



Leicester  
City Council

WARDS AFFECTED  
All

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

**13 July 2017**

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**Temporary Relaxation of Taxi Age Policy for Hackney Carriages**

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**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.

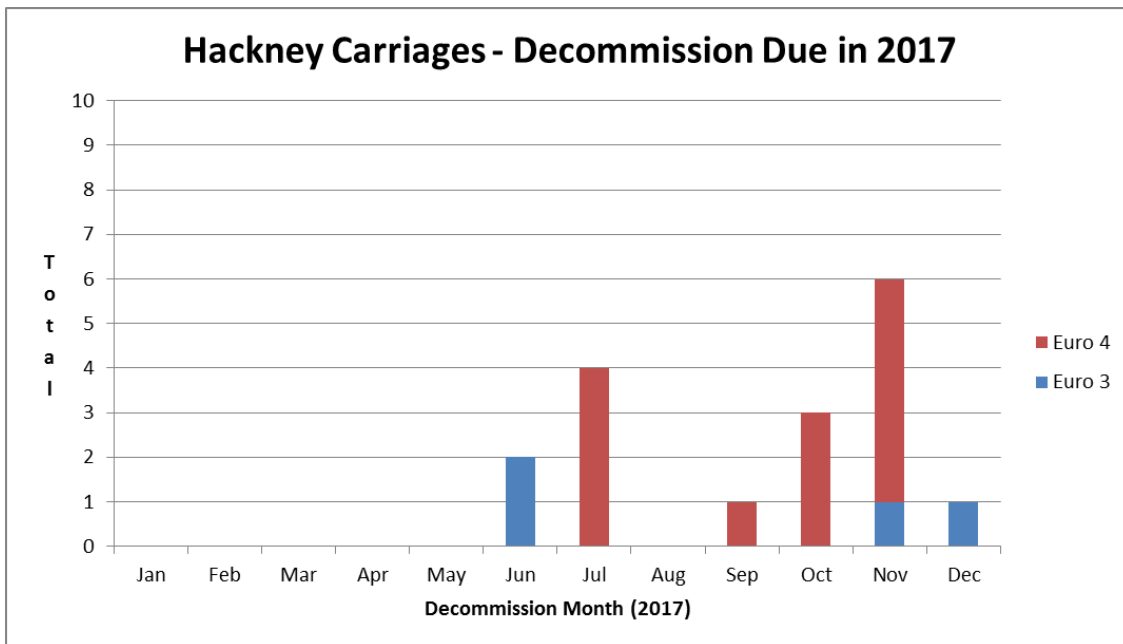
#### **4 Age policy and ULEVs**

- 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’

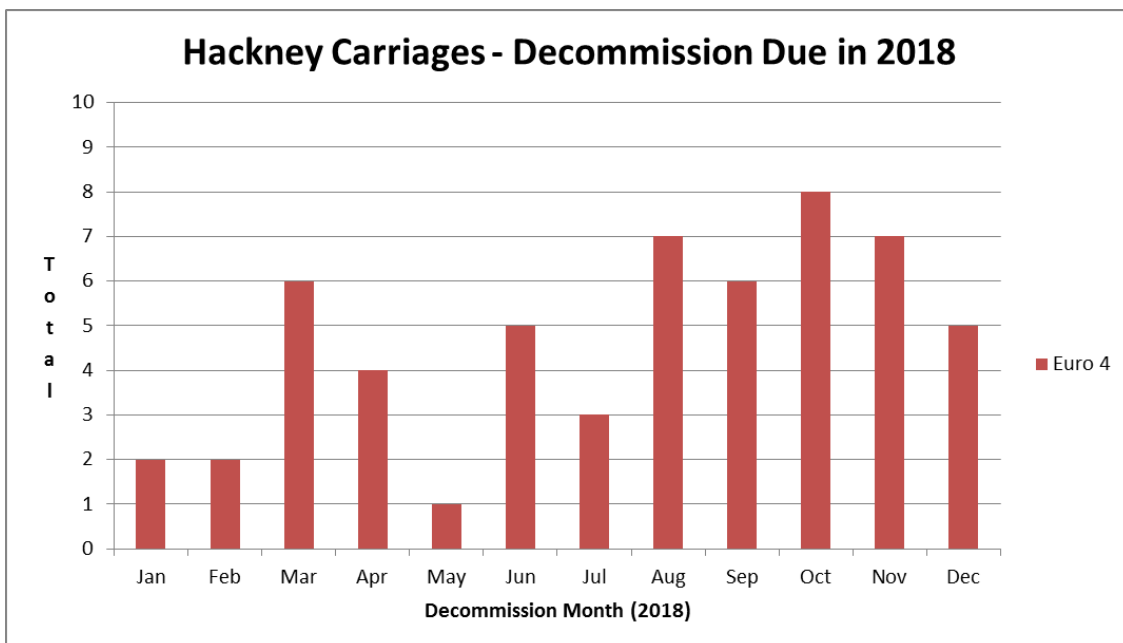
#### **5 The profile of the HC and PHV fleets (2017/2018)**

- 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

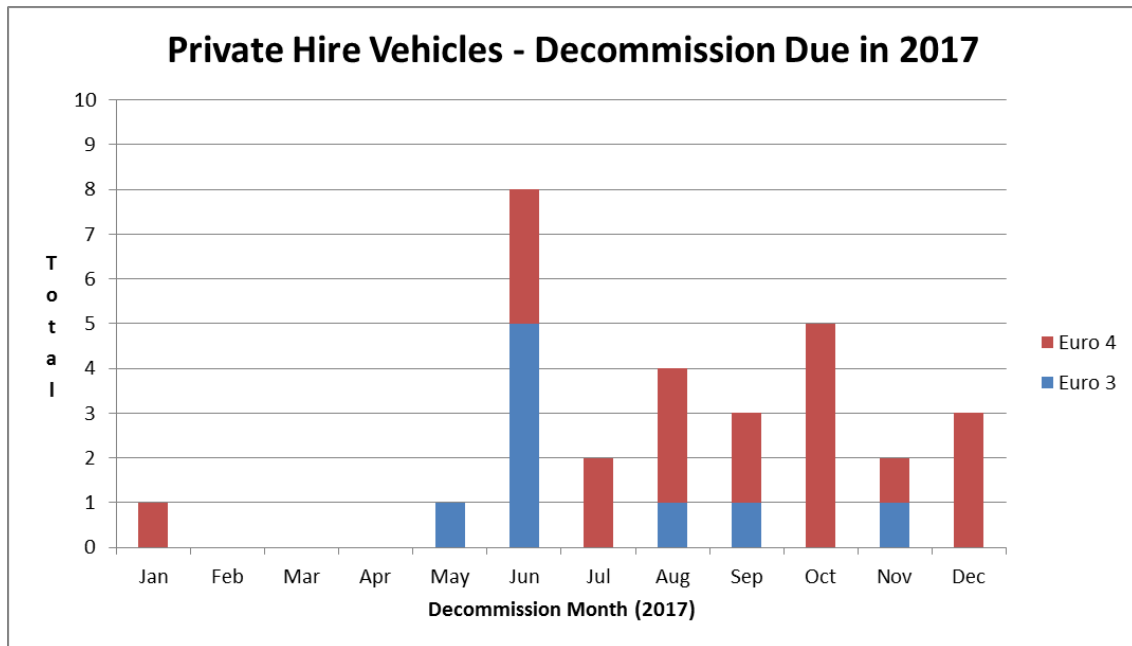


5.3 Hackney Carriage - 2018 Decommission

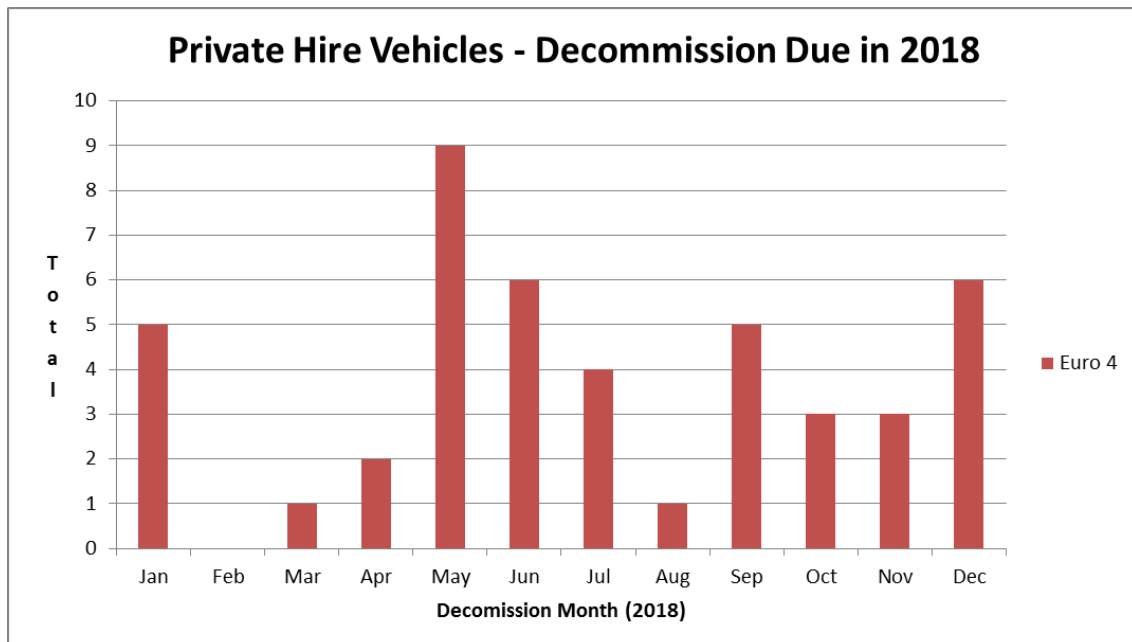


5.4 In the six month period Oct 2017-March 2018 – 20 HCs reach their ‘end of life’ under the Council’s Age Policy. In the period April – September 2018 – an additional 26 HCs reach their ‘end of life’ under the Council’s Age Policy.

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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