



Leicester
City Council

Minutes of the Meeting of the
LICENSING AND PUBLIC SAFETY COMMITTEE

Held: THURSDAY, 13 JULY 2017 at 5:30 pm

P R E S E N T :

Councillor Thomas (Chair)
Councillor Hunter (Vice Chair)
Councillor Singh Johal (Vice Chair)

Councillor Dr Barton
Councillor Cank

Councillor Fonseca
Councillor Unsworth

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1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Byrne and Shelton.

2. DECLARATIONS OF INTEREST

Councillor Thomas declared an Other Disclosable Interest in Minute No 9 as he used hackney carriage vehicles with wheelchair access.

Councillor Unsworth declared an Other Disclosable Interest in Minute No 10 as a relative was employed on designing ULEVs.

In accordance with the Council's Code of Conduct the interests were not considered so significant that they it were likely to prejudice Councillor Thomas' or Councillor Unsworth's judgement of the public interest. Neither Councillor was therefore required to withdraw from the meeting during consideration and discussion on the items involved.

3. MEMBERSHIP OF THE COMMITTEE

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

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

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

4. TERMS OF REFERENCE

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

5. DATES OF MEETINGS

The dates for Committee meetings for the municipal year 2017/18 approved by the Annual Council meeting on 11 May 2017 were noted as:-

Tuesday 15 August 2017 - This meeting had now been cancelled and brought forward to 13 July 2017.

Tuesday 24 October 2017

Tuesday 24 April 2018

6. MINUTES OF PREVIOUS MEETING

RESOLVED:

that the minutes of the meeting held on 25 October 2016 be approved as a correct record.

7. PETITIONS

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

8. QUESTIONS, REPRESENTATIONS, STATEMENTS OF CASE

The Monitoring Officer reported that no questions, representations and statements of case had been submitted in accordance with the Council's procedures.

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

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

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

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

- a) The overall width of the vehicle is 1986mm, which exceeds the maximum width of 1845mm specified in Appendix 1.
- b) The top of the tread for any entrance is shown to be 0.56m, although Appendix 1 specifies a maximum of 0.53 metres above ground level when the vehicle is unladen. However, the manufacturers comments that the vehicle is fitted with a side step with a height of 0.22m.
- c) The manufacturers had been asked to address these deviations from the conditions of fitness and their response would be reported verbally at the meeting.

The vehicle had been checked by Licensing Enforcement Officers on 13 July 2017 and it was reported that the details provided by Allied Vehicles on the vehicle compliance form were correct. The Enforcement Officers had made two observations that the location of the wheelchair anchorage was different to other vehicles and that the intermediate step which automatically extended from underneath the vehicle when the side door opened would stop automatically if it hit an obstruction. The step could be manual overridden by the driver if necessary.

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

The Chair then invited Simon Guillatt and Lucy Bradley from Allied Vehicles to outline the reasons for the company's application. It was stated that:-

- The company were asking all councils to approve the vehicle for use as a hackney carriage.
- The vehicle offered 6, 7 or 8 seat variations for a standard price of £34,000 for the manual transmission. An automatic transmission option was available for an additional £1,500
- The vehicle had a full EC Whole Vehicle Type Approval certificate.
- A number of Councils had already approved the vehicle for use as a hackney carriage.
- The vehicle met the Euro 6 emissions standards.

At 5.46 pm the Chair adjourned the meeting to enable Members to inspect the vehicle, which was parked outside of the City Hall.

Members inspected the vehicle and experienced entering and leaving the vehicle and seating arrangements. Members also observed the operation of the automatic step and wheelchair ramp and observed the wheelchair loading procedure and anchorage points.

At 6.07 pm the meeting was reconvened with all Members present who were present when the meeting was adjourned.

Following the inspection of the vehicle, Members asked questions of the representatives of Allied Vehicles and the following responses were received:-

- Although the top of the tread was 0.03m above the Council's specification, the intermediate step height was 0.25m from the ground and the height to the top of the tread was then 0.31m. The intermediate steps had LED lights at the edge for passengers' safety.
- The ramp for wheelchair access to the vehicle was an integral part of the design of the vehicle and was longer than most vehicle ramps because of the extra width of the vehicle. The integral ramp had been incorporated to save storage space. As the ramp was longer it reduced the gradient of the ramp for loading a wheelchair.
- There was a four point wheelchair securing system with a 3 point wheelchair passenger belt. When secured in place the wheelchair was backward facing.
- The additional width of the vehicle meant that there was extra space between each of three bucket seats behind the driver's bulkhead.
- Although the width of the vehicle exceeded the Council's maximum width by 141mm, the vehicle was no wider than the commercial Ford Tourneo Transit van on which it was based.

The solicitor to the Committee provided legal advice on the application. Members were informed that they could depart from the current requirements provided they felt that the benefits of licensing the vehicle outweighed the disadvantages outlined in paragraph 5 of the report, and that they gave justifiable reasons for doing so.

Members discussed the merits of application and,

RESOLVED:

That the application for the Ford Procab to be approved for licensing as a hackney carriage vehicle be approved.

The reasons for the Members making their decision were that the two areas

where the vehicle was not compliant with the Council's Conditions of Fitness for Hackney Carriage were considered to be minimal differences. The vehicle met the needs of passengers and drivers and had some extra features which were beneficial. It was felt that there should be a range of vehicles operating in the City as hackney carriages to cater for the differing needs of both drivers and passengers.

10. TEMPORARY EXTENSION OF AGE POLICY FOR HACKNEY CARRIAGES

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

The current policy on vehicle age provided that no vehicle would be licensed once it was over 11 years old. The current policy was approved by the City Mayor on 12 June 2012 and it permitted no exceptions to the policy.

The Leicester's Air Quality Action Plan (2016-2026) Healthier Air for Leicester set out a number of measures to accelerate improvements in air quality and deliver public health benefits. One such measure was to introduce a low emission zone focused initially on buses using the bus stations and to work towards an ultra-low emission zone (ULEZ) for all vehicles by 2026 or sooner. A further measure was to work with bus, freight, rail and taxi transport sectors to reduce their environmental impact.

Although there were no ULEV Hackney Carriages available for purchase and delivery, media releases from the manufacturers and other bodies such as Transport for London had indicated that vehicles would "start to be available" mid/late 2017.

A number of operators had asked to be allowed to use vehicles older than was permitted by the Age Policy to bridge the gap before they were able to acquire Ultra Low Emission Vehicles (ULEVs). Operators felt this would provide an opportunity to advance the Air Quality Plan by supporting owners of hackney carriages who want to replace their existing old hackney carriage with a new ULEV hackney carriage.

The report profiled the age of the current Hackney Carriage and Private Hire fleets operating in the City and identified those that would be reaching their end of life in the next 18 months.

The report set out three options for members to consider. These were:-

Option A – Proof of Purchase

A temporary relaxation of the vehicle age policy granted solely to an owner of a licensed hackney carriage vehicle who had a bona-fide arrangement in place to replace their vehicle with a ULEV on or before 30 September 2018. On the 30 September 2018 the 11 year rule would be applied and the existing vehicle would be removed from service. 6

monthly vehicle tests would continue to apply during the temporary relaxation period.

Option B – Commitment Only Option

A temporary relaxation of the vehicle age policy granted solely to an owner of a licensed hackney carriage vehicle who had made a commitment to replacing their vehicle with a ULEV on or before 30 September 2018. On the 30 September 2018 the 11 year rule would be apply and the existing vehicle would be removed from service. 6 monthly vehicle tests would continue to apply during the temporary relaxation period.

Option C – Temporary General Moratorium

A temporary relaxation of the vehicle age policy for any vehicle having a last licensable date after the date of the decision to authorise a temporary relaxation to enable a vehicle to be relicensed for 12 months. A review of the termination date for the option would be considered in April 2018, taking into account the availability of approved ULEVs for delivery at that time. 6 monthly vehicle tests would continue to apply during the temporary relaxation period.

Studies carried out involving hackney and private hire vehicles licensed in Leicester, concluded that ULEVs were most suited to the hackney trade due to the type of work and distances travelled. Hybrid vehicles were already available and could currently be licensed as private hire vehicles. A minor change to the current policy (regarding fuel type) in LCC Guidance Notes was required to enable ULEVs to be licensed as private hire vehicles.

The Chair indicated that he had invited representatives of the RMT Union to the meeting to provide the Committee with specialist views on the proposals.

The RMT Union requested that the Council consider an amended version of Option C – Temporary General Moratorium and grant the relaxation of the age policy until 2020 as it was believed that there would be a wider range of vehicles and models from which to choose and it would give Hackney Carriage drivers more time to prepare for purchasing ULEVs. The RMT Union also suggested that the relaxation could be accompanied by an increase in the number of mandatory tests.

Members discussed the options following questions noted the following responses:-

- a) Option A would not be available to drivers until order books were opened by manufacturers and the date for this was not known at the present time.
- b) Option B could not be enhanced with an enforceable SLA as the granting of a licence was based upon statutory provisions and these did

make provision for a local authority to do this.

- c) Option C included a review of the temporary relaxation in April 2018 which would enable the Council to determine if there were a sufficient supply and choice of manufacturers of ULEVs at that time. This also provided an opportunity to extend the relaxation for a further period should the anticipated supply of vehicles and choice of manufacturers not materialise before then.
- d) The amended Option C suggested by the RMT Union would mean there would be 13 and 14 year old vehicles operating in the City by 2019.
- e) Officers were also pursuing a grant application which could provide a financial incentive for drivers to purchase ULEVs.
- e) The current Council policy did not mandate the use of ULEVs. Hackney Carriage drivers whose vehicles exceeded the 11 year age policy could still choose to buy a non-ULEV replacement vehicle and not take advantage of any temporary relaxation of the current policy. These replacement vehicles would, under current Council policy, be eligible to be used until they too reached the 11 year age limit.
- g) The current 11 year age policy was based primarily on ensuring public safety and applied to all vehicles. The safety considerations included steering, suspension and mechanical integrity of the vehicle etc. The risk to safety increased with age and usage. There were no grounds at this stage to apply a different age policy to ULEVs and the issue was not under consideration at this time

RESOLVED:

That the City Mayor be informed that the Committee recommends Option C be implemented as this gives further options to extend the temporary relaxation if the anticipated supply and choice of manufacturers of ULEVs does not materialise and still provides assurances for public safety during the extension period.

11. CLOSE OF MEETING

The Chair declared the meeting closed at 7.44 pm.