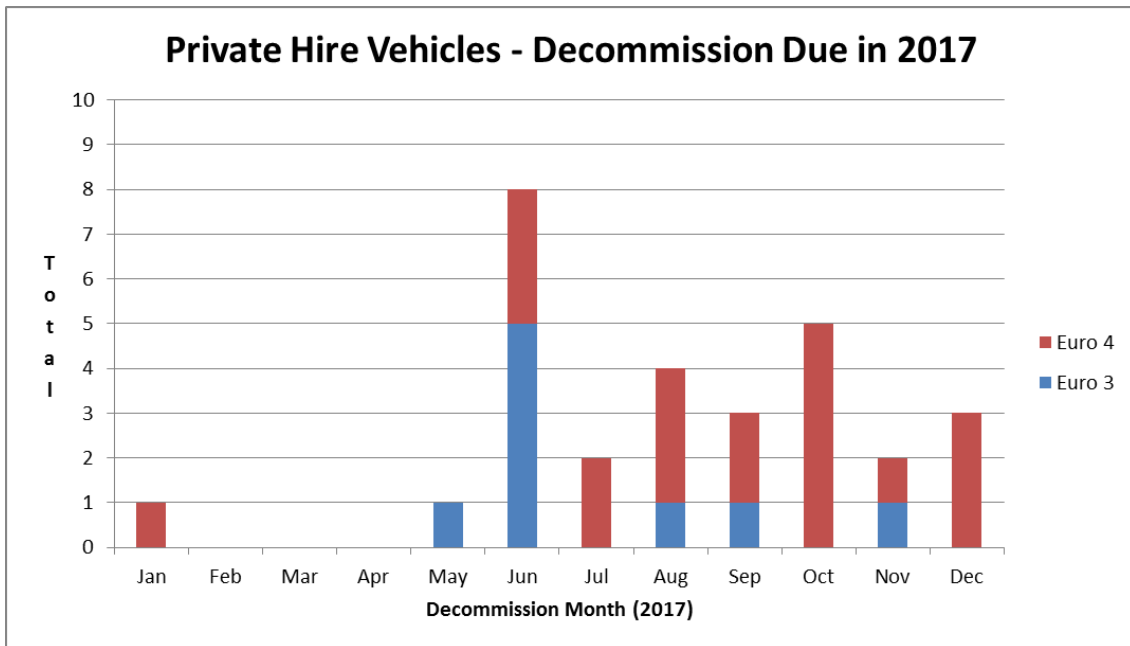


5.3 Hackney Carriage - 2018 Decommission

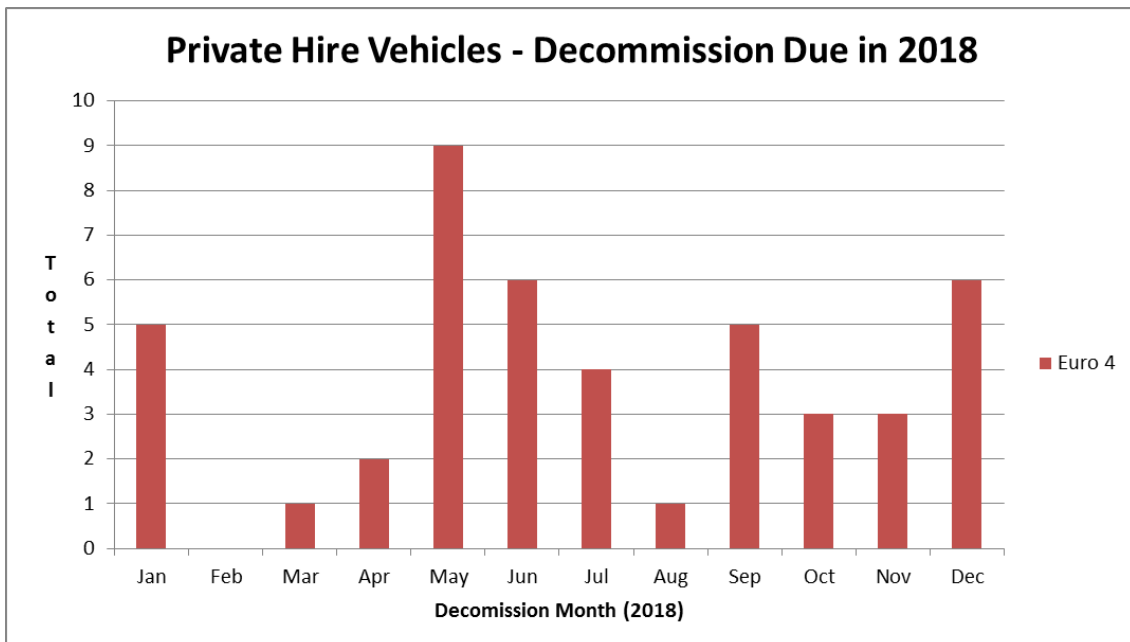


5.4 In the six month period Oct 2017-March 2018 – 20 HCs reach their ‘end of life’ under the Council’s Age Policy. In the period April – September 2018 – an additional 26 HCs reach their ‘end of life’ under the Council’s Age Policy.

5.5 Private Hire Vehicle - 2017 Decommission



5.6 Private Hire Vehicle - 2018 Decommission



5.7 In the six month period Oct 2017-March 2018 – 16 PHVs reach their ‘end of life’ under the Council’s Age Policy. In the period April – September 2018 – an additional 27 PHVs reach their ‘end of life’ under the Council’s Age Policy.

6 OPTION A: Proof of Purchase Option

6.1 A temporary relaxation of the vehicle age policy could be applied as follows:

- The temporary relaxation is granted solely to an owner of a licensed hackney carriage vehicle who has a bona-fide arrangement in place to replace their vehicle with a ULEV on or before 30 September 2018.
- The relaxation will cease midnight 30 September 2018 and after that the 11 year rule will apply and the 'old' vehicle has to be removed from service.
- The vehicles will continue to be subject to 6 monthly tests.

6.2 To be eligible for a relaxation of the Age Policy:

- The ULEV to be purchased must comply with the Leicester City Council Conditions of Fitness for Hackney Carriages
- The applicant must identify which existing vehicle licensed by Leicester City Council is to benefit from the relaxation.
- Produce evidence that they have entered a binding contract to purchase a ULEV, with a delivery date on or before 30 September 2018).

6.3 Applications will be considered and determined by the Licensing Team Manager (Policy & Applications) or Head of Regulatory Services or other delegated officer.

6.4 This would be a strict relaxation of the age policy, ensuring that only vehicle owners who can prove their commitment to buying a ULEV are given an extension. At present it is not known when suitable ULEVs will be available to order, or when the vehicles would actually be delivered.

7 OPTION B: Commitment Only Option

7.1 A temporary relaxation of the vehicle age policy could be applied as follows:

- The temporary relaxation is granted to an owner of a licensed hackney carriage vehicle who has committed that they will replace their vehicle with a ULEV on or before 30 September 2018.
- The relaxation will cease midnight 30 September 2018 and after that the 11 year rule will apply and the 'old' vehicle has to be removed from service.
- The vehicles will continue to be subject to 6 monthly tests.

7.2 To be eligible for a relaxation of the Age Policy:

- Submit a signed undertaking that they will replace the vehicle with a ULEV that complies with the Leicester City Council Conditions of Fitness for Hackney Carriages by 30 September 2018.
- Identify which existing vehicle licensed by Leicester City Council is to benefit from the relaxation.

- 7.3 Applications will be considered and determined by the Licensing Team Manager (Policy & Applications) or Head of Regulatory Services or other delegated officer.
- 7.4 This would be a more lenient relaxation of the age policy, which would enable owners to promise to buy a ULEV when available. At present it is not known when suitable ULEVs will be available to order, or when the vehicles would actually be delivered. There is a risk that owners may break their promise.

8 OPTION C: Temporary General Moratorium

- 8.1 A temporary relaxation of the vehicle age policy could be applied as follows:
- Any vehicle having a last licensable date after the date of the decision will be relicensed for 12 months.
 - The termination date of this moratorium will be reviewed in April 2018, taking into account the availability of approved ULEVs for delivery.
 - The vehicles will continue to be subject to 6 monthly tests.
- 8.2 This would be a general relaxation of the age policy, regardless of any commitment to buy a ULEV. It is likely that every owner of an 11 year old vehicle will make use of the extension.

9 Private Hire vehicles

- 9.1 It is highly likely that owners of private hire vehicles will ask for a similar relaxation of the age policy relating to their vehicles.
- 9.2 Studies carried out involving hackney and private hire vehicles licensed in Leicester, concluded that ULEVs were most suited to the hackney trade due to the type of work and distances travelled.
- 9.3 Hybrid vehicles are already available and may be licensed as private hire vehicles.
- 9.4 A minor change to the current policy (regarding fuel type) in LCC Guidance Notes is required and would enable ULEVs to be licensed as private hire vehicles.

10 Financial, Legal and Other Implications

Financial Implications

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

Colin Sharpe, Head of Finance, ext. 37 4081

Legal Implications

- 10.2 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.

- 10.3 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.
- 10.4 Any contractual agreement between the Local Authority and a Hackney Carriage driver, cannot override statutory requirements.
- 10.5 Due to the uncertainty of when the Ultra Low Emission Vehicles will become available and the number of vehicles that will become available to purchase, it is difficult to see how any meaningful contractual agreement could be entered into between the Local Authority and individual drivers at this stage. The position may change when the vehicle availability details become known.

Katherine Jamieson, Solicitor – Legal Services

11 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	

12 Background Papers – Local Government Act 1972

None

13 Consultations

None

14 Report Author

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