

Leicester
City Council

WARDS AFFECTED
City Wide

Cabinet

26 September 2005

Licensing of the Peugeot E7 as a Hackney Carriage

Report of the Service Director Community Protection and Well-being

1 Purpose of Report

- 1.1 To decide whether to review the Council's Conditions of Fitness for Hackney Carriages;
- 1.2 To consider the resolutions of Licensing Committee in relation to the licensing of the Peugeot E7 as a hackney carriage; and
- 1.3 To determine the Council's policy in relation to the required livery for hackney carriages.

2 Summary

- 2.1 On 26 July 2005, Licensing Committee received a report on a request to consider the licensing of the Peugeot E7 as a hackney carriage (copy attached as Appendix 1 to this report). The vehicle did not meet the Council's standards for hackney carriages in two respects and the report sought direction from the Committee on whether the vehicle should nevertheless be licensed.
- 2.2 The Committee resolved, amongst other things, to license the vehicle and, in consequence of this decision, that all hackney carriages would need to be a specific livery to ensure that they were recognisable.
- 2.3 Following the Committee's decision, two letters of complaint were received, one from LTI who manufacture most of the hackney carriages licensed in Leicester and one from Swift Taxis, alleging that the decision was unlawful and threatening a legal challenge.
- 2.4 Licensing Committee further considered this matter on 2 September and re-affirmed its decision of 26 July 2005 and further resolved: "That Cabinet be invited to inspect the decisions made and endorse the licensing of the Euro 7 as a hackney carriage as soon as possible and to implement the decisions with immediate effect."

3 Recommendations

- 3.1 Cabinet is recommended to instruct the Service Director of Community Protection and Well-being to commission a review of the Conditions of Fitness. The review should include consultation (with users, disability groups, the trade, manufacturers and statutory agencies), an equality impact assessment, and a technical assessment of the benefits of the requirements of the standard. The precise scope and timescales for such a review should be agreed in consultation with the Cabinet Lead member.
- 3.2 Pending the outcome of the review, Cabinet is recommended to endorse Licensing Committee's flexible approach to the application of the Council's Conditions of Fitness for Hackney Carriages in relation to requests for vehicles to be licensed as hackney carriages, where this is based on sound reasons and as a result of the consideration of the merits of each individual case.
- 3.3 In the matter of livery, Cabinet is recommended to:
- 3.3.1 Approve a policy that all hackney carriages first licensed after 1 October 2005, should have an all black livery with, in addition, the Council's Crest displayed on the front passenger doors and bonnet; and
- 3.3.2 Approve a policy that all private hire vehicles first licensed after 1 October 2005, should not be predominately black in colour; and
- 3.3.3 Give the Corporate Director of Regeneration and Culture delegated authority, in consultation with the Cabinet Lead member and the Chairs and Vice-Chairs of Licensing Committee, to decide on:
- (a) the details of the size, shape, positioning, colour and means of application of the Council's crest to be displayed in accordance with the recommendation above; and
 - (b) the arrangements for any additional consultation beyond that already undertaken with the hackney carriage trade, in the matter of livery changes.

4 Headline Financial and legal Implications

Financial

- 4.1 The main financial implications arising from this report relate to - firstly the potential legal costs arising if any threatened legal challenge is carried through by the parties identified at para 2.3. If any legal challenge was successful, the Council would have to pay not only its legal costs but also the legal costs of the successful challenger.
- 4.2 The second potential financial implication relates to those costs associated with engaging specialist consultants to assist the authority in reviewing our current policy - as outlined in para 3.1. The costs of such consultants has been estimated at approximately £20,000. The appointment of such consultants would need to be the subject of a tendering exercise.
- 4.3 Any costs associated with the above will need to be funded from existing budgets

Graham Aitken, Interim Head of Finance, R&C, extension 3790

Legal

- 4.4 The statutory provisions that apply to the licensing of hackney carriages and private hire vehicles have been considered by the Service Director as regards the preparation of this report and in particular, with regard to the issue of licensing of the E7, that the requirements of the Local Government (Miscellaneous Provisions) Act 1976 in relation to private hire vehicles mean that the issue of recognisability is a key one.
- 4.5 The decisions to be taken are, as with every Council decision, subject to challenge, legal or otherwise. In terms of any legal challenge, this will be by way of Judicial Review. The chances of any Judicial Review claim being successful will be minimised on the basis that the Council can show it has acted lawfully and has undertaken appropriate consultation before making any final decision which involves policy changes and that in the decisions taken it has acted reasonably.
- 4.6 Alternative, non-legal challenges could include a reference to the Ombudsman and/or the District Auditor. Similar considerations in relation to the issues of consultation and reasons could also apply.

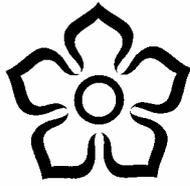
Anthony Cross, Assistant Head of Legal Services, x6362

5 Report Author/Officer to contact:

Mike Broster / Adrian Russell
Ex 6408 / 7295

DECISION STATUS

Key Decision	No
Reason	N/A
Appeared in Forward Plan	N/A
Executive or Council Decision	Executive (Cabinet):



Leicester
City Council

WARDS AFFECTED
City Wide

Cabinet

26 September 2005

Licensing of the Peugeot E7 as a Hackney Carriage

SUPPORTING INFORMATION

1 Decisions of Licensing Committee

- 1.1 On 26 July 2005 the Licensing Committee considered a report concerning the licensing of the Peugeot E7 as a hackney carriage. A copy of that report is included as Appendix 1 to this report. The Licensing Committee's resolution on 26 July 2005, was:
- That the Licensing Committee approve the licensing of the Euro7 Taxi as a hackney carriage.
 - That the Committee approve the following standard design for hackney carriages: black with the Leicester City Coat of Arms in white on the door and bonnet, and that the size of the logo should be determined by officers in agreement with the Chairs of the Licensing Committee.
 - That officers be instructed to submit a report to the Committee that looks at other vehicles that are available which could be used as hackney carriages.
 - That officers be instructed to submit a report to the Committee which looks at the accident and safety record (including crash test results) and the safety measures of the hackney carriages we currently license.
 - That, in the light of significant changes to the Council's taxi licensing policy, a further report on taxi plating should be submitted to the Committee. This should be conducted at the same time as the reports mentioned above.
- 1.2 At its meeting on 2 September 2005, Licensing Committee reaffirmed its decision of 26 July 2005 and further resolved:
- That Cabinet be invited to inspect the decisions made and endorse the licensing of the Euro 7 as a hackney carriage as soon as possible and to implement the decisions with immediate effect.

2 Letters of Complaint

- 2.1 Following the Licensing Committee's resolution of 26 July, two letters of complaint were received. The substance of both letters was that the Licensing Committee had effectively changed the Council's policy in relation to hackney carriages without proper consultation. Both letters threatened legal challenges if the Licensing Committee's decision was not reversed.
- 2.2 The letter from LTI plc, the manufacturer of the TX1, TX2 and Fairway vehicles which make up the majority of the City's hackney carriage fleet, also raised issues about the accessibility of the vehicle, because of the height of the vehicle floor. This issue was addressed in the report to Licensing Committee. Subsequent letters have also provided information on what the company believes are other deficiencies of the vehicle, notably its turning circle and sliding passenger door.
- 2.3 The letter from Swift Taxis, who hold the largest number of hackney carriage licences of any proprietor in the City, mainly concerns the decision to require all hackney carriages to be of a specified livery. Swift Taxis operate a mixed fleet of hackney carriages and private hire vehicles in a distinctive yellow livery. The proprietor feels that the single livery is a very important aspect of his business and in particular enables customers at busy pick-up points to identify his vehicles. Requiring hackney carriages to be of a single livery is intended to make hackney carriages recognisable from other vehicles and in particular private hire vehicles. This is a legal requirement. Inevitably, using a livery as a means of ensuring recognisability would mean that a mixed fleet of vehicles belonging to a one company could not all have the same livery. Subsequent letters from the company have also presented the company's view that the E7 is an inferior vehicle.

3 Policy Issues

- 3.1 The purpose of the report to Licensing Committee on 26 July was *"To consider a request to License the Peugeot Euro7 Taxi as a hackney carriage."* The report explained that a request had been received to license the vehicle; it had been assessed and found not to meet the Conditions of Fitness in two respects. The Committee decided that although the vehicle was not fully compliant, after having considered the impact of the non-compliance on the suitability of the vehicle to be used as a hackney carriage and the perceived advantages of the vehicle (emission levels, its appearance, the fact that it had air bags, and the views of the trade) the Committee decided that the vehicle should be licensed as an exception to the policy.
- 3.2 The Licensing Committee's decision to license the E7 did not imply a change to the Conditions of Fitness. Pending the outcome of the review of the Conditions, the existing Conditions will be applied to any vehicles applying to be licensed. Where vehicles fail to fully comply with the Conditions, Licensing Committee will be asked whether to license the vehicle in the same way that it was asked whether to license the E7, with each vehicle being considered on individual merit.
- 3.3 As a consequence of the decision to license the E7, it was necessary for Licensing Committee to consider how hackney carriages should be made recognisable. At the present this is achieved by the style of the vehicles licensed, but licensing the E7 will

move away from this position. Hackney carriages are allowed to be flagged down and be hired in the street. It is therefore important that they should be easily distinguishable from other vehicles and in particular from private hire vehicles, which may only be booked in advance, not in the street. To address this, Licensing Committee proposed that all hackney carriages should be required when first licensed to have a black livery, with the Council's crest on the front doors and bonnet. This represents a change of policy and Cabinet are required to endorse this approach, before it can be implemented.

4 Review of the Conditions of Fitness

4.1 The Conditions of Fitness were adopted in 1990 and became fully implemented in 1997 following a series of legal challenges. After 8 years of application, there is clearly a need to consider a review. The Council's position had always been that it would review the Conditions in the light of Taxi Accessibility Regulations that Government had programmed to come into effect in 2002. In addition, the Metropolitan Conditions of Fitness, upon which the Council's Conditions are strongly based, are in the process of review. It would make good sense to review the policy with the benefit of London review findings, as these include comprehensive technical review of the requirements and of other vehicles. However, there is still no immediate prospect of the Accessibility Regulations appearing, and the need for a review in Leicester has become acute. It was on this basis that the Licensing Committee report in July contained a recommendation that a review should be undertaken.

4.2 The timetable for the review would need to include development of a project brief, a tendering process for specialist consultants to carry out the work, a selection process, carrying out the research and consultation, assessments of the equality impact, report drafting, consultation on proposals with Licensing Committee and final approval by Cabinet. Such a review could take up to twelve months to complete.

4.3 A review of this nature would also address the resolutions of the Licensing Committee relating to other vehicles that could be licensed as hackney carriages, the accident and safety records of vehicles currently licensed as hackney carriages and other pertinent issues. The precise scope and timescales for such a review could be a matter to be agreed in consultation with the Cabinet Lead member.

5 Outcome of Consultation of Proposed Livery

5.1 Following the resolution of Licensing Committee that all hackney carriages should be black, with the Council's crest on the doors and bonnet, written consultation with existing licence holders has been carried out.

5.2 The main response to the consultation took the form of two petitions, one signed by 201 licensees who were in favour of the proposal and another signed by 68 licensees who were opposed to it. The petition from those opposed to the proposed livery stated that it would be detrimental to them financially, but gave no further details.

5.3 In addition to the petition, a letter was received from Swift Fox Cabs. The letter gave further information as to why the company believed that the E7 was an inferior vehicle.

On the issue of livery, the letter explained that the company believed a corporate identity was important. This enabled their vehicles to be identified at pick up points, and presented maximum advertising opportunities. If the proposal went ahead, the company would be forced into delaying replacement of vehicles to ensure their identity was preserved.

- 5.4 The Council has to consider what would be the best way forward for the interests of not only operators but also users. Recognisability is a key issue. The recommendation, if agreed in this regard, will only apply to hackney carriages that are licensed after 1st October 2005, which will therefore facilitate a phased introduction which will enable companies such as Swift to have plenty of time to comply. As indicated in Paragraph 2.3, using livery to achieve recognisability and having private hire vehicles and hackney carriages in a single company livery are incompatible.
- 5.5 A letter was also received from a company called Taxi Media, which arranges taxi advertising in Leicester. The company believes that having a logo on vehicles would discourage advertising. The letter states that the company has paid £40,000 for advertising on cabs in Leicester in the last 12 months and that this would be lost. The letter from Swifts also raised the issue of the inability of the vehicles to advertise.
- 5.6 In terms of advertising, the requirement for a livery would restrict hackney carriage advertisements on the exterior paintwork. It would still be possible for hackney carriages to contain advertisements internally and on the rear windscreen. As mentioned above, the effect of the decision would only apply to hackney carriages licensed after 1st October, so therefore there will be opportunities, until the carriages are completely of one livery, for there to be external advertising.

6. Financial, Legal and Other Implications

Financial Implications

- 6.1 The main financial implications arising from this report relate to - firstly the potential legal costs arising if the threatened legal challenge is carried through by the parties identified at para 2.3. The authority will have its own costs and if unsuccessful, could potentially have costs awarded against us.
- 6.2 The second potential financial implication relates to those costs associated with engaging specialist consultants to assist the authority in reviewing our current policy - as outlined in para 3.1. The costs of such consultants has been estimated at approximately £20,000. The appointment of such consultants would need to be the subject of a tendering exercise.
- 6.3 Any costs associated with the above will need to be funded from existing budgets.

Graham Aitken, Interim Head of Finance, R&C, extension 3790

Legal Implications

- 6.4 The officer report, in its reference to the issues of livery/recognisability, is linked to the provisions contained in the Local Government (Miscellaneous Provisions) Act 1976 that apply to private hire vehicles. Under section 48 the Council may not grant a private hire vehicle licence to a vehicle that is of such design and appearance that can lead anyone to believe that the vehicle is a hackney carriage. Licensing the E7 as a hackney carriage means that it cannot be licensed as a private hire vehicle.
- 6.5 The report reminds members of the Council's current purpose-built policy for hackney carriages. This is based on conditions of fitness contained in Appendix 1 of this report. Policies should never be considered to be set in 'tablets of stone', and it is open to the Council to change or amend these conditions. As a matter of law, it does however need to consult with anyone who might be affected by changes to the conditions which constitute policy changes. Cabinet will note the consultation that has been undertaken thus far. If any additional issues arise as a result of the further consultation to be carried out, a further report will be presented to Cabinet.
- 6.6 The key issue with regard to consultation is that it must be undertaken with an open mind and be meaningful.
- 6.7 In terms of the way forward identified in relation to the E7, any argument that this is a policy change can be rebutted by the fact that, firstly, as stated above, no policy should be considered to be set in 'tablets of stone' and, secondly, reasons which are reasonable have been identified.
- 6.8 Judicial Review involves the High Court exercising its supervisory jurisdiction by considering the process followed by the Council with regard to the making of decisions. Relevant considerations include the need to act reasonably.
- 6.9 Alternative non-legal challenges could include a referral to the Ombudsman and/or the District Auditor. As regards consultation/reasons, considerations similar to those that have previously been mentioned would apply in relation to non-legal challenges as well.

Anthony Cross, Assistant Head of Legal Services, x6362

7. Other Implications

OTHER IMPLICATIONS	YES/NO	Paragraph References Within Supporting information
Equal Opportunities	Yes	4.1 The Conditions of Fitness take into account the needs of disabled people, though the Government's new Accessibility Regulations are still awaited.
Policy	Yes	This report relates to a matter of policy
Sustainable and Environmental	Yes	The Licensing Committee expressed the view that reduced vehicle emissions was one of the reasons for licensing the E7 as a hackney carriage.
Crime and Disorder	Yes	Ensuring the recognisability of hackney carriages, as distinct from other vehicles, is considered an important means of protecting the safety of hackney carriage users.
Human Rights Act	No	
Elderly/People on Low Income	No	

8. Background Papers – Local Government Act 1972

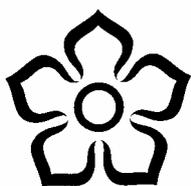
None

9. Consultations

The livery proposals for new hackney carriages has been the subject of some consultation, the details of which are contained within the report.

10. Report Author

Mike Broster / Adrian Russell
Ex 6408 / 7295



Leicester
City Council

WARDS AFFECTED
City Wide

FORWARD TIMETABLE OF CONSULTATION AND MEETINGS:

Licensing Committee

26 September 2005

Request to License Peugeot Euro7 Taxi as a Hackney Carriage

Report of the Service Director Community Protection and

1 Purpose of Report

- 1.1 To consider a request to License the Peugeot Euro7 Taxi as a hackney carriage.

2 Summary

- 2.1 A request has been made by Allied Vehicles Limited for the City Council to consider licensing the Peugeot Euro7 Taxi as a hackney carriage, although no formal application for a licence has yet been made.
- 2.2 An assessment of the vehicle has been made against the City Council's Conditions of Fitness for Hackney Carriages, when it has been found not to comply in two areas. Further details of this are given in the report. Delegated authority is given to Licensing Officers to refuse to grant a licence where this would be contrary to the Council's policy, but not to grant a licence as an exception
- 2.3 Members are asked to consider whether or not they would wish to licence the Euro7 Taxi as a hackney carriage.

3 Recommendations

- 3.1 The Committee is recommended to:
- 3.1.1 Instruct officers to refuse an application to license the Euro7 Taxi as a hackney carriage pending a review of the current policy.
- 3.1.2 Commission a review of the City Council's Conditions of Fitness for Hackney Carriages.

4 Headline Financial and legal Implications

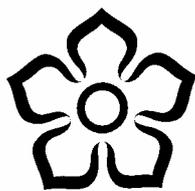
- 4.1 See supporting information.

5 Report Author/Officer to contact:

5.1 Mike Broster.

Extension 6408

Mike.Broster@leicester.gov.uk



Leicester
City Council

WARDS AFFECTED
City Wide

FORWARD TIMETABLE OF CONSULTATION AND MEETINGS:
Licensing Committee

26 July 2005

Request to License Peugeot Euro7 Taxi

SUPPORTING INFORMATION

1 Background

- 1.1 The City Council's purpose built policy became fully implemented in September 1996 following legal challenges in the Magistrates' and Crown Courts. The policy consists of a fitness standard, based on the London Metropolitan Conditions of Fitness. The only vehicles that fully meet that standard are the LTI range of vehicles and the Metrocab. The later is no longer in production.
- 1.2 The purpose built policy has brought with it a number of advantages. The most significant of these are:
 - 1.2.1 **Accessibility** – The City Council's hackney carriage fleet consists entirely of wheelchair accessible vehicles, although the ceiling heights are too low for some electric vehicles.
 - 1.2.2 **Recognisability** – It is essential that hackney carriages are recognisable. This enables them to be distinguished from private hire vehicles, makes it more difficult for bogus taxis to operate and allows other benefits such as the use of bus lanes and the display of advertisements on vehicle exteriors. The limited range of models of vehicles licensed in Leicester provides for recognisability. Prior to the introduction of the purpose built policy, hackney carriages were required to be painted in a specific colour scheme.
 - 1.2.3 **Driver Security** – All purpose built taxis have a security screen between the driver and passengers. Experience across the country is that this reduces the number of attacks on drivers.
- 1.3 The government have been proposing the introduction of regulations, the Taxi Accessibility Regulations, to be made under the Disability Discrimination Act, since the late 1990's. The regulations would have set a series of specifications relating to accessibility and it has been the intention to review the City Council's

Conditions of fitness to reflect these. However, the regulations have been much delayed and there is still no concrete timetable for their introduction.

2 Results of Assessment of Peugeot Euro7 Taxi

2.1 An examination of the Peugeot Euro7 Taxi was carried out in against the City Council's Conditions of fitness. It was found to fail in two respects.

2.1.1 The vehicle's turning circle is 12.38 metres compared to the requirement of 8.54 metres.

2.1.2 The floor of the passenger compartment of the vehicle is 0.48 metres above ground level compared to the requirement of 0.38 metres.

3 Implications of Licensing the Peugeot Euro7 Taxi as a Hackney Carriage

3.1 In considering whether to allow the Euro7 to be licensed as a taxi, the Committee will need to consider the following issues, which would need to be addressed **before** a licence could be granted.

- The impact of the deviations from the Conditions of Fitness on the operation of the vehicle as a hackney carriage;
- Whether they were satisfied that there was not a need for consultation with existing licence holders prior to what could be regarded as a significant deviation from the existing policy;
- If an exception to the Conditions of Fitness is made, what other vehicles could also be licensed by making a similar exception for them;
- How the Council will ensure that hackney carriages are recognizable;
- What action will need to be taken in respect of vehicles similar to the Euro7 already licensed for private hire.

3.2 The deviations from the Conditions of Fitness will have an effect on the operation of the vehicle as a taxi. In respect of the deviation in relation to the turning circle, the effect will be on maneuverability. Possible implications of this include parking in confined spaces and changing direction in response to destination information provided by passengers. In relation to the floor height, this will affect the ease of access for ambulant passengers, particularly those with limited mobility. This factor will be mitigated to some degree because of the existence of an intermediate step.

3.3 As outlined above, although the Conditions of Fitness do not specify a particular type of vehicle but rather a set of physical requirements, they have nevertheless resulted in a very limited set of vehicles being licensed. Whilst disadvantages result from this, there are also advantages, particularly recognisability. If the Conditions of fitness were to be relaxed, it is likely that a wide variety of other vehicles would meet the requirements and it would be difficult or impossible to refuse them a licence. This could ultimately lead to the disappearance of the London style taxis, which are generally considered more expensive, from the

hackney carriage fleet. Recognisability then becomes an even more critical issue.

- 3.4 Before the introduction of the conditions of fitness, recognisability was achieved by means of requiring a specific livery, which was black with a white bonnet and boot lid. If the Euro7 were to be licensed, a specific livery would be the most appropriate means of ensuring recognisability. To return to a specific livery would be complicated and need careful planning and consultation. Some existing licence holders may feel aggrieved at having to pay to have their vehicles re-painted to allow someone else to benefit from a change in policy, particularly those who had recently bought new vehicles. A similar position may apply to any private hire vehicle the colour of which conflicted with the new livery. A single livery would also prevent the current practice of advertising on taxis. Of the issues that require resolution before a licence could be granted, recognisability is likely to prove the most problematic.

4 Proposed Review of Conditions of Fitness for Hackney Carriages

- 4.1 A review of the purpose built policy is now required. However, this could have significant implications for hackney carriage operations in Leicester. It will therefore need to be a properly conducted and resourced exercise and involve wide ranging consultation.
- 4.2 One approach to the implementation would be to extend the ongoing project to evaluate the demand for hackney carriages in Leicester to include as many as possible of the tasks involved in the review of the purpose built policy. Although this has the advantage of commencing the review more quickly, it runs the risk of there being given insufficient time and resources to the in the project. An alternative approach would be to deliver this review as a separate project. This would perhaps ensure that the review was given the status that it deserves, but would mean that it could only be delivered in a longer timetable. Members' views on this issue would be welcome.

5 FINANCIAL, LEGAL AND OTHER IMPLICATIONS

6 Financial Implications

- 6.1 If external contractors were commissioned to carry out all or any part of the review of the Purpose Built Policy, the costs would be met from existing budgets. Appointment of the contractor would comply with the Council's procurement procedures.

7 Legal Implications

7.1 Issues

- 7.1.1 Under Section 47 of the Local Government Act (Miscellaneous Provisions) Act 1976, the Council may attach to the grant of the Licence to a hackney carriage

under the Town and Police Clauses Act of 1847 such conditions, as the Council may consider reasonably necessary. Accordingly, the Council has a policy for Conditions of Fitness for hackney carriages (“the Policy”) to which all requests for hackney carriage licences are assessed. The Licensing Committee’s powers include keeping under review policies relating to licensing functions of the Council.

7.1.2 As detailed in the report, delegated authority is given to the Licensing Officers to deal with and grant requests for hackney carriage licences provided the vehicle meets the Council’s Policy

7.1.3 The Peugeot Euro7 Taxi (the “Eurocab”) does not fall within the Council’s definition of a hackney carriage because it fails to meet two of the current Policy conditions detailed in paragraph 2 of the supporting information to this report. Therefore for them to be considered suitable vehicles, the Policy will need to be reviewed and amended accordingly.

7.1.4 As raised at paragraph 3.1 of the supporting Information to this report if the Eurocab was made an exception to the Policy other similar vehicles may also request to be treated as an exception to the policy.

7.2 Legal Implications of Recommendations

7.2.1 As identified by the Report at point 3, in order for a decision to be made about the future status of the Eurocab, it is recommended that: -

7.2.1.1 Licensing Officers continue to refuse any application to licence the Eurocab as a hackney carriage pending a review of the current Policy.

7.2.1.2 A review is commissioned of the City Council’s Policy to consider all vehicles similar to and including the Eurocab to be recognised as hackney carriages and that the Licensing section undertake the necessary procedure and consultation in conducting the review. The existing Policy should remain in place until the review has been completed. Subject to the review a new Policy implemented, as appropriate.

7.3 Legal implications provided by Jamie Guazzaroni.

8 Other Implications

OTHER IMPLICATIONS	YES/NO	Paragraph References Within Supporting information
Equal Opportunities	Yes	Paragraph 1.1.2
Policy	Yes	Throughout
Sustainable and Environmental	No	
Crime and Disorder	No	
Human Rights Act	No	
Elderly/People on Low Income	No	

4. Background Papers – Local Government Act 1972

5. Consultations

None at this stage.

6. Report Author

Mike Broster
Head of Environmental Health and Licensing
Ext. 6408
Mike.Broster@leicester.gov.uk

LEICESTER CITY COUNCIL

HACKNEY CARRIAGE LICENSING – CONDITIONS OF FITNESS APPENDIX E(1)

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

GENERAL CONSTRUCTION

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. 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.

STEERING

1. The steering wheel must be on the offside of the vehicle.
2. The steering mechanism must be so constructed or arranged that NO overlock is possible and the road wheels do not in any circumstances foul any part of the vehicle.
3. The steering arms and connections must be of adequate strength and as far as possible protected from damage by collision.

BRAKE AND STEERING CONNECTIONS

Where brake and steering connections are secured with bolts or pins, the bolts or pins must be fitted with approved locking devices and they must be so placed that, when in any position other than horizontal, the head of the bolt or pin is uppermost.

TURNING CIRCLE

1. The vehicle must be capable of being turned on either lock so as to proceed in the opposite direction without reversing between two vertical parallel planes not more than 8.535 metres apart.
2. The wheel turning circle kerb to kerb on either lock must not be less than 7.62 metres in diameter.

BRAKES

1. All brakes must act directly on the wheel of the vehicle.
2. The brakes of one of the braking systems must be applied by pedal.

3. The Pedal operated braking system must be so designed that, notwithstanding the failure of the brakes on any pair of wheels, either on one axle or diagonally opposite, there must still be available for application brakes on the other pair sufficient to bring the vehicle to rest within a reasonable distance.
4. Cable connections are not permitted in the pedal operated systems.

SUSPENSION

1. Every vehicle must be fitted with an efficient suspension system so designed and constructed that there is no excessive roll or pitch.
2. Every vehicle must be so constructed or adapted that a failure of a spring, torsion bar or other similar component of the suspension systems is not likely to cause the driver to lose directional control of the vehicle.
3. When the vehicle is complete and fully equipped for service and loaded with weights placed in the correct relative positions to represent the driver and a full complement of passengers and luggage and is placed on a plane surface, it must not overturn when the plane is tilted to either side to an angle of 40 degrees from the horizontal.

NOTES

- (a) **For the purpose of this condition 65 kilogrammes shall be deemed to represent the weight of one person and 65 kilogrammes the weight of a full complement of luggage.**
- (b) For the purpose of conducting test of stability, the height of any stop used to prevent a wheel from slipping sideways must not be greater than two-thirds of the distance between the surface upon which the vehicle stands before it is tilted and that part of the rim of that wheel which is then nearest to such surface when the vehicle is loaded.

TRANSMISSION

Cabs using automatic or semi-automatic transmission must be fitted with a device to prevent the engine starting with the transmission selector in a DRIVE or REVERSE position.

BOLTS AND NUTS

All moving parts and parts subject to severe vibration connected by bolts or studs and nuts must be fitted with an approved locking device.

FUEL TANKS

Appendix 1

1. Fuel tanks must not be placed under the bonnet and must be adequately protected from damage by collision.
2. All fuel tanks and all apparatus supplying fuel to the engine must be so placed or shielded that no fuel overflowing or leaking therefrom can fall or accumulate upon any part or fitting where it is capable of being readily ignited or can fall into any receptacle where it might accumulate.
3. The filling points for all fuel tanks must be accessible only from the outside of the vehicle and filler caps must be so designed and constructed that they cannot be dislodged by accident.
4. 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.

INTERIOR LIGHTING

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

1. All electrical leads and cables must be adequately insulated and, where liable to be affected by exposure to water, petrol or oil, must be adequately protected.
2. All electrical circuits must be protected by suitable fuses.
3. Batteries must be so placed and protected that they cannot be a source of danger.

FIRE APPLIANCES

An appliance for extinguishing fire must be carried in such a position as to be readily available for use and such appliances must comply with the requirements relating to Fire Extinguishing Appliances for use on Public Service Vehicles.

EXHAUST PIPE

The exhaust pipe must be so fitted or shielded that no inflammable material can fall or be thrown upon it from any other part of the vehicle and that it is not likely to cause a fire through proximity to any inflammable material on the vehicle. The outlet must be placed at the rear of the vehicles on the offside and in such a position as to prevent fumes from entering the vehicle.

BODY

1. The body must be of the fixed head type with a partially glazed partition separating the passenger from the driver.
2. (a) Outside dimensions:
 - (i) The overall width of the vehicle exclusive of driving mirrors must not exceed 1.755 metres.
 - (ii) The overall length must not exceed 4.575 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.
3. 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.
4. The door and doorway must be so construction as to permit of an unrestricted opening across the doorway of at least 75 centimetres. The minimum angle of the door when opened must be 90 degrees.
5. The clear height of the doorway must not be less than 1.195 metres.
6. Grab handles must be placed at door entrances to assist the elderly and disabled.
7. Where a boot lid is hinged at the bottom a restriction must be fitted to prevent the boot lid serving as a luggage platform.

STEPS

1. The top of the tread for any entrance must be at the level of the floor of the passenger compartment and must not exceed 38 centimetres above ground level when the vehicle is unladen.
2. 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

1. Approved anchorages must be provided for the wheelchair and chairbound disabled person. These anchorages's must either chassis or floor linked. If floor linked they must be affixed in such a manner that the forces are distributed evenly throughout the floor area by means of a suitable galvanised plate of minimum dimensions 200 x 200 mm which must be

used beneath the floor. Restraints for a wheelchair and a person seated therein must be independent of each other. Anchorage's 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. All anchorage's and restraints must be so designed that they do not cause a foreseeable danger to other passengers.

2. 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

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

PASSENGERS SEATS

1. The measurements from the upholstery at the back to the front edge of the back seat must be at least 40 centimetres and for each adult person carried a minimum of 40 centimetres must be available when measured along the front parallel edge of the seat cushion.
2. The width of each front seat must not be less than 40 centimetres and such seats must be at least 35.5 centimetres when measured from the back to the front of the upholstery.
3. The vertical distance between the highest point of the undeflected seat cushion and the top of the floor covering must not be less than 35.5 centimetres.
4. Where seats are placed facing each other there must be a clear space of 48 centimetres 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 43.5 centimetres 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 66 centimetres in front of every part of each seat squab.
5. Front seats must be so arranged as to rise automatically when not in use. They must be symmetrically placed and at least 4 centimetres apart. When not in use front seats must not obstruct doorways.
6. 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.

DRIVERS COMPARTMENT

1. The drivers compartment must be so designed that the driver has adequate room, can easily reach and quickly operate the controls and give hand signals on the offside of the vehicle.
2. The controls must be so placed as to allow reasonable access to the drivers seat and, when centrally placed, must be properly protected from contact with luggage.

3. The drivers seat must be designed to accommodate the driver only and be adjustable for height and reach.
4. The vehicle must be fitted with adequate devices for demisting, defrosting and washing the windscreen and with a sun visor adjustable by the driver.
5. Direction indicators of an approved type must be fitted.
6. 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.

WINDOWS

1. Windows must be provided at the sides and at the rear.
2. 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.

HEATING AND VENTILATION

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.

GLASS

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

DOOR FITTINGS

1. 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.
2. Double catches of approved type must be fitted to all doors.

FARE TABLE AND NUMBER PLATE

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

FLOOR COVERING

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

LUGGAGE

Provisions must be made for carrying luggage and an efficient method of securing it must be provided.

HORN

A horn of approved pattern must be fitted.

TAXIMETER

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

“TAXI” SIGNS

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

1. 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.
2. Any other radio equipment either in the passenger or driver compartment, must be approved.

FITTINGS

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

MAINTENANCE

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

1. Suitable advertisements may be allowed on the inside and outside of the cab subject to the approval of the Council.
2. 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.
3. 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.
4. Advertisements must be of such a form as not to become easily soiled or detached.
5. All materials and adhesives used in the manufacture of and for the purpose of affixing advertised displays to cabs must be approved.
6. Applications for approval of advertisements must be made in writing to the Licensing Officer of the Leicester City Council.

BADGES/EMBLEMS

1. 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.
2. 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.