

Leicester
City Council

WARDS AFFECTED
City Wide

Cabinet

30 October 2006

Revised Conditions of Fitness for Hackney Carriages

Report of the Corporate Director Regeneration and Culture

1. Purpose of Report

- 1.1 This report seeks Cabinet's approval to a change of policy in respect of the Conditions of Fitness for Hackney Carriages following the completion of the review programme approved by Cabinet on 9 January 2006.

2. Summary

- 2.1 Officers have completed the review of the Hackney Carriage Conditions of Fitness. This report asks Members to consider some proposed revisions to those conditions. The review programme, which is shown in Appendix A, included a wide-ranging consultation exercise. The outcome of the consultation is outlined in the supporting information at Sections 3 and 4. The executive summary of the consultant's report is shown in Appendix B, and the full consultant's report is available in the Members' Library.
- 2.2 The review programme included a number of phases requiring two interim revisions of the Conditions of Fitness. These are shown in Appendix C and Appendix D. Each revision was approved by the Corporate Director for Regeneration and Culture in consultation with the Cabinet Lead. These interim revisions were used as part of the consultation programme but have not been implemented in either the granting or refusing of hackney carriage licences considered to date. The rationale for the revisions is set out in the supporting information at Section 2.
- 2.3 The final phase of the consultation exercise involved a public roadshow of vehicles that potentially complied with these revised conditions. The purpose of this exercise was to aid the evaluation of the likely practical effect of the proposed revisions and the suitability of the vehicles that could comply with it. As a result of the feedback received, Cabinet is asked whether it wishes to further revise the conditions and make changes to the height of the passenger door threshold. If members chose to make this specific change it may potentially make vehicles less accessible but would increase the range of vehicles we can licence.
- 2.4 The final phase of the consultation also included a postal survey of Leicester hackney carriage proprietors and vehicle manufacturers. The majority of hackney carriage proprietors were in favour of all the proposed revisions to the Conditions of Fitness and

considered the proposed vehicles suitable for use in Leicester. All the manufacturers were satisfied with the proposed requirements for ABS and head restraints. However, some of the manufacturers were not as happy with the other proposed revisions such as floor height and turning circle requirement.

- 2.5 This report seeks Cabinet's approval for the proposed final version of the Conditions of Fitness shown in Appendix E. This version also includes an amendment to clarify the status of the conditions and the role of Licensing Committee in approving types of vehicles. Approval of the proposed conditions will mean that vehicles other than the traditional London Style Black-Cab could be licensed as hackney carriages by the City Council. Approval is also requested for the requisite delegated authority to be given to the Corporate Director of Regeneration and Culture to finalise outstanding matters.
- 2.6 In order to ensure the safety of passengers who might otherwise use unlicensed vehicles it is important that hackney carriages and private hire vehicles are recognisable. That ease of recognition also helps the public differentiate between hackney carriages and private hire vehicles. These proposed revisions to the Conditions of Fitness would introduce a wider range of vehicle makes and models that can be licensed as hackney carriages. This would mean that hackney carriages would no longer be recognisable just by the type of vehicle. This report therefore proposes, based on the outcomes of the consultation, that Cabinet approve new conditions about the livery of hackney carriages.
- 2.7 Following completion of the consultation, a number of additional representations have been received. These are summarised in Section 8 of the Supporting Information. This also deals with the issues raised at Environment and Culture Scrutiny Committee on 6 September 2006 and subsequent correspondence. This report has been revised to take into account these additional points.

3. Recommendations

- 3.1 Cabinet is recommended to approve the revised Conditions of Fitness for hackney carriages set out in Appendix E subject to its decisions in respect of the following recommendations:

1. Cabinet is asked to consider a revision to Condition 17 of the Conditions of Fitness for Hackney Carriages relating to the maximum height of the top of the tread of any entrance into the passenger compartment. The suggested options are:
 - a) 0.38 meters (the requirement of the original Conditions of Fitness prior to the review); or
 - b) 0.53 meters (which would accommodate all of the vehicles that were presented to the public at the roadshow);

The officer summary in relation to the relevant issues Cabinet needs to consider in deciding which of these options should be approved is contained in Paragraphs 4.8, 5.4, and 5.5 of the Supporting Information section.

2. Cabinet is recommended to approve new conditions relating to the livery of hackney carriages, first licensed after 1 December 2006, requiring them to 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.
3. Cabinet is recommended to set the date for implementation of the revised Conditions of Fitness as 1 December 2006 for vehicles not previously licensed as hackney carriages in Leicester, with the exception that Condition 5 (relating to ABS braking) and Condition 27 (relating to head restraints) will not apply to vehicles manufactured before 1 January 2007.
4. Cabinet is recommended to approve new conditions relating to private hire vehicles first licensed after a date to be set, **not** to be wholly or substantially black in colour; and to bear the words "Private Hire Vehicle – Advance Bookings Only" on the front nearside and offside doors; any roof sign displayed on the vehicle must also bear the words "Advance Bookings Only" as well as the company name and telephone number.
5. Cabinet is recommended to give delegated authority to the Corporate Director of Regeneration and Culture, in consultation with the Cabinet Lead member and the Chair and Vice-Chair of Licensing Committee and the hackney carriage trade, to set the date for implementation of the new Conditions of Fitness to vehicles already licensed.
6. Cabinet is recommended to give delegated authority to the Corporate Director of Regeneration and Culture, in consultation with the Cabinet Lead member and the Chair and Vice-Chair of Licensing Committee:
 - a) to decide on the date on which the changes in livery for private hire vehicles should take effect following consultation with the private hire trade;
 - b) to decide on the details of the size, shape, positioning, colour and means of application of the Council's crest and signs for hackney carriages, and signs for private hire vehicles to be displayed in accordance with the recommendations above and after consultation with the hackney carriage and private hire trades; and
 - c) to consult with the hackney carriage trade on whether and to what extent advertisements and company insignia can be accommodated on those hackney carriages that are subject to Recommendation 2 above.
7. Cabinet is recommended to note Licensing Committee's role in approving different types of vehicles as set out in the Conditions of Fitness.

4. *Headline Financial and legal Implications*

Financial

- 4.1 There are no significant financial implications. The costs associated with administering the licensing of taxis in Leicester will be met out of existing revenue budgets.

Martin Judson – Head of Finance R&C

Legal

- 4.2 The previous decision taken by Cabinet on 26th September 2005, the result of which would have seen changes to the Council's hackney carriage Conditions of Fitness, was the subject of a Judicial Review. As part of the Judicial Review the Council was subject to an injunction. The Judicial Review was subsequently withdrawn and the injunction discharged on the basis that the Council undertook not to issue any further licences in respect of the E7 vehicle, pending the outcome of a review of the Conditions of Fitness. The review has included a consultation in respect of the Conditions of Fitness being changed to enable different vehicles to be licensed with the consequence that there would need to be revised conditions with regard to recognisability/livery of hackney carriages.
- 4.3 The Council was ordered to pay the legal costs of the Judicial Review claimants. This has now recently been finalised following a further court hearing dealing with the costs issue. The claimants' costs including interest (together with the costs of the specialist London legal agents used by the Council) were £37 k. The Council's costs (including the cost of using counsel and London agents) were £33 k.
- 4.4 An allegation was made during the road show that there had been mistakes in the consultation process the Council was undertaking. The Service Director, Legal Services, wrote to the individual making the allegation, together with their solicitor, seeking details of the alleged mistakes. The individual was also invited to meet with the Council's Head of Licensing. No details of any alleged mistakes were received and neither was the invitation taken up. Further correspondence has subsequently been received threatening legal action if the hackney carriage conditions of fitness are changed.
- The Service Director, Legal Services, is satisfied that the consultation process has been carried out properly and that all relevant legal and procedural issues have been covered by this report to enable Cabinet to make the decisions requested. In addition, in view of the threat of legal action, a counsel's opinion has been obtained. Counsel is satisfied with the thoroughness of the consultation process.
- 4.5 The proposed amendments to the Council's Conditions of Fitness which will enable vehicles different from the traditional London-style "black cab" to be licensed will mean that it will be necessary for those vehicles so licensed to be recognisable so as not to be confused with private hire vehicles. Section 47 of the Local Government (Miscellaneous Provisions) Act 1976 provides that the Council may attach to the grant of a licence of a hackney carriage such conditions as it considers reasonably necessary but that the Council may require any hackney carriage licensed by them to be of such design or appearance or bear such distinguishing marks as shall clearly identify it as a hackney carriage.
- 4.6 Likewise, section 48 of the 1976 Act provides that in relation to a private hire vehicle the Council shall not grant it a licence unless it is not of such design and appearance as to lead any person to believe it is a hackney carriage. If Cabinet does agree the revised conditions, the Corporate Director of Regeneration and Culture will notify and consult

separately the private hire trade and private hire vehicle licence holders with regard to the future livery of private hire vehicles.

- 4.7 The report clearly identifies the reasons why officers feel the changes to the hackney carriage Conditions of Fitness are now required based on full and meaningful consultation. The report shows that if there is a legal challenge the Council can demonstrate that following consultation it has considered the outcome and the representations made. Further, that in taking the decisions being recommended by officers it has acted reasonably in exercising its discretion to change these conditions of fitness and that the proposals to deal with recognisability/livery implications which will result for both hackney carriage and private hire vehicles are reasonable.
- 4.8 The decisions the Cabinet is being asked to make and the role of the Licensing Committee are in accordance with the Council's Constitution.
- 4.9 When the issue of vehicle licences comes to be considered by the Licensing Committee, any decision to refuse a licence is subject to a right of appeal to the Magistrates' Court.
- 4.10 Judicial Review is the administrative law process whereby the High Court is able to consider local authority decision-making. There is a significant body of case law that guides the Court in its considerations in relation to the decision-making process followed which includes any consultation process. In terms of actual decision-making, case law makes it clear that decisions must be within appropriate Council powers and should be reasonable in all the circumstances (which means taking into account all the necessary relevant considerations and reaching a reasonable decision that is not 'perverse'). This requires the Court to therefore consider carefully the reasons given for the decisions taken. If the Court decides that there has been any failures in relation to the decision-making, it can quash all or part of the decision.
Anthony Cross, Head of Litigation, x6362

5. Report Author/Officer to contact:

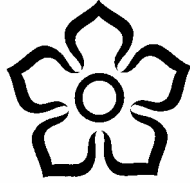
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DECISION STATUS

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



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Review of Conditions of Fitness for Hackney Carriages

SUPPORTING INFORMATION

1. Background

1.1 The present Conditions of Fitness for hackney carriages were adopted in 1989 and were fully implemented in 1997 following a series of legal challenges. They mirror strongly the Metropolitan Conditions of Fitness at that time. The introduction of the conditions have had two major effects:

- Firstly, they brought about a fleet of hackney carriages in Leicester that is entirely wheelchair accessible.
- Secondly, as an incidental consequence, they resulted in vehicles of only two manufacturers, London Taxis International and Metrocab, the traditional London-style black cab, being licensed. This is not because of a specific requirement of the conditions, as it has always been open to any manufacturer to produce a vehicle that meets the requirements of the Conditions of Fitness.

1.2 In August 2005, the Department for Transport published a consultation document on Best Practice Guidance for Taxis and Private Hire Vehicles. The final version of the guidance has yet to be published, but Paragraph 14 of the guidance advises local authorities that it is normally best practice for local authorities to adopt a policy of specifying as many different types of vehicle as possible. The proposed amendments to the Conditions of Fitness do not go to the extent of specifying only a very limited range of criteria that would result in a very wide range of vehicles to be licensed. However, they do represent a relaxation that would allow an increased range of vehicles, and move in the direction advocated by the draft best practice guidance guide. An extract from the guidance is shown in Appendix J.

1.3 After 8 years of implementation, a review of the conditions was necessary. Cabinet approved a review programme on 9 January 2006. This has now been completed. The review programme is set out in Appendix A, and is also summarised below.

2. Summary of Review Programme

2.1 The review programme comprised five phases as follows:

- **Phase 1** dealt with preliminary work, development of a project brief and the appointment of a company to carry out the consultation work.

- **Phase 2** determined an initial set of conditions to form the basis of the first round of consultation. This used as a starting point the review carried out by the Public Carriage Office to update the Leicester Conditions of Fitness and identify those requirements that were relevant to Leicester. This document, which is shown in Appendix C, was then used for the first round of consultation with stakeholders, including on-street public interviews, written consultation with the hackney carriage trade, manufacturers, and disability groups and on-line consultation.

2.2 As a result of the consultation carried out in Phase 2, a further revision of the Conditions of Fitness was undertaken. This is shown in Appendix D. Consultation on this revision was undertaken with Licensing Committee on 8 June 2006. An extract from the Licensing Committee, which sets out the rationale for the changes adopted, is shown in Appendix F.

- **Phase 3** consisted of a desk-top exercise to identify vehicles supplied as taxis which could meet the interim set of conditions.
- **Phase 4** consisted of a second round of consultation on the proposed revision and the vehicles that had been identified as meeting the Conditions of Fitness and an evaluation of whether a suitable range of vehicles had been produced. It included a roadshow to which the public, disability groups and the trade were invited to view the vehicles, and further written consultation with manufacturers and the hackney carriage trade. The outcome of this phase of consultation is outlined in Section 4 below.
- **Phase 5** is the final approval stage. This involved consideration by Environment and Culture Scrutiny Committee. Cabinet is being recommended to approve the Conditions of Fitness and Licensing Committee will subsequently approve the individual vehicle types. This approach would mean that Licensing Committee would be able to refuse to licence a vehicle even though it met the Conditions of Fitness provided there was good reason, for instance it was wholly unsuitable for use as a hackney carriage for some reason not covered by the conditions. The converse would also be possible.

3. Compliant Vehicles Identified in Phase 3

3.1 Following Phase 3 of the Review Programme, 4 vehicles currently in production were identified as having the potential to comply with the revised conditions. These were:

- London Taxis International TXII,
- Peugeot E7,
- Mercedes M8
- TW Automotive TW200

3.2 Not all of the vehicles complied with the condition relating to floor height (see below), but, as the revised conditions were only interim and subject to confirmation or amendment at later stages, officers decided to consider all of the vehicles during Phase 4 of the review programme.

- 3.3 It can be seen from the Consultant's Technical Note at Appendix G that the M8 has a width of 1.901 metres, whereas the revised Conditions of Fitness requires a maximum width of 1.845 metres. This requirement is unchanged from the current position, as no changes to this aspect of the Conditions of Fitness were identified by the first phase on consultation. This has therefore not been an area for consultation and there is no proposal to relax this requirement. Should an application be made to licence an M8, Licensing Committee would have to decide whether to grant a licence notwithstanding the 0.056 metre extra width and taking into account any benefits that the M8 may have.
- 3.4 Subsequent to the vehicle roadshow undertaken as part of Phase 4, the City Council's consultants were contacted by Jubilee Automotive Group, who said that they too had a vehicle that they believed complied with the revised conditions. The company had previously declined to be included in the consultation programme. The vehicle is a conversion of the Volkswagen Eurocab and its details are shown in Appendix G. Once the Conditions of Fitness are approved, if the vehicle does comply, it may still be put forward for licensing, subject to approval by Licensing Committee.

4. Outcome of Second Round of Consultation

- 4.1 The second round of consultation focussed on the proposed revisions identified after the first round of consultation. All responses to the consultation are incorporated into the report by Halcrow, who undertook the consultation. A copy of the report is in the Member's Library and it is summarised in Appendix B. There is also a technical note describing the physical characteristics of various vehicles shown in Appendix G.
- 4.2 There was general support for the majority of proposals and the resulting vehicles that could be licensed. The main issues identified during the consultation process are summarised below.

Public Rating of Vehicle Characteristics

- 4.3 The public attending the roadshow were asked to rate the vehicles on a range of features. A table showing the response to this survey is shown in Appendix B. The three features where there was a statistically significant difference in the responses were:
- Space inside the vehicle –the Mercedes M8 scored **more** highly;
 - Luggage Space –the Peugeot E7 scored **less** highly;
 - Visibility from within the vehicle when seated –the Peugeot E7 scored **less** highly.
- In addition, wheelchair users rated the TXII, **lower** than other vehicles in respect of visibility from inside the vehicle.

Accessibility

- 4.4 A main aim of the roadshow was to assess the ease of access into hackney carriage vehicles. This included access by mobility impaired people and wheelchair users. The areas in the Conditions of Fitness that relate to ease of access are the height of the floor, the doorway width and the doorway height.
- 4.5 Letters from Swift Fox Cabs, LTI (which are within the Consultant's report) and post consultation letters from Mr Norton, of Swift Fox Cabs, and Leicestershire Centre for Integrated Living (which are shown in Appendix K), refer to reduced accessibility in vehicles that appeared at the roadshow compared to the existing licensed vehicles.

- 4.6 The feedback from the roadshow is shown in the summary of the consultant's report in Appendix B. In general, ease of access in and out, ease of opening doors and wheelchair access was rated as at least 3.8 or above out of 5, averaged across all responses, for each of the four vehicles. The difference between the ratings for the four vehicles was not statistically significant.
- 4.7 It should be noted that that with the exception of height of the floor (see Paragraph 4.8 below), the vehicles do meet the other requirements of the existing conditions of fitness which have been identified as relating to accessibility. In view of the feedback from the roadshow it is not proposed to introduce any new more restrictive requirements relating to accessibility and because to do so would run contrary to the advice contained in the draft Best Practice Guidance issued by the Department for Transport.
- 4.8 Of the four vehicles that appeared at the roadshow, only the TXII complies with the requirement in the existing Conditions of Fitness relating to floor height. To accommodate all of the roadshow vehicles, this requirement would have to be relaxed from 0.38 metres to 0.53 metres. The increase in floor height would result in either a longer or steeper ramp. This point has been made by a number of consultees. Responses from those who attended the roadshow did not highlight any reduction in accessibility.
- 4.9 Consideration that officers believe Cabinet should give to whether the floor height requirement should be relaxed is explained in Section 5 below.

Passenger Compartment Ergonomics

- 4.10 The first phases of the consultation programme were designed to identify those areas of the conditions of fitness that should be considered in for revision so that these could be consulted on. One area that was considered was passenger compartment ergonomics. The letters from Swift Fox Cabs and LTI, in the consultant's report, identifies a number of issues falling into this category. However, it was decided not to propose additional requirements in this area. The report to Licensing Committee on 8 June 2006 noted that, *"The review of the Metropolitan Conditions of Fitness found that there were a large number of factors that affected the comfort and usability of the passenger compartment of the vehicle. The existing City Council conditions already contain a number of requirements in this respect, for example the size and height of seats and the height of the ceiling. However to introduce more requirements to attempt to control a set of complex interdependent parameters is considered to prescriptive and beyond the responsibility of a licensing authority. It is therefore intended to leave further ergonomic consideration of individual vehicles to the second stage of consultation."* That is also concern that to impose extra more restrictive requirements would run contrary to the advice contained in the draft Best Practice Guidance issued by the Department for Transport.
- 4.11 The outcome of the second round of consultation is covered in Paragraphs 4.1 to 4.3 above. It should be noted that there was no evidence that, apart from the features mentioned in Paragraph 4.3, respondents considered any of the vehicles on display at the roadshow to be significantly better than any of the others in terms of passenger compartment ergonomics. Officers do not consider there is therefore sufficient justification to introduce new requirements in this area.

Vehicles with wheelchair access from the rear

- 4.12 Consideration was given in the first round of consultation about whether a new requirement should be imposed to prevent vehicles being licensed which load wheelchairs from the rear. Swift Fox Cabs, and Leicestershire Centre for Integrated Living have raised concerns about this. However, because of the response from wheelchair users in the first round of consultation, it was decided not to do this. This is further explained in Paragraphs 2.9 – 2.11 of the report to Licensing Committee shown at Appendix F.
- 4.13 It should be noted that if an application was made to licence a vehicle which loaded wheelchairs from the rear, Licensing Committee would have an opportunity to consider whether this was appropriate, in relation to a particular vehicle and any evidence that existed about the suitability of this type of vehicle. See Section 9 below.

Recognisability

- 4.14 In order for potential passengers and enforcement agencies to be able to recognise hackney carriages and private hire vehicles they need to be of a distinctive design. Hackney carriages may park at ranks and be flagged down in the street. Private hire vehicles must be pre-booked, cannot be flagged down, and have fares that are not so closely regulated. It is also important that passengers are able to easily spot licensed vehicles, including private hire, so that they don't get into unlicensed vehicles that have not been safety or security checked. Enforcement agencies also need to be able to recognise hackney carriages, for example, to identify those vehicles that are allowed to use bus lanes. It is also a legal requirement that the Council does not licence private hire vehicles that are of a design and appearance that could lead someone to believe the vehicle was a hackney carriage. This is of particular relevance because it is possible that the same make and model of vehicle could be used for both licence types. The Council's legal obligation could therefore be fulfilled by ensuring the appearance of hackney carriages is different to that of private hire vehicles.
- 4.15 The existing Conditions of Fitness have resulted in only two main types of vehicles being licensed. These are the London Taxi International range and the Metrocab. This has meant that recognisability has been achieved by design of the vehicles themselves. If Cabinet decides to relax the requirement in respect of floor height, there will be a wider design and appearance of vehicles and the design of the vehicle alone will no longer be sufficient to achieve recognisability. Officers have had to consider what other means could be used to achieve easy recognition. Officers have also considered whether achieving recognisability is so difficult that there would be no change to the conditions of fitness and the status quo would remain. Officers do not favour this approach as in their view the Conditions of Fitness should accommodate the operating characteristics of a vehicle that could be licensed as a hackney carriage and not to be restrictive in terms of vehicle types, which in itself has disadvantages such as unnecessarily reducing the range of vehicles. Officers also consider that recognisability, by reference to the suggested black livery, can be achieved at a reasonable cost to licensee.

- 4.16 In the responses to the public surveys, the three most popular means of identification were making all hackney carriages a particular colour, making all hackney carriages display the Council's crest and making licensed vehicles display the words "hackney carriage" or "private hire vehicles" on them. This is the basis for Recommendation 2 in the main report. Manufacturers and the trade had slightly different views on achieving recognisability. This is detailed in the consultant's report. However, officers consider that the most weight should be given to the public's view as it is recognition by the public that is being sought. Officers' view is that all three of methods favoured by the public should be used. Vehicles of a particular colour that is also displaying the council's crest will present a unique appearance, which will be effective from a range of viewing angles and distances. Ideally, over time, this will become so familiar to hackney carriage users that they are unlikely to inadvertently get into an unfamiliar vehicle. Requiring vehicles to bear the words "Hackney Carriage" or "Private Hire Vehicle", as appropriate, will help to reinforce the difference between the two types of vehicles in the minds of the public and help to prevent illegal plying for hire, which is a problem that has been mentioned by some consultees.
- 4.17 To deal with recognisability, officers propose black as the colour for hackney carriages. This is because it is a traditional colour for hackney carriages and because it is by far the most common colour in use in the existing fleet. On 6 September 2006, 152 of the 318 hackney carriages licensed were black. The next most common colour was blue with 55 vehicles. Licensing Committee also expressed a preference for the colour black when it considered the proposed revision to the conditions of fitness in June 2006.
- 4.18 Officers accept that the introduction of requirements to ensure the recognisability of hackney carriages, necessary if a wider range of vehicles are licensed, has implications for the hackney carriage and the private hire trade, hence the recommendations to deal with this issue. Recognisability is further considered by reference to the concerns expressed during and after the consultation by Swift Fox Cabs in Section 8 below. One hackney carriage operator, Swift Fox Cabs, is concerned that their livery of choice will no longer be possible if all hackney carriages are required to be painted a particular colour. They are particularly concerned that this will prevent them maintaining a recognisable company image, which includes both private hire vehicles and hackney carriages. The operator has submitted a written response to the consultation setting out their concerns in full and this is appended to the full text of the consultant's report. Also of concern to them is that they feel that customers at busy venues will not be able to recognise the company from whom they have booked the vehicle. Private hire vehicles do generally carry company insignia. However, with the exception of Swift Fox Cabs, hackney carriages do not. This is because the most usual method of operation of hackney carriages is for them to pick up in the street or be hired from ranks. Swift Fox Cabs also use hackney carriages for private hire purposes. In these circumstances, it seems realistic for other information to be conveyed to the passenger at the time of booking, for instance the registration number or plate of the vehicle to be sent.
- 4.19 The proposed recognisability requirements would also have an impact on the ability of hackney carriages to carry advertisements on the exterior of the vehicle. It may be possible that there is still some scope to carry advertisements, but whole vehicle, multi-colour advertisements would clearly be incompatible with new recognition requirements. All advertisements require the Council's approval at present. It is intended that this

requirement will continue. Officers will further consult with the hackney carriage trade about the extent to which some form of external advertising would be appropriate.

- 4.20 The recognition proposals also impact on the private hire trade, for instance private hire vehicles will not be able to be predominately black. Additional requirements will also be placed on new private hire vehicles, in particular the requirement to have the words "Private Hire Vehicle – Advance Bookings Only" displayed on the doors. Consultation on this proposal was carried out as part of the review programme. However, if this proposal is accepted by Cabinet, officers will need to consult on an implementation timetable.

5. Issues to be Considered

- 5.1 The purpose of the Conditions of Fitness is to ensure only vehicles that are fit for purpose are licensed as hackney carriages. The principal consideration must be the suitability for passengers, who have little choice, at the point of delivery, about the type of vehicle that is available to be hired as a hackney carriage. Drivers, on the other hand, do have a choice about the type of vehicle they want to have licensed. However, this choice is limited and the types of vehicle that meet the conditions may not provide the characteristics that drivers or owners want. The Council should, therefore, give some consideration as to whether the Conditions of Fitness result in a range of vehicles that meet the demands of drivers.
- 5.2 As the consultation shows, there is no one vehicle suitable for everyone. This would suggest that it is appropriate to adopt Conditions of Fitness that allow a range of vehicles to be licensed. However, if one type of vehicle has a particular advantage for hackney carriage drivers, for instance in respect of purchase price, it may come to dominate the local fleet. We therefore need to ensure that all vehicles that could be licensed would be suitable to an appropriate degree to a significant proportion of passengers.
- 5.3 One of the main areas of relaxation from the current Conditions of Fitness relates to the turning circle. The reasons for relaxing the turning circle requirement are set out in the extract from the report to Licensing Committee shown in Appendix F and are based on the fact that a tight turning circle is not considered essential in Leicester.
- 5.4 The other significant relaxation under consideration relates to floor height. To broaden the range of vehicles to include all of those which were presented at the roadshow would require a relaxation of the floor height requirement from .38 to .53 metres. While the height of this step and ramp caused no apparent difficulty to any person visiting the roadshow, changing this restriction **does reduce the accessibility** of the vehicle. This issue has been particularly highlighted by the Leicestershire Centre for Integrated Living, see Paragraphs 7.10 to 7.15 below. In most situations the ramp would be used from a pavement rather than from road level as at the roadshow. A longer ramp would use more pavement space whilst in use, but there are few locations in Leicester where a longer ramp could prove to be unusable.
- 5.5 Officers have not made a specific recommendation in relation to the height of the passenger compartment floor. Cabinet will need to balance the advantages and disadvantages of each option, based on the information contained in this report, in

deciding between Recommendation 1(a) and 1(b). If members consider that it is preferable to maintain the accessibility provided by a lower floor, but with the consequence that a narrower range of vehicles would be licensed, they should endorse Recommendation 1(a). Conversely, if they consider that it is more important to licence a wider range of vehicles, providing more choice for both drivers and passengers, then it will be necessary to allow a higher floor height, resulting in some reduced accessibility in relation to this particular aspect. In this case members should endorse Recommendation 1(b).

6. Proposed Revisions to Conditions of Fitness

6.1 The proposed revised Conditions of Fitness are shown in Appendix E. The main amendments are identified below:

Paragraph 1	Inclusion of a section to explain the application of the Conditions
Paragraph 3	Inclusion of a condition relating to whole vehicle type approval
Paragraph 5	Inclusion of a condition relating to ABS Braking
Paragraph 7	Inclusion of a requirement relating to engine emissions
Paragraph 17	Possible relaxation of the requirement relating to floor height
Paragraph 27	Inclusion of a condition relating to head restraints
Paragraph 29	Inclusion of a condition relating to warning sign for vehicle with sliding doors
Deletion	Removal of the conditions relating to turning circle

7. Post Consultation Representations

7.1 Following completion of the review programme a number of additional representation have been received. These are summarised below.

Swift Fox Cabs

7.2 Following publication of this report prior to Environment and Culture Scrutiny Committee, a letter dated 1 September 2006 was received from Mr M Norton of Swift Fox Cabs. This was replied to by officers on 5 September 2006 and a further acknowledgement to the reply was received from Mr Norton on 6 September 2006. Copies of this correspondence have been sent to members of Cabinet under separate cover.

7.3 Mr Norton's concerns mainly relate to the introduction new measures to ensure that hackney carriages are recognisable, which are covered in Paragraphs 4.6 to 4.11 above. Unfortunately, it is difficult to reconcile the use of colour as a means of distinguishing hackney carriages from private hire vehicles with Mr Norton's desire for individual fleets of hackney carriages and private hire vehicles to be able to use a single colour as a company identity. Mr Norton has been offered the opportunity to meet with officers to discuss this matter further on a number of occasions, but has not taken up these offers.

7.4 A point made by Mr Norton, which he had made in early correspondence, is that if new requirements relating to the appearance of hackney carriages are made they will only apply to new vehicles and so there will be a period of confusion. To an extent this is true. However, the other alternative, if new vehicles are to be licensed, would be to

immediately require all hackney carriages to be meet new requirements, which in officers' view would be unreasonable. This is because after the introduction of new conditions hackney carriages could still be recognised by one of two means. The vehicles would be of the traditional hackney carriage design, with which hackney carriage users are familiar, or they would be of a particular colour, bear the Council's crest and bear the words hackney carriage. The situation when all hackney carriages would have a particular appearance could be hastened, if a date for application of the new conditions to existing vehicles is set following consultation with the hackney carriage trade.

- 7.5 Officers have considered whether there is a suitable means that Swift Fox Cabs' hackney carriages, or those of any other company, could be made to appear different from other hackney carriages and ameliorate some of Mr Norton's fears. Hiring from a particular company is more usually associated with the private hire trade. Even so, consideration has been given to whether Swift Fox Cabs could, for instance, have a yellow stripe. The difficulty with this approach is that conditions of licence of hackney carriages have to apply to all vehicles. It would therefore be open to other vehicle proprietors to demand a stripe of a particular colour, which could in fact be yellow. Following receipt of his letter telephone discussions have been held with Mr Norton to try to identify whether there are any other means that would not contravene the conditions of fitness, which could allow Swift Fox Cabs to be identifiable. Mr Norton's response was that he wanted to retain yellow as the colour for his vehicles and other compromise solutions would not meet his concerns. Officers consider that there may be merit in allowing some form of company identification to be shown on hackney carriages and this possibility is accommodated in Recommendations 6C. It should also be remembered that the fundamental ethos of a hackney carriage service is that it is one that is flagged down on the street or hired from a rank, not booked from a particular company. Conditions of licence of hackney carriages aim to ensure a standard quality of service such as the vehicle design and a controlled fare.
- 7.6 On 14 September 2006, Mr Norton circulated a letter to Cabinet members. A copy of this letter was is shown in Appendix K. In his letter refers to the fact that the Council has raised kerbs to allow easier access into buses. He argues that if the Council subsequently allows hackney carriages with higher floors to be licensed then this suggests that the Council has changed its attitude towards disabled people. Officers do not agree with this suggestion. Both decisions will have been made after fully considering the impact on disabled people and this has been fully set out in this report. In addition, the Council could in the future consider raising the height of kerbs at taxi ranks if it thought this to be appropriate.
- 7.7 Mr Norton mentions that the wheelchair user shown in a video to Scrutiny Committee was in a sports wheelchair, and Mr Norton believes that he was not a regular taxi user. It should be pointed out that the individual shown in the video was not recruited by the Council, but just happened to have attended the roadshow out of his own volition and agreed to be videoed. At no point at the Scrutiny Committee was it suggested that this person's views were representative, or that decisions should be made on that persons opinions alone.

- 7.8 Mr Norton's letter points out that the E7 vehicle at the roadshow had a lower floor height slightly lower than the ones already licensed in Leicester. The technical note attached at Appendix G identifies both types of E7 that are in production. The purpose of the roadshow was to demonstrate the types of vehicles that could be licensed not to approve individual models. Member's should note that the higher floor in the E7 SE is a result of the fitting of an integral *easyglide* ramp, which makes the use of a ramp particularly convenient.
- 7.9 Mr Norton also suggests that at certain places such as "Age Concern", there is little room for loading and using ramps extensions and that this may cause back problems for carers and drivers. Officers are not aware of any evidence for this suggestion and consider there are few locations where this would be a problem. The representation from Age Concern is supportive of allowing a wider range of vehicles to be licensed.

Centre for Integrated Living

- 7.10 A representative of The Centre for Integrated Living was allowed to give a presentation at Environment and Culture Scrutiny report when this report was considered there. Members of Cabinet will have seen from the minutes of the Committee a summary of their concerns. The Centre was also invited to make a written submission to be considered by Cabinet. This has been received and is shown at Appendix K.
- 7.11 The Centre's principal concern relates to the relaxation of the requirement relating to floor height, to which they are strongly opposed. They believe that any relaxation will have a negative impact on accessibility. This is acknowledged in Paragraph 5.4 to 5.5 above, however the feedback from people attending the roadshow did not suggest any difference between the vehicles on show in terms of accessibility.
- 7.12 The Centre also made reference at Scrutiny Committee to a document, "Ergonomic requirements for accessible taxis" published in late June 2006, by the Department for Transport, and pointed out that the taxis at the roadshow would not meet the requirements in the document. Officers have consulted the Department for Transport on the status of this document, which indicated that the document did not represent the Department's policy, nor was it a set of recommendations which it was making to local authorities, it was rather a summary of a piece of research carried out on behalf of the Department. In fact, there are no taxis in production at the present time that would meet the standards suggested in the document.
- 7.13 The Centre raises concerns about the changes to disability discrimination legislation. The exemption from the requirements of the Disability Discrimination Act 1995 for taxis will be removed in December. This means that it will be illegal for taxi drivers to unreasonably discriminate against disabled passengers. However, it is not envisaged that this legislation will impact on the physical requirements for taxis. The legislation also applies to private hire vehicles, few of which nationally are wheelchair accessible. The regulatory impact assessment published by the Mobility and Inclusion Unit of the Department for Transport states that it is not envisaged that the new regulations will result in any new burdens and costs on affected sectors; the section on Taxis and Private Hire Vehicles covers only the need for disability awareness training for drivers. In October 2003, the government published its proposals to introduce Taxi Accessibility Regulations, under the Disability Discrimination Act 1995. It intended to role out the

regulations between 2010 and 2020. Leicester is one of the first phase authorities to which it was intended to introduce the regulations in 2010, because Leicester already had a wheelchair accessible fleet. (Leicester will still have a wheelchair accessible fleet should the revised Conditions of Fitness be approved.) Consultation with other “first phase” authorities in the East Midlands found that Leicester was one of 7 out of 18 authorities which already had a fully wheelchair accessible fleet. All of the other 7 authorities already licensed vehicles such as the Peugeot E7. The Department of Transport have advised officers that it is now likely that the 2010 implementation date will be put back.

- 7.14 If changes to the Conditions of Fitness are made that allow a wider range of vehicles to be licensed, members of the public will have a choice at ranks about which vehicle they use. The Centre suggests that passengers will be forced to choose the first vehicle on the rank removing the element of choice. It is customary for passengers to use the first vehicle at the rank. However, it is also quite common for customers to choose a vehicle in the middle of the rank, for instance if they want to choose a familiar operator. If passengers choose a vehicle from the middle of the rank the driver has a legal obligation to carry them and could be prosecuted if they refuse.
- 7.15 There is a suggestion by the Centre for Integrated Living that additional requirements should be imposed relating to loop systems and colour contrasts. Officers have decided following the first round of consultation what changes should be proposed. These changes were not put forward by those consulted. To introduce them would have the potential to reduce the range of vehicles that could be licensed. It would also run contrary to the advice in the draft Best Practice Guidance. It is not proposed at this stage to introduce them.
- 7.16 The Centre is concerned that there has been insufficient consultation with disability groups. However, officers are satisfied, based on evidence provided by Halcrow, that the disability groups identified in Section 13, below, have been consulted.

Age Concern

- 7.17 Following on from the comments made by the LCIL at Scrutiny Committee, there was concern that Age Concern was opposed to the proposed revisions to the Conditions of fitness. Officers therefore wrote to Age Concern inviting their comments. These were received by email and are attached at Appendix K.
- 7.18 Age Concern is supportive of the relaxing the floor height requirement. They believe that although vehicles would have a noticeably higher floor than some existing vehicles, overall they would probably be more suited for use by those with reduced mobility.

8. The Role of Licensing Committee

- 8.1 Licensing Committee's role will be to decide whether particular types and models of vehicles are suitable for licensing as hackney carriages in Leicester, using the revised Conditions of Fitness as a yardstick. It is anticipated that in general vehicles that meet the conditions will be licensed and those that do not will not be licensed. However, the revised conditions allow for exceptions to be made where sufficient justification exists.

This is set out in the inclusion of a new Paragraph 1 (see above), which covers the application of the conditions.

9. Implementation Timetable

- 9.1 The main implication of the proposed revisions to the Conditions of Fitness is to broaden the choice of vehicles for drivers and passengers. There is therefore no need to have a long lead in time before the conditions can be implemented. There is potentially a situation whereby an order may have already been placed for a new TXII vehicle that does not meet the revised livery proposals. However, if this were to arise the Corporate Director would look sympathetically at granting a licence, subject to sufficient evidence of the circumstances being produced. There are two additional requirements in relation to head rests and ABS braking which will not be met by one of the vehicle types, that is already licensed, until 1 January 2007. It is therefore recommended that these conditions are not required to be met by vehicles manufactured before this date.
- 9.2 The revised Conditions of Fitness include requirements that existing vehicles do not meet. However, it would be beneficial if compliance of the fleet as a whole could be achieved, at least in respect of some requirements, within a reasonable timescale. This may be particularly the case in respect of such things as exhaust emissions. However, it would be unfair to require premature replacement of vehicles that may only recently have been purchased. The recommendations in this report therefore ask for authority for the Corporate Director to enter into discussion with the trade to agree an implementation timetable for existing vehicles.

10. Other Implications

10.1

OTHER IMPLICATIONS	YES/NO	Paragraph References Within Supporting information
Equal Opportunities	Yes	Paragraph 5.2 and 7.7 – 7.14
Policy	Yes	This report relates to a matter of policy
Sustainable and Environmental	Yes	Vehicle emissions will be one of the aspects covered by the Conditions of Fitness.
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	Yes	See equal opportunities

- 10.2 An equality impact assessment of the Conditions of Fitness has been carried out. This is shown in Appendix H.

11. Risk Assessment

Risk	Likelihood L/M/H	Severity Impact L/M/H	Control Actions (if necessary/or appropriate)
1. Likelihood of further legal challenges to the review process	M/H	H	The review programme has been devised in the light of the legal challenge to the previous Cabinet decision and with the benefit of legal advice to minimise the chances of success of any possible legal challenges

L – Low
M – Medium
H – High

12. **Background Papers – Local Government Act 1972**

Report to Environment and Culture Scrutiny Committee – 6 September 2006.

Report to Licensing Committee - Progress on Review of Hackney Carriage Conditions of Fitness – 8 June 2006

Report to Cabinet Review of Conditions of Fitness for Hackney Carriages – 9 January 2006

Report to Cabinet - Licensing of the Peugeot E7 as a Hackney Carriage – 26 September 2005

Legal Services' files 61167 and 62336 - which contain in part exempt information
Department for Transport - Annex A: Taxi and Private Hire Vehicle Licensing: Best Practice Guidance 2005 - 02 August 2005.

Report by Halcrow – Hackney Carriage Conditions of Fitness Consultation – August 2006

13. **Consultations**

Consultations undertaken by Halcrow on behalf of the Council

- The public via on-street interviews and a vehicle roadshow.
- All hackney carriage proprietors by letters as part of Phase 2 and again in Phase 4.
- Holders of premises licences
- Vehicle manufacturers in writing in Phase 2 and Phase 4.
- Private Hire Operators as part of Phase 4
- Stakeholder groups were contacted in writing in June 2006 and invited to send representatives to the roadshow. They were also provided with a printed comments form to enable them to make written comments:
 - Leicester City Council
 - Mosiac Disability Services
 - Clasps - Carers Centre
 - Leicester City Council - Disabled Persons' Access Officer
 - Centre for Integrated Living
 - Access for Blind and Visually Impaired
 - British Polio Wheelchair Fellowship

- Mencap
- Leicester Royal Infirmary
- Glenfield Hospital
- Leicester General Hospital
- University Hospitals of Leicester NHS Trust
- Leicester City West Primary Care Trust
- Eastern Leicester Primary Care Trust
- Leicestershire Constabulary
- Leicester City Council - Social Services - Transport
- Leicester City Council - Central Area Transport Development Section
- Leicester City Council - Education - Transport
- Chamber of Commerce
- Vehicle Standards Agency
- University of Leicester
- De Montfort University
- University of Leicester Students' Union
- De Montfort University - Student Union
- Leicester City Council
- Voluntary Action Leicester
- Age Concern

Other Consultations

- Legal Services
- Environment and Culture Scrutiny Committee
- Licensing Committee
- Hackney Carriage Trade Associations, by invitation to Licensing Committee on 8 June 2006, for which the minutes show they took part in the discussion and stated that they welcomed the consultation and its findings and gave their support to the draft revised conditions.
- Hackney Carriage Trade Associations were also send a copy of the report to Environment and Culture Scrutiny Committee and invited to make comments.
Details
 - RMT – Mr Kuljit Gill
 - Leicester Taxi Driver and Owner Association – Mr M S Judge
 - Association of Leicester Hackney Carriage Drivers – Mr Kashmir Singh Gill, Mr Sital Singh Gill

14. Report Author

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Hackney Carriage Conditions of Fitness Review

Phase 1. _____ Preliminary Work

Task	1 Week Commencing																													
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30
	28 Nov	5 Dec	12 Dec	19 Dec	2 Jan	9 Jan	16 Jan	23 Jan	6 Feb	13 Feb	20 Feb	27 Feb	6 Mar	13 Mar	20 Mar	27 Mar	3 Apr	10 Apr	17 Apr	24 Apr	1 May	8 May	15 May	22 May	29 May	5 Jun	12 Jun	19 Jun	26 Jun	3 Jul
1. Prepare project brief	C	O	M	P	L	E	T	E	D																					
2. Include requirement for Equality Impact Assessment	C	O	M	P	L	E	T	E	D																					
3. Include consultation of means of identification	C	O	M	P	L	E	T	E	D																					
4. Draft Cabinet Report	C	O	M	P	L	E	T	E	D																					
5. Cabinet approval of project brief	C	O	M	P	L	E	T	E	D																					
6. Contact consultants for expressions of interest, comments on project brief and quotation	C	O	M	P	L	E	T	E	D																					
7. Evaluate and appoint consultants	C	O	M	P	L	E	T	E	D																					

Phase 2. _____ Determine Proposed Conditions of Fitness

Task	2 Week Commencing																													
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30
	28 Nov	5 Dec	12 Dec	19 Dec	2 Jan	9 Jan	16 Jan	23 Jan	6 Feb	13 Feb	20 Feb	27 Feb	6 Mar	13 Mar	20 Mar	27 Mar	3 Apr	10 Apr	17 Apr	24 Apr	1 May	8 May	15 May	22 May	29 May	5 Jun	12 Jun	19 Jun	26 Jun	3 Jul
1. Consult with public on adequacies of existing vehicles	C	O	M	P	L	E	T	E	D																					
2. Update conditions to reflect present Metropolitan Conditions	C	O	M	P	L	E	T	E	D																					
3. Consider any relevant information available from Metropolitan review	C	O	M	P	L	E	T	E	D																					
4. Identify which conditions relevant to Leicester	C	O	M	P	L	E	T	E	D																					
5. Identify proposed modifications (eg turning circle, floor height, type approval, sliding doors, exceptions)	C	O	M	P	L	E	T	E	D																					
6. Corporate Director approve proposed C of F for initial consultation, in discussion with Cabinet Lead	C	O	M	P	L	E	T	E	D																					
7. Produce directory of taxi manufacturers	C	O	M	P	L	E	T	E	D																					
8. Design consultation letter	C	O	M	P	L	E	T	E	D																					
9. Written consultation with all manufacturers and hackney carriage proprietors	C	O	M	P	L	E	T	E	D																					
10. Collate details of vehicle specifications	C	O	M	P	L	E	T	E	D																					

Task	2 Week Commencing																													
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30
	28 Nov	5 Dec	12 Dec	19 Dec	2 Jan	9 Jan	16 Jan	23 Jan	6 Feb	13 Feb	20 Feb	27 Feb	6 Mar	13 Mar	20 Mar	27 Mar	3 Apr	10 Apr	17 Apr	24 Apr	1 May	8 May	15 May	22 May	29 May	5 Jun	12 Jun	19 Jun	26 Jun	3 Jul
11. Evaluate consultation responses	C	O	M	P	L	E	T	E	D																					
12. Consultants report on consultation	C	O	M	P	L	E	T	E	D																					
13. Consult with Licensing Committee on proposed conditions of fitness	C	O	M	P	L	E	T	E	D																					
14. Modify proposed conditions of fitness to take account of consultation	C	O	M	P	L	E	T	E	D																					
15. Corporate Director approves proposed conditions of fitness in discussion with Cabinet Lead	C	O	M	P	L	E	T	E	D																					

Phase 3. _____ Determine Which Vehicles meet Proposed Conditions

Task	3 Week Commencing																													
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30
	28 Nov	5 Dec	12 Dec	19 Dec	2 Jan	9 Jan	16 Jan	23 Jan	6 Feb	13 Feb	20 Feb	27 Feb	6 Mar	13 Mar	20 Mar	27 Mar	3 Apr	10 Apr	17 Apr	24 Apr	1 May	8 May	15 May	22 May	29 May	5 Jun	12 Jun	19 Jun	26 Jun	3 Jul
1. Compare proposed conditions of fitness with vehicle specifications	C	O	M	P	L	E	T	E	D																					
2. Produce list of compliant vehicles	C	O	M	P	L	E	T	E	D																					
3. Write to manufacturers to confirm compliance status of their vehicles	C	O	M	P	L	E	T	E	D																					

Phase 4. _____ Consult On and Evaluate Compliant Vehicles

Task	4 Week Commencing																														
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	
	28 Nov	5 Dec	12 Dec	19 Dec	2 Jan	9 Jan	16 Jan	23 Jan	6 Feb	13 Feb	20 Feb	27 Feb	6 Mar	13 Mar	20 Mar	27 Mar	3 Apr	10 Apr	17 Apr	24 Apr	1 May	8 May	15 May	22 May	29 May	5 Jun	12 Jun	19 Jun	26 Jun	3 Jul	
1. Carry out written consultation with hackney carriage trade	C	O	M	P	L	E	T	E	D																						
2. Carry out on street interviews with public	C	O	M	P	L	E	T	E	D																						
3. Carry out written consultation with relevant organisations including police, private hire operators, vehicle inspectorate, disability groups, Social Care and Health	C	O	M	P	L	E	T	E	D																						
4. Arrange vehicle roadshow to demonstrate compliant vehicles to public and disabled access groups	C	O	M	P	L	E	T	E	D																						
5. Identify suitable roadshow venue	C	O	M	P	L	E	T	E	D																						
6. Publicise roadshow and send out invites	C	O	M	P	L	E	T	E	D																						
7. Ensure vehicles will be present	C	O	M	P	L	E	T	E	D																						
8. Consult at roadshow by means of interviews, video diaries and feedback cards	C	O	M	P	L	E	T	E	D																						

Phase 5. _____ Decide on and Adopt Conditions and Range of Vehicles to be Licensed

Task	5																													
	28	29	30	31	32	33	34	35	36	37																				
	19 Jun	26 Jun	3 Jul	10 Jul	17 Jul	24 Jul	31 Jul	7 Aug	14 Aug	21 Aug																				
1. Receive consultants report on outcome of consultation	C	O	M	P	L	E	T	E	D																					
2. Amend proposed conditions of fitness to take account of feedback	C	O	M	P	L	E	T	E	D																					
3. Draft report for Cabinet and ALE Scrutiny	C	O	M	P	L	E	T	E	D																					
4. Report to ALE Scrutiny																														
5. Cabinet approve revised conditions of fitness																														
6. Confirm directory of compliant vehicles																														
7. Licensing Committee Approve directory of compliant vehicles																														

LCC Task	
Consultants Task	
LCC Task with Consultants input	

EXECUTIVE SUMMARY

1. Halcrow has completed part two of the study into the Conditions of Fitness for hackney carriages in Leicester. The main objectives of the study are to:
 - lead to the production of Conditions of Fitness that will ensure any vehicle meeting the requirements will be suitable for use as a hackney carriage in Leicester but which will not largely exclude vehicles which are suitable;
 - identify relevant technical information to enable the production of appropriate conditions;
 - enable all stakeholders to effectively contribute to the development of the conditions of fitness; and
 - include consultation on relevant subsidiary issues which arise out of the review.

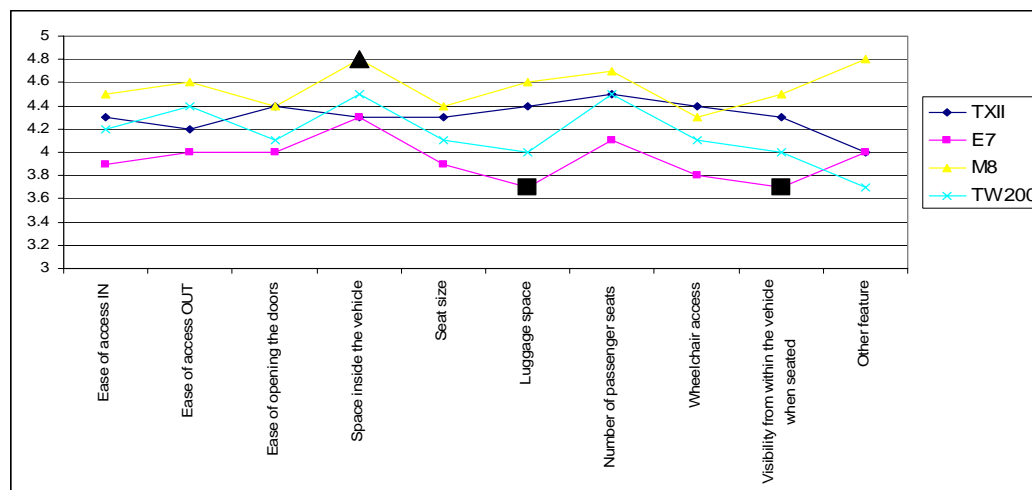
2. Part 1 of the report focussed upon the consultation undertaken on the current Conditions of Fitness, while Part 2 focused on consultation regarding the proposed amendments to these conditions. Part two of the study has been based around a number of data collection exercises:-
 - a vehicle road show in central Leicester including surveys with members of the public;
 - a survey of the hackney carriage trade;
 - a survey of the private hire trade; and
 - **a survey of manufacturers.**

3. This executive summary is a stand-alone document designed to convey the main results and conclusions of the study. It does not provide a full exposition of the results and rationale, and those seeking a more comprehensive treatment of the issues raised are referred to the accompanying main report.

VEHICLE ROAD SHOW

4. A road show was held in Leicester City Centre to allow the general public, disability groups, key stakeholders and the hackney and private hire trade to view the four proposed vehicles identified through Part 1 of the study. The show provided the public with the opportunity to view the chosen vehicles in a 'hands on' manner and for consultation with individuals to determine their preferences. Members of the public were encouraged to look at all four vehicles and rate a number of aspects of all vehicles. Figure 1 provides a comparison of these ratings for the four vehicles with key findings summarised below.

Figure 1 Average ratings of new vehicle styles (where 1 is very poor and 5 is very good)



The key findings from the road show were:

- All vehicles rated highly;
- Mercedes M8 rated significantly better than the TXII in terms of space inside the vehicle;
- Peugeot E7 was rated significantly lower than the TXII in terms of luggage space and visibility from the vehicle;
- No other significant differences of opinion were recorded between each of the vehicles; and
- Majority of responses considered that making all hackney carriages one colour would be the most effective method of distinguishing them from other vehicles.

HACKNEY CARRIAGE TRADE CONSULTATION

5. The survey was conducted through a self completion questionnaire sent out to members of the hackney carriage trade and 98 responses were received giving a response rate of 28%. From the responses received the following conclusions can be drawn:

- Some 91% of respondents favoured removing the turning circle requirement;
- Almost all respondents were satisfied with the revision of the floor height requirement;
- Some 89% of respondents were happy with the requirement for ABS while 84% were satisfied with the requirement for head restraints;
- Almost all respondents were satisfied with the proposed Euro III emission standard;
- The majority of respondents (93%) were satisfied with the requirement for European Whole Vehicle Type Approval;
- The majority of respondents (94%) were satisfied with the requirement for sliding doors to display a warning light when open;
- Over three quarters of drivers believe the E7, M8 and TW200 are suitable for Leicester compared to 68% for the TXII; and
- Approximately three quarters of drivers stated they would replace their vehicle with an M8.

PRIVATE HIRE CONSULTATION

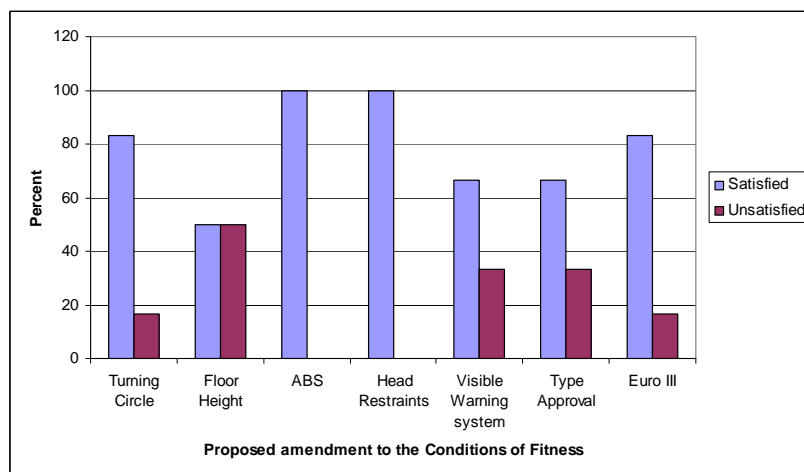
6. A questionnaire was designed and circulated to private hire operators in Leicester to gauge their opinion on how hackney carriage vehicles could be distinguished from private hire vehicles. Multiple responses were received. The main conclusions from this consultation are:

- A third of all responses favoured all hackney carriages having the council crest on them;

MANUFACTURERS CONSULTATION

7. A questionnaire was designed and circulated to 10 UK manufacturers and providers of hackney carriages. Responses were received from 6 organisations. Figure 2 documents the main results.

Figure 2 Satisfaction with the proposed amendments to the Conditions of Fitness



8. The main conclusions from this consultation are:
- All but one manufacturer favoured the removal of the turning circle requirement;
 - Half of the companies responding were satisfied with the revisions to the floor height requirement;
 - All respondents were in favour of introducing the requirement for ABS and head restraints;
 - Two thirds agreed with the requirement for European Whole Vehicle type approval; and
 - The majority were satisfied with the requirement for Euro III emission standards although one manufacturer stated Euro IV comes in late in 2006 so these should be considered instead.
9. Manufacturers were also asked to consider which of the proposed vehicles they deemed suitable for use in Leicester. All manufacturers considered the TXII suitable for use in Leicester and four out of the six manufacturers considered that the TW200 was suitable. Views were equally split regarding the E7 and Mercedes M8.

HACKNEY CARRIAGE LICENSING – CONDITIONS OF FITNESS

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 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.

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

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

TURNING CIRCLE

2. 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.
3. The wheel turning circle kerb to kerb on either lock must not be less than 7.62 metres in diameter.

FUEL TANKS

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

5. 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

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

FIRE APPLIANCES

7. 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

8. The body must be of the fixed head type with a partially glazed partition separating the passenger from the driver.
4. 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.
5. 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.
6. 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.

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

STEPS

14. The top of the tread for any entrance must be at the level of the floor of the passenger compartment and must not exceed 0.38 metres above ground level when the vehicle is unladen.
15. 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

16. 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. All anchorages and restraints must
17. 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

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

PASSENGERS SEATS

19. 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.
20. The width of each front seat must not be less than 0.40 metres and such seats must be at least 0.35.5 metres when measured from the back to the front of the upholstery.
21. 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.
22. 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.

23. 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.
24. 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.

PASSENGER COMPARTMENT

25. 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.
26. Windows must be provided at the sides and at the rear.
27. 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.
28. 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.
29. Approved seatbelts must be fitted to all forward facing passenger seats.
30. The flooring of the passengers' compartment must be covered with non-slip material which can be easily cleaned.
31. The windscreen must be of a laminated construction and not be tinted. All other windows and glass must be of an approved safety type.
32. 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

33. 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

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

“TAXI” SIGNS

35. 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

36. 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.
37. Any other radio equipment either in the passenger or driver compartment, must be approved.

FITTINGS

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

MAINTENANCE

39. 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

40. Suitable advertisements may be allowed on the inside and outside of the cab subject to the approval of the Council.
41. 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.
42. 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.
43. Advertisements must be of such a form as not to become easily soiled or detached.

44. All materials and adhesives used in the manufacture of and for the purpose of affixing advertised displays to cabs must be approved.
45. Applications for approval of advertisements must be made in writing to the Licensing Officer of the Leicester City Council.

BADGES/EMBLEMS

46. 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.
47. 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.

HACKNEY CARRIAGE LICENSING – CONDITIONS OF FITNESS

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 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.

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

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

BRAKING SYSTEM

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

FUEL TANKS

3. 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

4. Engine emissions must meet a minimum of Euro III standard.

INTERIOR LIGHTING

5. 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

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

FIRE APPLIANCES

7. 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

8. The body must be of the fixed head type with a partially glazed partition separating the passenger from the driver.
9. 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.
10. 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.
11. 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.
12. The clear height of the doorway must not be less than 1.195 metres.
13. Grab handles must be placed at door entrances to assist the elderly and disabled.

STEPS

14. The top of the tread for any entrance must be at the level of the floor of the passenger compartment and must not exceed 0.45 metres above ground level when the vehicle is unladen.
15. 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

16. 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. All anchorages and restraints must
17. 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

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

PASSENGERS SEATS

19. 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.
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23. 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.
24. All forward and rearward facing seats must be fitted with suitable head restraints.
25. 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.
26. 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.

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27. 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.
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30. 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.
31. Approved seatbelts must be fitted to all forward facing passenger seats.
32. The flooring of the passengers' compartment must be covered with non-slip material which can be easily cleaned.
33. The windscreen must be of a laminated construction and not be tinted. All other windows and glass must be of an approved safety type.
34. 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.

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41. 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

42. Suitable advertisements may be allowed on the inside and outside of the cab subject to the approval of the Council.
43. 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.

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

BADGES/EMBLEMS

48. 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.
49. 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.

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.

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Extract from Report to Licensing Committee - 8 June 2006

2 Proposed Revisions to the Conditions of Fitness

Turning Circle Requirement

- 2.1 The Metropolitan Conditions will retain the turning circle for London taxis. It is seen as particularly beneficial in manoeuvring at ranks and when changing direction as a result of a pick-up or drop-off. The report also notes that in cities that have abandoned the turning circle requirement, problems have not been encountered. This is believed to be because there is less street hailing in other cities, and fewer large two-way streets.
- 2.2 Leicester's configuration of streets means that there is often little opportunity to undertake a u-turn, especially within the city centre. In addition, it is unnecessary to have a tight turning circle to manoeuvre into or out of ranks. Although, it may be beneficial in certain situations to have a tight turning circle, it is difficult to see how this can be seen as an essential requirement for a taxi in Leicester. Retaining this requirement unnecessarily would reduce the range of vehicles that could be used as hackney carriages to the detriment of hackney carriage drivers and passengers.
- 2.3 The consultation shows that all but one manufacturer believed that the turning circle requirement should be removed, and perhaps more significantly the majority of the hackney carriage trade support the removal of this requirement. **It is therefore proposed that this requirement should be removed from the conditions.**

ABS Braking System

- 2.4 ABS braking systems provide additional safety in the operation of vehicles when they are required to break sharply. This has the potential to improve safety for drivers, passengers and other road users. The Metropolitan Conditions of fitness will require all new vehicles to be fitted with ABS braking from January 2007 onwards.
- 2.5 The outcome of the consultation was that there was support for the introduction of a requirement for ABS braking systems from both manufacturers and drivers. **It is therefore proposed that a requirement for ABS braking systems be added to the conditions.**

Driver Airbags

- 2.6 The fundamental concerns of the Conditions of Fitness are the safety of passengers and the suitability of the vehicle to operate as a hackney carriage. Passengers have no little knowledge over the vehicles they travel in and so rely on the licensing authority to ensure that vehicles are safe. Although driver safety is important, provided that there is a reasonable range of vehicles, drivers have freedom of choice over the level of safety features incorporated into their vehicle they drive.
- 2.7 One area of concern highlighted by one respondent in the manufacturer's survey, was that because drivers of hackney carriages are exempt from the requirement to wear a

seat belt, driver airbags could be potentially a safety hazard. It is noted that the LTI range of vehicles does not provide airbags.

- 2.8 Provided that the standards adopted provide for a reasonable range of vehicles, drivers will not be prevented from choosing a vehicle with or without an airbag. **It is therefore proposed not to introduce a requirement for driver airbags into the conditions.**

Wheelchair accessible vehicles with rear access

- 2.9 All of the existing vehicles licensed by the City Council are wheelchair accessible via side-opening doors. However, some vehicles licensed as hackney carriages in other local authorities are accessible for wheelchairs only through rear-opening doors. If such a vehicle is parked on a rank and sufficient room is not allowed behind the vehicle, it then becomes inaccessible. In any event, access would also require either the wheelchair user to ride down the kerb, or the vehicle to manoeuvre into a tail-on position. If rear-loading vehicles became popular then fewer could be accommodated within the existing ranks.
- 2.10 The consultation showed that both manufacturers and drivers prefer side-loading to rear-loading vehicles. However, the public consultation showed that wheelchair users interviewed on the street said that they would find rear-loading acceptable and were the most dissatisfied group in terms of accessibility in terms of access to existing vehicles.
- 2.11 In view of the opinions of wheelchair users it is proposed not to have a requirement preventing rear-loading vehicles as this may unnecessarily prevent a vehicle that would provide good wheelchair access from being licensed. If a rear-loading vehicle was proposed for licence it could be evaluated from the point of view of acceptability for wheelchair users and whether it could be accommodated on ranks. **It is not therefore proposed to add a requirement to the conditions that would prevent rear-loading wheelchairs.**

Sliding Doors

- 2.12 There are two areas of concern associated with sliding doors. Firstly, that no warning is given to passing traffic that a passenger may be about to alight from the vehicle. Secondly, that passengers may find them more difficult to operate than hinged doors.
- 2.13 Although the lack of warning to traffic from opening sliding doors is a disadvantage, hinged doors opened incautiously may strike oncoming traffic. To overcome this problem, at least one vehicle fitted with sliding doors utilises warning signs at the rear of a vehicle that a passenger is alighting.
- 2.14 The review of the Metropolitan Conditions of Fitness was inconclusive as to whether sliding doors were more difficult to operate than hinged doors. It considered whether power assistance would be beneficial, but found that this would have advantages as well as disadvantages. It concluded that the operability of sliding doors would depend on the ergonomics of individual designs. This can only be assessed on a case-by-case basis.
- 2.15 **It is proposed that the revised conditions do not introduce a new requirement to prohibit sliding doors, but that a requirement is introduced for a visible warning**

system at the rear of the vehicle to indicate when a passenger is alighting. Assessment of whether sliding doors on particular vehicles are difficult for passengers to operate will form part of the second stage of consultation.

Rear Visibility

- 2.16 The Metropolitan Conditions of Fitness found that visibility for drivers was generally poorer in vehicles with split rear doors. This particularly affects rear visibility when reversing, for instance when making a three-point turn. In Leicester, the configuration of streets and ranks means that there are relatively few occasions on which it is necessary for a vehicle to change direction in a particular street. There may be some situations where this is necessary, for example when passengers are dropped off in cul-de-sacs where this is necessary. However, a requirement for good visibility for reversing in these situations is not seen as any more essential than for many other types of vehicle, including private hire vehicles.
- 2.17 The response from existing drivers is that the majority do not believe that having split rear doors will present a problem in terms of rear visibility. One respondent commented that rear visibility might also be reduced by such things as head restraints.
- 2.18 It is not proposed to introduce a condition prohibiting split rear doors.**

Floor Height

- 2.19 The existing Conditions of Fitness set a maximum height above the ground of the floor of the passenger compartment. This is aimed at ensuring that the vehicle is as accessible to mobility impaired passengers as possible. It is known that at present only a very limited number of vehicles can meet this requirement and so it acts to reduce the choice of passengers and drivers.
- 2.20 The Metropolitan review looked at a range of vehicles and found that there was no single vehicle that suited or was preferred by all mobility impaired passengers who had a range of mobility needs. One particular vehicle was particularly liked by wheelchair users, but less so by ambulant disabled passengers. This vehicle would not meet the current floor height requirement. It should be noted that having a higher passenger compartment floor requires either a steeper or longer ramp.
- 2.21 It is proposed to relax the requirement relating to the height of the floor of the passenger compartment of the vehicle above the ground as this is seen as, potentially, being unnecessarily restrictive and reducing the choice of vehicle available to drivers and passengers.** Further evidence about whether this approach is appropriate will be sought as part of the second stage of consultation.

Head Restraints

- 2.22 The current models of the existing vehicles licensed in Leicester do not have head restraints as standard. The review of the Metropolitan Conditions of Fitness found this to be unsatisfactory and this will become a requirement for all new vehicles from January

2007. The outcome of the consultation was that the majority of drivers and all manufacturers believe that hackney carriages should be provided with head restraints.

- 2.23 It is proposed to introduce a condition that all hackney carriages are provided with head restraints.**

Passenger Compartment Ergonomics

2.24 The review of the Metropolitan Conditions of Fitness found that there were a large number of factors that affected the comfort and usability of the passenger compartment of the vehicle. The existing City Council conditions already contain a number of requirements in this respect, for example the size and height of seats and the height of the ceiling. However to introduce more requirements to attempt to control a set of complex interdependent parameters is considered to be prescriptive and beyond the responsibility of a licensing authority. It is therefore intended to leave further ergonomic consideration of individual vehicles to the second stage of consultation.

- 2.25 It is not proposed to introduce any additional conditions relating to the ergonomics of the passenger compartment.**

Type Approval

2.26 Prior to the first round of consultation, the City Council's Conditions of Fitness were updated to bring them in line with the Metropolitan Conditions of Fitness, for consultation purposes, to include a requirement for European Whole Vehicle Type Approval. This type approval scheme sets down a set of safety criteria for which the vehicle is tested, including by crash testing. Consultation with manufacturers and drivers showed that a large majority were in favour of this addition.

- 2.27 It is proposed that the conditions require all hackney carriages to be approved under the European Whole Vehicle Type Approval Scheme to M1 Standard.**

Emission Standards

2.28 Stricter emission requirements for road vehicles, generally referred to as Euro III, were introduced with effect from 1st January 2000 and, for the majority of vehicles, came into full effect on 1st January 2001. A further tightening of the emissions limits, referred to as Euro IV, began on the 1st January 2005 and will be fully in force by 1st January 2007.

- 2.29 Vehicles manufactured after 1st January 2000 will meet at least Euro III standards. The City Council's policy for licensing hackney carriages requires that all vehicles licensed for the first time are less than 5 years old. **It is therefore proposed, for clarity, that a condition is introduced to require all vehicles to meet Euro III emission standards.**

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Technical note

Project	Leicester Taxi Consultation – Conditions of Fitness	Date	June 2006
Note	Appendix H – Vehicle specifications	Ref	CTDAGS000
Author	Katie Kearney		

1 Introduction

1.1 The purpose of this Technical Note is to present the full vehicle specifications for each of the vehicles present at the roadshow event in Leicester and additional vehicles required by Leicester City Council. Specifications are presented for:

- LTI TXII
- Mercedes M8
- Peugeot E7
- TW Automotive TW200
- VW Eurocab

1.2 Each of these vehicles is class M1 European Whole Vehicle Type Approved according to the companies which supply them.

2 Vehicle Dimensions

2.1 Table 1 displays the dimensions of each of the vehicles.

Table 1 General Vehicle Dimensions in mm

	TXII	TW200	E7	M8	VW EuroCab
Width (without mirrors)	2036 (with mirror)	1844	1844	1901	1904
Height (unladen)	1834	1940	1954	1975	1969
Length	4580	4522	4522	4993	4890 / 5290
Wheelbase	2886	2824	2824	3200	-

2.2 The measurements are comparable with the exception of the width of vehicles. All vehicles are given excluding wing mirrors with the exception of the TXII. No wheelbase figures were provided for the VW EuroCab. The overall length varies and is dependent on the wheelbase, (available in regular or long).

3 Vehicle Access

3.1 Table 2 below documents those measurements relevant to access, particularly for those in wheelchairs. Several measurements vary between the different models of the E7 therefore where necessary two separate dimensions are provided for the S and the SE models. The manufacturers also state that measurements are nominal and slight variation may occur between individual vehicles.

Table 2 Vehicle Access Dimensions in mm

	TXII	TW200			E7		M8	VW EuroCab
					S	SE		
Floor height	370	470			485	530	475	480-520
Step height	208	220			230		200 (second step 365 from ground)	390-430
Height of top of ramp	356	470			485	530	475	480-520
Type of ramp	Integral 2 piece folding + loose element when no kerb available	a	b	c	d	e	2 x channel ramps	Telescopic two piece
Length of ramp	1400	1630	2190	1270	1660	1630	2110	Varies
Angle of ramp (in degrees from the horizontal)	16.0	16.8	12.4	21.7	17.0	19.0	13.0	Varies
Width of doorway	780	840			750		850	990
Height of Doorway	1350	1270			1215		1235	1285
Height inside passenger compartment	1400	1400			1350		1350	1390

- a 3 piece folding full width single ramp
b 3 piece extending twin ramps
c lightweight folding ramp
d 3 piece folding "bookleaf"
e easyglide 1 piece

3.2 The floor and step height measurements are all taken from ground level without considering the effect of kerbs and are therefore considered worst case scenarios. The presence of a kerb

reduces the distance a passenger has to step up to enter the vehicles. The M8 has two steps between ground level and the floor of the vehicle with the second step being an internal step.

3.3 The doorway measurements all relate to the side wheelchair access doors.

3.4 The E7 and TW200 vehicles have different options on ramp access and dependent on the option chosen the ramp length and angle vary as shown in table 2. The M8 channel ramps length may also vary as the length can be set dependent on space available, this is also the case for the EuroCab. The M8 can additionally be accessed from the rear by a conventional ramp.

4 *Other Information*

4.1 The capacity of each of the vehicles is given in table 3 below. The M8 vehicle is the only vehicle which can transport two wheelchair users at the same time in their chairs. The other vehicles hold one wheelchair.

Table 3 Further Vehicle Information

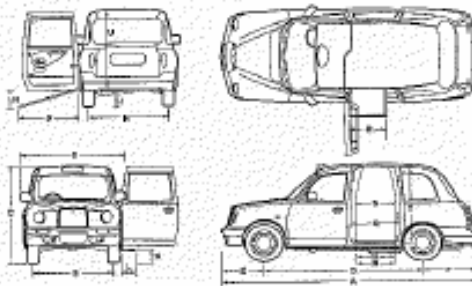
	TXII	TW200	E7	M8	VW EuroCab
Capacity (persons)	5	7	6/7	8	7

4.2 Following is some further information and diagrams provided by a number of the manufacturers detailing the measurements they provided.

TXII Dimensions

Principal Dimensions (mm/in)

A Length	4580/180.0	L Step depth	205/8.1	Note: The measurements shown here are nominal and some variations will occur between vehicles. Recheck step and sill heights shown are with the vehicle at kerb height.
B Width (over mirrors)	2036/80.2	M Step width	708/27.4	
C Height	1834/72.2	N Sill height	370/14.6	
D Wheelbase	2886/113.7	P Ramp extension	1350/53.2	
E Front overhang	764/30.1	Q Door width (max)	880/34.7	
F Rear overhang	930/36.6	Wheelchair door access:		
G Front track	1422/56.0	R Floor level width	700/27.6	
H Rear track	1402/55.4	S Waist level width	780/30.7	
I Ground clearance	134/5.3	T Height (door seat to ramp)	1350/53.0	
K Step height	208/8.2	U Height inside vehicle	1400/55.0	



TXII Fuel Consumption: 2402cc Diesel Engine

Transmission	5 Speed Manual		4 Speed Automatic	
	mpg	litres/100km	mpg	litres/100km
Drive Cycle				
- Urban	29.0	9.7	25.3	11.3
- Extra Urban	42.3	6.7	35.1	8.1
- Combined	36.2	7.8	30.7	9.2
CO ₂ Emissions (g/km)	206		243	
Regulated Emissions Standard	Euro III		Euro III	
Noise Level dB(A) moving	73.4		70.8	

Source: DCF 2004

REGENERATION AND CULTURE EQUALITY IMPACT ASSESSMENTS

DIVISION	COMMUNITY PROTECTION & WELLBEING
SERVICE GROUP	LICENSING
SERVICE AREA OR POLICY TO BE ASSESSED	HACKNEY CARRIAGE CONDITIONS OF FITNESS POLICY
LEAD OFFICER AND CONTACT NUMBER	BOBBY SMILJANIC, TEAM MANAGER - 2526454
OFFICER COMPLETING THE ASSESSMENT	RACHEL HALL, TEAM MANAGER - 2526319
NAME OF OTHER STAFF INVOLVED IN ASSESSMENT	MIKE BROSTER, HEAD OF SERVICE - 2626408
DATE	

**ONCE YOU HAVE COMPLETED THIS FORM PLEASE SEND A COPY TO DAXA PATEL, STRATEGIC EQUALITY,
A11**

SCOPE THE AREA / POLICY TO BE COVERED**CONSIDER -**

- **What is the scope of the assessment**
- **Is it all aspects of the policy or limited areas? State reasons for inclusions and exclusion**
- Does it link to other services or other EIA? If so, ensure there is adequate cross working

The assessment concerns the updated policy on the Hackney Carriage Conditions of Fitness. Other significant policies relating to hackney carriages in Leicester include policies on vehicle age, fares, enforcement and a limit on the number of vehicles that the council will licence.

The Conditions of Fitness are designed to ensure that licensed vehicles are suitable for use as hackney carriages in Leicester. This includes, for example, accessibility for all members of the public. The effect of the Conditions of Fitness is to restrict the types of vehicle that the council will licence as hackney carriages.

IDENTIFY AIMS AND OBJECTIVES OF THE POLICY / SERVICE

What do we want to achieve through this policy / service function?

The policy aims to achieve a standard of hackney carriage vehicle that provides a safe and effective service to people in Leicester. Whilst not being unnecessarily restrictive, the policy should ensure that hackney carriages are accessible to everyone.

What needs is the policy / service designed to meet / does it affect the public directly or indirectly?

The policy is primarily designed to meet the needs of the public (ie, hackney carriage users) and to ensure their safety. Consideration has also been given to the views of the trade (drivers) and vehicle manufacturers.

Does the policy / service relate to other functions and policies? I.e. partnership, does it affect other services?

Leicester City Council utilises taxi services (hackney carriage and private hire vehicles) to meet specialised transport needs, such as school transport.

The Conditions of Fitness for Hackney Carriages specifies emissions standards, which relates to the Air Quality Management policy.

Are the aims consistent with the Corporate Plans e.g. Corporate Equality plan, Community plan, Corporate plan?

Leicester City Council regulates the hackney carriage / private hire vehicle trade, but this is not a service that we provide directly. Nonetheless, the consultation carried out as part of the review of the Conditions of Fitness is consistent with the aim of the Community Plan to reflect the changing needs of the population as necessary.

How does this Policy impact on disadvantaged groups i.e. Race, Gender, Disability, sexual orientation, etc?

The review of the Conditions of Fitness was originally scheduled to coincide with central government's proposed accessibility regulations for taxis. However, these are still awaited and our review could not be delayed any longer. Details of the impacts of the revised Conditions of Fitness are set out below.

"Ideas Exercise"

What are the equality issues when delivering the service / policy, consider race, gender, disability, age, sexual orientation, religion and belief, social exclusion, community cohesion?

- **Do an exercise with stakeholders**
- Involve people internal and external to the service. Who will give you a view on the policy or service?
- You could involve representatives from local communities / groups partners, colleagues, employee group reps, equality staff etc.

See section headed 'Consultation' for details of methodology.

The conclusion of the consultation was that there are no equality issues relating to race, gender, age, sexual orientation, religion and belief, social exclusion, or community cohesion.

Stage 1

In relation to disability, opinion was divided amongst wheelchair users regarding access to vehicles. Both the on street and the online sample sizes were small (10 respondents in each case). In the on street survey, 4 (40%) rated wheelchair access as good, 3 (30%) felt access was average, 1 (10%) thought it poor and 2 (20%) considered it very poor. However, in the online survey 9 (90%) thought access was very good and 1 (10%) felt it to be good. With regard to the acceptability of rear loading vehicles to wheelchair users, 13 (81.3%) of 16 on street respondents thought this was acceptable. In the online survey 5 (71.4%) of the 7 respondents felt rear wheelchair access was acceptable.

Stage 2

There were no significant differences identified by consultees between any of the four proposed vehicles.

- **Are there any access to service issues? Think about physical access, access to information, language etc.,**
- **Are there any other barriers to your service? List them (even if you have addressed them).**

Stage 1

Stage 1 of the consultation process asked specific questions about wheelchair access to hackney carriages and whether or not the current Conditions of Fitness had any adverse implication for disadvantaged groups (eg, on the grounds of disability, race, gender, age, religion, sexual orientation or social exclusion).

NB: Percentages quoted refer to the number of respondents to a particular question rather than all respondents in each category.

Members of the public:

- 27 (4.7%) on street respondents and 10 (28.6%) online respondents thought that the current conditions had adverse implications for disadvantaged groups
- All specific comments given related to the elderly / disabled
 - Most comments (15) related to the fitness of **drivers** rather than **vehicles**
 - The next most common response (9) referred to the ease of use for elderly / disabled people, but were not specific
 - 4 comments related to smaller vehicles limiting access / availability for the disabled / wheelchair users
 - Various other comments were raised by only one or two respondents
- 81% of on street respondents who were wheelchair users, and 71% of online respondents, would find it acceptable to use a rear-loading vehicle
- 162 (60%) of on street respondents felt that access into current vehicles was 'good'; 15 (45.5%) of online respondents felt it was 'very good'

5. *Trade*

- 7 (6.0%) postal respondents and 3 (42.9%) online respondents thought that the current conditions had adverse implications for disadvantaged groups
 - Only 4 specific comments were given
 - 1 related solely to accessibility for the disabled
 - 3 were general comments
- 101 (84.2%) postal respondents and 7 (87.5%) online respondents felt side access with a ramp was preferable for wheelchair users
- 4 (3.3%) postal respondents and 0 online respondents felt rear access with a ramp was preferable for wheelchair users
- 15 (12.5%) postal respondents and 1 (12.5%) online respondents did not express an opinion on side / rear access
- 83 (71%) of postal respondents felt that the floor height condition should be relaxed; 6 (75%) of the online respondents felt

it should not be relaxed

- The trade survey asked about sliding doors. 84 (67.7%) considered that an external warning light should show when passengers are alighting from vehicles with sliding doors.

6. *Manufacturers*

- There were no online responses from manufacturers
- 3 (60%) thought that the current conditions had adverse implications for disadvantaged groups
 - 4 specific comments were given
 - 3 of these related to accessibility for the disabled, with 1 saying the current vehicles are best and 2 saying the opposite
 - 1 was a general comment
- 2 (40%) thought there were no adverse implications for disadvantaged groups
- All respondents agreed that side access with a ramp was preferable to rear access with a ramp
- 2 (40%) felt that the floor height condition should be relaxed; 2 (40%) felt it should not be relaxed; 1 (20%) expressed no opinion
- Manufacturers were asked about sliding doors. 2 (40%) felt sliding doors were not an issue, 2 (40%) stated that an external warning light should show when passengers are alighting from vehicles with sliding doors, and 1 (20%) considered that vehicles with sliding doors should not be licensed.
- Manufacturers were also asked about head restraints, and all were in favour of head restraints being provided in new vehicles.

Stage 2

Stage 2 of the consultation process related to specific vehicles that meet the revised Conditions of Fitness, which had been prepared following the outcome of Stage 1.

Members of the public:

- Visitors to the roadshow were asked specifically to compare ease of access in and out of the four vehicles, as well as wheelchair access
- The majority of respondents rated all vehicles about the same for these and other aspects

Trade:

- The majority (96.7%) were in favour of the amendment of the condition relating to floor height

- The majority (83.5%) favoured the introduction of head restraints on all front and rear facing seats
- The majority (93.6%) were satisfied with the proposal that all vehicles with sliding doors must also be fitted with a visible warning system at the rear of the vehicle to indicate to other drivers that a door is open

Private hire operators:

- No specific issues regarding equality

Manufacturers:

- Manufacturers were divided in relation to the relaxation of the floor height condition (3 for and 3 against). Of those against:
 - One felt that the matter for consideration should be whether or not a suitable step arrangement existed rather than the floor height
 - Another commented that the proposed revision would prevent three of the four vehicles at the roadshow from being licensed
 - A further manufacturer felt that the current height of 45cm was too high for able-bodied people and impossible for the elderly and infirm, and that intermediate steps were unreliable
- All favoured the introduction of head restraints on all front and rear facing seats, although one qualified this by saying it should only apply to vehicles manufactured from January 2007
- 4 (66.7%) were satisfied with the proposal that all vehicles with sliding doors must also be fitted with a visible warning system at the rear of the vehicle to indicate to other drivers that a door is open; 1 (16.7%) stated sliding doors were difficult for passengers to use and that a fitted warning device would not help other drivers to know a passenger was about to disembark; 1 (16.7%) considered warning signs should also be fitted at the front of the vehicle

Where do you think improvements can be made?

The purpose of the consultation exercise was to find out whether the current Conditions of Fitness were appropriate, or whether changes were needed to give a better service. Feedback arising from the consultation has influenced the policy changes, which should lead to improvements for members of the public.

Are you already addressing any of the issues identified, list them, e.g. is it in your improvement plan?

Following Stage 1 of the consultation, revisions to the Conditions of Fitness were drawn up to influence Stage 2 of the process. The revisions that may impact on equality issues were as follows:

- Amendment of the current floor height requirement
- Requirement for head restraints on all forward and rear facing seats
- Requirement for all sliding doors to have a visible warning system at the rear of the vehicle

The consultation raised the issue of wheelchair access to hackney carriage vehicles, as it was felt that there may be a need to specify that access should only be gained from the side. The consultation showed that wheelchair users would be happy with rear access with a ramp this amendment has not been made. However, none of the four vehicles that meet the other Conditions of Fitness have rear access.

Assess any service information, consider monitoring data, consultation data, complaints, satisfaction data etc.,

Monitoring data:

- **Do you have data on who uses your services / policy, complaints, satisfaction outline what you monitor and the categories you use?**
- **Assess how you have used data in service planning.**

Hackney carriages are used by a cross section of the travelling public – residents, employees, visitors – from all walks of life. The consultation that was carried out involved an on street survey of 609 members of the public, who were selected by interviewers in order to reflect the age, gender and ethnic characteristics of the local community.

The survey results for Stage 1 have been broken down to show the above categories, as well as economic and resident status and whether or not respondents were mobility impaired. Where relevant to a particular question, the responses from different categories are shown separately (eg, wheelchair access to vehicles).

The public consultation part of Stage 2 involved a number of people from community and disability groups, as well as members of the general public, being invited to view the chosen vehicles in a more 'hands on' manner. The outcome of Stage 2 did not show any significant variance between the vehicles from any of these respondents.

Consultation:

Consider who your customers (direct and indirect) and stakeholders are? What consultation have you undertaken? Outline all the consultation exercises carried out including any with hard to reach groups. **(Use consultation toolkit, as it has a section on how to make consultation accessible for hard to reach groups)**

A consultation was undertaken with the assistance of a firm of consultants (Halcrow) between March and August 2006. The consultation was carried out in two stages.

The first stage consisted of an 'on street' public attitude survey / postal trade survey / postal manufacturers survey, all designed to find out whether or not the Conditions of Fitness policy needed to be changed and, if so, to recommend a new set of conditions. The surveys were also available online, although the results of the online surveys were analysed separately to avoid any potential bias.

The second stage involved the use of the revised Conditions of Fitness to identify four vehicles that were compliant, and then a roadshow where members of the public and the trade could try out and comment upon all of these vehicles. Manufacturers, the trade and private hire operators were

also consulted by way of a postal questionnaire.

If, there is no consultation data then:

- Need to consult
- Draw up an Action Plan of actions that you will need to undertake to collect, monitoring & consultation data

ANALYSIS OF THE DATA AND EVIDENCE

- What does the monitoring and consultation information tell you, are there any trends that can be identified?
- Is there any positive or negative impact?
- Can these be justified?

The consultation exercise has highlighted areas of the Conditions of Fitness that can be added to, amended or deleted in order to improve the service offered to the public.

Any negative impacts of the new conditions do not relate to equality issues, but to the perceptions of the trade. Although Leicester City Council has tried to accommodate the wishes of all other parties involved, this is not possible in all cases. Where there are differing views the Council should give priority to public safety.

Appendix H

Taking all monitoring /consultation data and views from the “brain storming exercise”, have you identified negative/adverse impact on any specific groups. Please detail below:

Aspect of policy /function	Positive impact	Adverse /negative impact	Unmet need	What is the justification
Rear access for wheelchairs	The majority of wheelchair users who responded to the consultation would find rear access with a ramp for wheelchairs acceptable.	The majority of trade and manufacturers who responded felt that side access with a ramp was preferable to rear access.		It is clear that one type of vehicle does not meet everyone's needs. The Conditions of Fitness have not been changed in this respect, and still allow for rear wheelchair access as well as side access. This potentially gives drivers the option of purchasing a vehicle with either side or rear wheelchair access, although none of the vehicles that meet the other conditions have rear access for wheelchairs.
Floor / door height	The majority of public respondents said that access into vehicles was currently good. The majority of trade respondents wanted the floor height restriction to be relaxed. There was no consensus amongst manufacturers who responded.	Some of the trade / manufacturers considered that relaxation of the floor height condition would have an adverse impact on wheelchair users, as it could reduce the overall space available to get a wheelchair in to the vehicle.		The revised Conditions of Fitness allow for a relaxation of the floor height. This gives drivers the option of purchasing a vehicle with a higher floor height, although lower floor heights are still acceptable. This subsequently gives all users a choice of vehicle whilst still allowing a

				greater door space for those who need it.
CONCLUSIONS & RECOMMENDATIONS				
<ul style="list-style-type: none"> • What are the main conclusions from your assessment? <p>The assessment shows that the needs of the public have been considered during the consultation exercise, and taken into account when revising the Conditions of Fitness. It also shows that there do not appear to be any adverse implications for disadvantaged groups associated with the proposed changes. The conditions that could potentially cause accessibility problems for wheelchair users have been dealt with in a way that allows increased choice for all users without preventing existing vehicles from being licensed as hackney carriages.</p>				

ACTION PLANNING
 Please identify action needed to address issues that have been identified as a negative/adverse impact or an unmet need.
 Integrate actions into business plans. Must ensure that the actions identified are **SMART**.

EQUALITY ISSUE	ACTION	OUTPUTS	<u>OUTCOMES</u>	PROGRESS & PERFORMANCE MEASURES	3 4 TIME SCAL ES	5 6 RESPON SIBILITY	RESOURCES NEEDED	ANY RISKS
DISABILITY	Monitor accessibility for wheelchair users	Compliance with Conditions of Fitness	To ensure wheelchair access is being provided	Number of complaints from wheelchair users	Annually	Team Manager (Licensing)		
	Enforcement	Compliance with Conditions of Fitness	To ensure wheelchair access is being provided	Percent of vehicles complying with Conditions of Fitness	Ongoing	Team Manager (Licensing)	Licensing Enforcement Officers	
RACE	N/A							
GENDER	N/A							
AGE	N/A							
RELIGION AND BELIEF	N/A							
SEXUAL ORIENTATION	N/A							

10. So local licensing authorities will want to be sure that each of their various licensing requirements is properly justified by the risk it aims to address; or, to put it another way, whether the cost of a requirement in terms of its effect on the availability of transport to the public is at least matched by the benefit to the public, for example through increased safety. This is not to propose that a detailed, quantitative, cost-benefit assessment should be made in each case; but it is to urge that local licensing authorities should look carefully at the *costs - financial or otherwise - imposed by each of their licensing policies. They should ask themselves whether those costs are really commensurate with the benefits a policy is meant to achieve.*

Scope of the guidance

11. This guidance deliberately does not seek to cover the whole range of possible licensing requirements. Instead it seeks to concentrate only on those issues that have caused difficulty in the past or that seem of particular significance. Nor for the most part does the guidance seek to set out the law on taxi and PHV licensing, which for England and Wales contains many complexities. Local licensing authorities will appreciate that it is for them to seek their own legal advice.

Consultation

12. It is good practice for local authorities to **consult** about any significant proposed changes in licensing rules. Such consultation should include not only the taxi and PHV trades but also groups likely to be the trades' customers. Examples are groups representing disabled people, or Chambers of Commerce, organisations with a wider transport interest (eg Transport 2000 and other transport providers), womens' groups or local traders.

Vehicles

Specification Of Vehicle Types That May Be Licensed

13. The legislation gives local authorities a wide range of discretion over the types of vehicle that they can license as taxis or PHVs. Some authorities specify conditions that in practice can only be met by purpose-built vehicles but the majority license a range of vehicles.
14. Normally, the best practice is for local licensing authorities to adopt the principle of specifying as many different types of vehicle as possible. Indeed, local authorities might usefully specify only general criteria, (such as vehicles with four doors as taxis) leaving it open to the taxi and PHV trades to put forward vehicles of their own choice which can be shown to meet those criteria. In that way there can be flexibility for new vehicle types to be readily taken into account.
15. It is suggested that local licensing authorities should be particularly cautious about specifying only purpose-built taxis, with the strict constraint on supply that that implies. (There are at present only two designs of purpose-built taxi.) But of course the purpose-built vehicles are **amongst** those which a local authority could be expected to license.

Accessibility

16. In addition to their general conditions, local licensing authorities will want to consider the accessibility for disabled people (including - but not only - people who need to travel in a wheelchair) of the vehicles they license as taxis.
17. Licensing authorities will know that it remains the Department's intention to make taxi accessibility regulations under the Disability Discrimination Act 1995. In the meantime licensing authorities are encouraged to introduce taxi accessibility policies for their areas. The Department's letter to local licensing authorities of 9 September 2002, the relevant part of which was repeated in the letter of 16 June 2004, gave more detailed advice.

18. Different accessibility considerations apply as between taxis and PHVs. Taxis can be hired on the spot - in the street or at a rank - by the customer dealing directly with a driver; but PHVs can only be booked through an operator. It is important that a disabled person should be able to hire a taxi on the spot with the minimum delay or inconvenience, and having accessible taxis available helps makes that possible. For PHVs, it may be more appropriate for a local authority to license any type of car. (Some PHV operators offer accessible vehicles in their fleet.)

Type approval

19. It may be that from time to time a local authority will be asked to license as a taxi or PHV a vehicle that has been imported independently (that is, by somebody other than the manufacturer). Such a vehicle might meet the local authority's criteria for licensing, but the local authority may nonetheless be uncertain about the wider rules for foreign vehicles being used in the UK. Such vehicles will be subject to the 'type approval' rules. For passenger cars up to 10 years old at the time of first GB registration, this means meeting the technical standards of either:
- - a European Whole Vehicle Type approval;
 - - a British National Type approval; or
 - - a British Single Vehicle Approval.

Most registration certificates issued since late 1998 should indicate the approval status of the vehicle. Further information about these requirements and the procedures for licensing and registering imported vehicles can be seen at http://www.dft.gov.uk/stellent/groups/dft_roads/documents/page/dft_roads_506867.hcsp.

Vehicle Testing

20. There is considerable variation between local licensing authorities on vehicle testing, including the related question of age limits. In the light of the principle of costs being at least matched by benefits, the following can be seen as best practice:
- **Frequency Of Tests.** The legal requirement is that taxis and PHVs should be subject to an MOT test or its equivalent once a year after the first three years. An annual test for licensed vehicles of whatever age (that is, including vehicles that are less than three years old) seems appropriate. More frequent tests do not seem appropriate, except possibly for older vehicles (see 'age limits' below).
 - **Criteria For Tests.** Similarly, for mechanical matters it seems appropriate to apply the same criteria as those for the MOT test to taxis and PHVs. However, taxis and PHVs provide a service to the public, so it is also appropriate to set criteria for the internal condition of the vehicle, though these should not be unreasonably onerous.
 - **Age Limits** It is perfectly possible for an older vehicle to be in good condition. So the setting of an age limit beyond which a local authority will not license vehicles may be arbitrary and disproportionate. But a greater frequency of testing may be appropriate for older vehicles - for example, twice-yearly tests for vehicles more than five years old.
 - **Number Of Testing Stations.** There is sometimes criticism that local authorities provide only one testing centre for their area (which may be geographically extensive). So it is good practice for local authorities to consider having more than one testing station. There could be advantage in contracting out the testing work, and to different garages. In that way the licensing authority can benefit from competition in costs. One way of ensuring proper standards is for council staff to have vehicles tested as 'mystery shoppers'. (The Vehicle Operators and Standards Agency - VOSA - may be able to assist where there are local difficulties in provision of testing stations.)

Security

1st September 2006

Adrian Russell
Service Director
Leicester City Council
Welford Road Leicester

Dear Mr Russell

You may be aware that my company has been fighting Leicester City Council for the last year over the E7 converted vans and also for changing my vehicles livery from yellow to black. This reason for this colour change is only because a vehicle with sliding side doors and two rear doors (the same as a van) does not look like a taxi.

I have had my yellow livery for many years and this has become a well-known trademark for my company, which enables the public to easily identify with my fleet of vehicles. Along with the motive on our bonnets, our logo and name on the doors this has been used in our advertising campaign at great expense and with careful marketing to achieve our highly successful company. Why then am I being penalised for no apparent reason. Not only do you intent to change the colour of the hackneys to black but you also want to display the council motive on the vehicles as well. These two moves can lead to destroying a business that has been built up over a period of forty years.

What I fail to understand is that this only applies to new vehicles and I can carry on running my vehicles with the yellow livery while they continues to pass their test. This could be for another 10 years, so the colour change to black does not really make any difference. The public will still be confused for the next 10 years by which time some other changes in the requirements may be brought in and things may change again.

Can I ask when the decision to change them to black was made and under what circumstances the changes were based. Who made this decision and on what grounds? We are all aware that the council have been looking at the conditions of fitness for some time, but how and at what point was the colour change to black decided.

I believe that the new conditions of fitness have been decided, but have been unable to obtain a copy. Would it be possible for you to forward a set to me as soon as possible either by post or by e-mail so that I can study these before the meeting planned for next Wednesday with the environmental and culture scrutiny committee.

I would also like to see the results of the surveys that were carried out in order to reach these new conditions of fitness. Not only the general public survey but also the taxi

driver and the proprietor and manufactures results. These surveys must have been used to collate the data that has influenced the reasons for these changes. Otherwise what factors were used in the decision making process and what evidence is available for not only me but also the general public. How do we know that any decisions made were based on true facts and reasons and not just by pressure applied from the hackney drivers? This has to become readily available now that there are new conditions of fitness, in order for us to believe that any changes in the conditions of fitness were actually necessary in the first place.

Another point I would like to point out is the LCC has spent hundreds of thousands of pound raising the kerb at the bus stops for the elderly to embark and disembark from their buses easily. The E7 vehicle from allied is over 3 inches higher than the London Taxi. I realise that the E7 is fitted with a step but drivers do not always get out of their vehicle to assist the public. Surely then this can only be backwards progress. Bus companies that have spent thousands of pounds on new buses to meet the requirements for the new height, are not going to be very happy at all that the new style of hackney vehicle does not have to meet the same requirements that they have been asked to meet.

I would like to point out that if the council do insist that my vehicles have to change their livery to black then I will be forced to take out another injunction against them. . I hope that this does not become necessary and this issue can be sorted with all parties being happy. I have not spent the last forty years building up a business only for it to be put in jeopardy by this unnecessary colour change.

I look forward to your response.

Yours truly,

Michael Norton
Proprietor

Please ask for: Mike Broster
Telephone: (0116) 2526408
Fax no: (0116) 2543773
Email: Mike.Broster@leicester.gov.uk
Website: www.leicester.gov.uk
Our ref: RC/MB
Your ref:
Date: 5 September 2006

Mr M Norton
Swift Fox Cabs
77A Churchgate
Leicester
LE1 3AN

Dear Mr Norton,

Hackney Carriage Conditions of Fitness

Your letter to Adrian Russell of the 1 September 2006, about the review of the hackney carriage conditions of fitness, has been passed to me for response.

By way of introduction, can I express disappointment that you did not take up my offer of a meeting to discuss your concerns about the review that I made when we met at the vehicle roadshow on 21 June 2006. I will first of all set out the current position of the decision making process in relation to the review. As you know the City Council, through consultants Halcrow, has recently completed a consultation programme as part of the review. Halcrow's report has now been received. Officers have written a report based on the outcome of the consultation setting out proposals for members of the City Council to consider. This report will initially be presented to the Environment and Culture Scrutiny Committee on 6 September 2006. This committee will scrutinise the review programme and may make comments, proposals and recommendations of its own. Following the committee, officers may revise the report. In any case the committee's comments will be passed on to the City Council's Cabinet. The Cabinet is the decision-making forum in relation to the review and will consider the matter on 25 September 2006. Until this time any changes to the conditions of fitness are proposals and no decision will have been made.

You have requested information about the reasons for the proposed changes to the conditions of fitness. I am enclosing a copy of the report to the scrutiny committee for your information. This sets out the basis for the recommendations and also includes a summary of the consultants' report. I also enclose a copy of the consultants' report. You will see that a copy of your letter of 21 March 2006 has been included.

My impression from your letter is that your greatest concern is about the proposal that all hackney carriages are required to be a particular colour. This is summarised in Paragraph 4.9 of the Supporting Information section of my report. You will see from my report that the proposed revisions to the conditions would enable a wider range of vehicles to be licensed. In this case, the Council is required to ensure that hackney carriages and private hire vehicles can be differentiated. The Council consulted on this and from the public's response officers have concluded that it could be best achieved by means of colour, and by the Council's crest and wording displayed on the vehicles.

Unfortunately, it is very difficult to reconcile the recommendation to achieve a different appearance of hackney carriages from private hire vehicles by means of colour, with your desire to make your vehicles, both hackneys and private hire, look the same by means of colour. The present proposal is for hackney carriages to be black. I do not think it is likely that another colour would be preferable to you. However, if it would, perhaps you could let me know what your preference would be and explain why. I can then put this before Cabinet on 25 September. There is also some flexibility on the size, design and positioning of the Council's crest. Your views on this would also be welcomed.

You will see that the recommendations with regard to a change of colour for hackney carriages is linked to further consultation with the hackney carriage trade about the implementation timetable for vehicles already licensed.

You also raise the question of whether it is appropriate for the City Council to relax its requirement relating to floor heights. You will see that the report recognises that this may have some effect on the accessibility of taxis. Ideally, all taxis would have lower floors. However, the Council can only specify requirements that are necessary to ensure vehicles are suitable for use as taxis in Leicester. This was the purpose of the roadshow in June that you visited. The outcome of this was that there was no perceptible difference in people's views on the ease of access between the different types of vehicles that could be licensed.

I trust that this answers the points you have raised in your letter. Your letter has been copied to all members of the Environment and Culture Scrutiny Committee and I will also copy this reply to them. If I can assist you further please let me know. In particular, I would repeat my earlier offer to meet with you to discuss your concerns.

Yours faithfully

Mike Broster - Head of Licensing and Environmental Health

6th September 2006

Mike Broster
Leicester City Council
New Walk Centre
Welford Place
Leicester
LE1 6ZG

Dear Mr Broster

Thank you for your letter dated 5th September, which I have read with interest. At this present time I have no further comments to make regarding the issues listed. I have sent several letters already making my feelings quite clear and I have raised all the points that I felt necessary.

I have since spoken to my solicitor who advised us to wait before we take any further action. Please be advised that we will be seeking further legal advice and taking any necessary steps including court proceedings, dependant on the out come at the end of this month.

Yours faithfully

Michael Norton
Proprietor

15th September 2006
Ref: City Council – Taxi.2

Cllr Roger Blackmore
Leader and Chair of Cabinet
Cabinet Committee
Leicester City Council
c/o Members Services
New Walk Centre
Welford Road
Leicester

Dear Cllr Backmore,

Re: Hackney carriages – Your future step height 1ft 9inches?

I am writing to ask Cabinet to consider further information as agreed at the Environment and Culture Scrutiny Committee on the 6th September 2006.

Members may already be aware that LCIL has raised a number of concerns over the decision that Cabinet is being asked to make in relation to the above issue and I would like to thank members for taking the time to read further correspondence on this matter.

1. Cabinet will be aware that the Disability Discrimination Act 2005, is being introduced with effect from the 4th December 2006, and that as a public authority you will be shortly required to produce a Disability Equality Scheme and Action Plan. The legislation places a number of new duties on the Local Authority in respect of disabled people. Whilst being seen as similar to the Race Relations Amendment Act it has a number of significant differences, which requires a more pro-active approach. Within the legislation there are a number of duties

that are designed to give equal treatment and a more positive approach to disabled people.

2. The term disabled people, within this legislation also includes people with hidden impairments and increasingly people with long term health conditions. Current figures identify that 1 in 4 families take into account the needs of disabled people in deciding on the transport they use. (DRC)
3. At the same time taxi's, and by this term I am referring to Hackney Carriages, for the purpose of this discussion, are being brought under the definition of a 'service' within the Goods, Services and Facilities section of the existing legislative requirements of the Disability Discrimination Act 1995.
4. It is my understanding, backed by research and confirmation from the Disability Rights Commission. That as a service provider, the act with effect from the 4th December 2006 makes it unlawful for any taxi driver to discriminate against a disabled person by refusing to provide a service which it provides to the public or in the standard of the service which it provides to the public, or in the terms on which it provides the service. As a consequence there is potential that taxi drivers may fall foul of this legislation if they choose to use a taxi which unreasonably restricts access by disabled people.
5. Subsequently, any decision taken by the council to change the conditions of fitness in the knowledge that disabled people may be detrimentally affected by this decision may exasperate this situation and it is important to note that decisions made before the 4th December 2006 can be taken into account in determining outcomes.
6. Criticism has been made that disabled people have not voiced their views on this issue, despite being invited to do so. In order to prepare this information for cabinet I sent one e-mail as a test to a number of organisation with whom I have contact. With only one exception of the replies I have received, all have stated their total opposition to the introduction of a change that will see a rise in the step height within

the conditions of fitness for taxis. All but two state that my email was the first time that they have been aware of this issue. The replies I have received came from the voluntary and community sector, the private sector and I have also received further verbal comments from senior staff within the PCT's and the City Council. The replies indicate that many hundreds if not thousands of people will be affected by an increase in step height.

7. Of the two individuals who did acknowledge being contacted I have the following statements: one person stated that they replied immediately to Leicester City Council pointing out that the way the letter was written was unhelpful and would not target their group of disabled people. They are still awaiting a reply to their letter. The second person said that they knew that this had been spoken about briefly in a meeting they had attended, but gained the impression that any change being introduced would be to make the services more accessible. They further commented that on the day before the Roadshow they were contacted urgently by Leicester City Council staff and asked to attend another meeting on another matter which appeared to be more problematic. Given as they believed that the changes relating to taxis was meant to be positive.
8. LCIL spent a short period of time at the road show taking relevant measurements. During the time we observed at least two people who were having great difficulty in getting into the taxi. In addition a couple, one of whom was a wheelchair user faced so much difficulty that even with the support of the driver they totally failed to access one of the cabs. Even the video presented by the researchers if viewed with an understanding of disability and access issues clearly shows the problems that will be created.
9. Furthermore the research undertaken by the appointed consultants, points to the lack of satisfaction by disabled people, in relation to the issue of step height. Likewise the manufacturers are also equally divided on the value of introducing a step height, this is despite the fact that their vehicles do not currently comply with the current conditions of fitness.
10. Whilst accepting that the current guidance is not indeed a legal position it is surely incumbent on the Cabinet to consider the impact

not only on disabled people who are wheelchair users and were referred to in the Impact Assessment but also the impact on disabled and elderly people who are mobile but face serious limitations in their ability to access step heights. Children and families with buggies will also be similarly impacted. None of whom were considered in the completion of the impact assessment process. A mistake that can be made when a stereotypical view of disability is applied.

11. Whilst the existing taxi's may indeed be lacking in their ability to meet all of the needs of every member of the public, a point that we would not contest as no vehicle will ever meet the needs of everybody. All national research clearly demonstrates that changing the step height is a retrograde move. Taxi regulation changes are forthcoming and common sense dictates that all of these changes are being designed to make access to the taxi more achievable not less.
12. We acknowledge that the Council in undertaking this exercise was seeking to introduce a wider choice but there is a fundamental problem with changing the height of the step. If the proposal is approved to increase the height the taxi step will increase by 6 inches, from the current challenging height of 1ft 3 inches (0.38m) to a new step height of 1ft 9 inches (0.53m)
13. It is also important to note that the issue under consideration is hackney carriages. Not taxi's per se. The clear difference being that these vehicles are held in ranks and not booked in advance. Such a booking would enable the caller to potentially identify the type of taxi that may be suitable for their needs.
14. Taxi Ranks by their very nature means that the public is expected to get into the first available taxi. The question is then how will the public be able to tell which taxi is fitted with a lower step height and will taxi drivers be prepared to allow the public to access any taxi within the rank regardless of their position.
15. We further note that the changes to taxi's may be more stringent in the future and the date for this change has been described rather unhelpfully as possibly not before 2010. The question this raises then is based on the average lifetime of taxi used within Leicester. Is there a danger of agreeing to a change that will not only be detrimental to elderly people, disabled people, children and parents but will it also create a situation where a taxi driver will

be required to change their vehicle more quickly than planned to fall in line with the new requirements.

16. Finally whilst we have pointed out the biggest barrier in relation to step height we would draw your attention to other key changes that will also impact detrimentally on disabled people and one of the reasons why we suggested the report was referred back. The recommended conditions of fitness lack any reference to the need for a loop system,(a reasonable adjustment under the service provision of the DDA for all service providers), and makes no reference to the need for colour contrasts, that would support people with visual impairments. The report interestingly suggests that rear loading should be considered which is rather alarming considering that we understand that this issue has already been debated and recognised as inappropriate for hackney carriages in an Early Day Motion presented to parliament and more recently at the European Commission on Motor Transport.

It is clear that creating a situation where litigation may become a factor is one which we would all seek to avoid, not only will it create ill feeling, it makes the very task of the Council under its new duties, to actively promote positive attitudes towards disabled people, even more difficult.

I would urge the Cabinet not to agree to any increase in the current height of 0.38m (1ft 3inches) which was the option available in the paper presented at Scrutiny Committee and I understand will be in the papers presented to you at the Cabinet meeting. Cabinet should reflect that an increase in the height to 0.53 m (1ft 9inches) will be the equivalent of a step height of 6 inches. Noticeably the maximum total height of a step within a building is just under 7 inches (177mm) raising the step height means that this is the equivalent of going up three steps in one go.

I would recommend that this report be sent back for further information in order that the Cabinet can make an informed decision in the interests of all concerned. Failing that I would strongly urge the Cabinet to keep the step height at its current level and consider in detail the issues relating to the provision of colour contrasts, rear loading and loop systems.

Yours sincerely

Dee Martin
Chief Executive

Post Consultation Correspondence Appendix K

From: "Mark Melaugh" <mark.melaugh@ageconcernleicester.org>
To: <mike.broster@leicester.gov.uk>
Subject: Hackney Carriages
Date: Wed, 20 Sep 2006 15:02:25 +0100

Mike,

Thank you for your letter and accompanying information regarding the proposed changes to the conditions for taxis in the City. We have now been to see examples of the vehicles (the M8 and the TW200). We agree with the balance that has been struck, in that, although the floor height is noticeably higher than some existing models, overall the new vehicles are probably more suited for use by those with reduced mobility. We therefore would support the recommendation that conditions which would allow these new types to operate in the City are adopted.

Regards,

Mark Melaugh MA
Chief Executive
Age Concern Leicester

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FREE CALL BACK DISABLED ACCESS INTERNET BOOKINGS

14th September 2006

Cabinet Members
Leicester City Council
Welford Road
Leicester



Dear Sir/Madame

I would like to raise the following points prior to your meeting on Monday 25th September 2006 in relation to the change of the current conditions of fitness for hackney carriages.

I am sure that you are aware that the council has previously made a decision to raise all 1340 bus stops in Leicester by 2.5 inches. This commenced in the summer of 2003. By January 6th 2005 a spokesman for the city council claimed that a total of 700 bus stops had been raised to date and that this project would take until 2009 to complete. The purpose of this exercise was to enable not only disabled travellers in wheelchairs but also people with walking sticks, mums with buggies and many other people with a disability to get on and off a bus more easily.

If the council are going to change the condition of fitness to allow vehicles with a higher floor to be licensed (as much as 6 inches in the case of the E7) then are they changing their thoughts and policies on disabled people? Will this project of raising bus stops continue or will this be stopped? To continue with this project now would be a complete waste of the taxpayer's money.

Having been at the meeting on September 6th 2006 we were amazed to see the results of the video of a customer being shown the different vehicle types. It was obvious that the user was not in the standard wheelchair but what looked like a sports wheelchair. He was also asked what he thought of each vehicle on display and from his answers you could clearly see that he had not actually travelled in a hackney style vehicle. Therefore how can his comments be valid? It is not only the loading and unloading that matters but also the actual journey.

The E7 that was actually used at the road show was also the style of vehicle that was 2 inches lower than the 2 current E7's that are licensed now. The one on show was the one that had the ramps stored at the back, which has a lower floor level. Taxi drivers want to load and unload the passengers as quickly as possible so will opt for the one that is currently being by 2 drivers now. How then can this be a fair comparison for the public to make their judgement on?

77a, Churchgate, Leicester, LE1 3AN t: 0116 26 28 222 f: 0116 26 25 754

Another factor we noticed was that some members on the scrutiny committee had little knowledge of hackney vehicles or indeed licensing laws. This was apparent by two questions in particular that were raised. Mr Karim asked if the wheelchairs were automatically clamped in. If he had a good knowledge of hackneys he would know that it is up to the driver to secure the wheelchair. The Chair person of the meeting also asked how if all hackneys were black, how could a person identify with a particular company that they wanted to use. He stated that a complaint had been received from a student who had been ripped off several times by hackneys and wanted to use a particular company from now on, who had hackneys on their fleet. He should know that these could be pre-booked via the office of that particular company.

It was pointed out by Mr Broster that no complaints had been received regarding the two E7's that were currently licensed about blocking pavements and roads while having to get out the extra long ramps in order to load wheelchair passengers, especially for the larger wheelchairs who need the longer ramps. How many times do you see a person in a wheelchair flagging down a hackney? Have they actually picked up any people travelling in a wheelchair yet for this to be a true reflection of the fact? I have on several occasions had customers come round to our office asking for a wheelchair vehicle as the ones on the rank will not take them or do not have the ramps with them.

As the increase of floor height seems to be the biggest bone of contention, Dee Martin who is the chief executive for the centre of Integrated Living in Leicestershire made some very valid comments at the meeting. There are currently 67,520 people registered disabled and a lot of these are not wheelchair bound but simply old, less mobile or suffer some disability that makes getting in and out of vehicles very difficult. She asked how people trying to flag down a hackney (that may be all black with the new proposals) were supposed to know what floor height the vehicle has. Some are better for them to travel in than others so if the conditions of fitness are changed to allow vehicles with higher floor heights, how will they know which ones they can get into and which they can not. How many will they have to flag down or long will they have to keep walking down a queue of hackneys, trying each one until they are successful.

Another point that was raised concerning ramps was that at places such as age concern where there is little space for unloading and loading it is very hard to use the ramp extensions. Due to the increase in the angle of the ramp both taxi drivers and carers may suffer more back problems as they try and load heavy passengers if a vehicle with a higher floor is used.

At the end of the discussion about the conditions of fitness, the committee failed to be able to make any recommendations even though they had seen all the evidence, been present for various speakers and received the results of the survey carried out by Halcrow. Two members even left before this stage. How then can the committee feel that they have the right information to make such a major decision?

Swift Yellow Cars/ Swift Fox Cabs have sent in several letters stating why we do not want the current conditions relaxing. The most obvious reason being because of our unique livery that we have spent years building on to achieve our excellent reputation.

We actually run TX1's and TX11 vehicles ourselves on our fleet. The reason being that we feel that they are the best and most suitable wheelchair vehicles available on the market. We feel very strongly that we are being penalized just because a few hackney drivers want to drive what in our opinion, a vehicle which is no more than a converted van (hence the high floor level).

We urge you to think very carefully about any changes to the current condition of fitness, as if these are changed and it is decided that all hackneys are to be painted black, then we will once again be forced to take legal action in order to protect our business.

Yours truly,

A handwritten signature in black ink, appearing to read "M Norton". The signature is written in a cursive style with a large initial "M" and a long horizontal stroke extending to the right.

Michael Norton
Proprietor