



Leicester  
City Council

## **MEETING OF THE LICENSING AND PUBLIC SAFETY COMMITTEE**

**DATE: MONDAY, 5 MARCH 2018**

**TIME: 5:30 pm**

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

### **Members of the Committee**

Councillor Thomas – Chair

Councillor Hunter – Vice Chair

Councillor Singh Johal – Vice Chair

Councillors Dr Barton, Byrne, Cank, Fonseca, Shelton and Unsworth.

1 unallocated Non-Grouped Place

Members of the Committee are summoned to attend the above meeting to consider the items of business listed overleaf.

for The Monitoring Officer

**Officer contact : Angie Smith**  
*Democratic Support*  
*Leicester City Council*  
City Hall, 115 Charles Street, Leicester, LE1 1FZ  
(Tel. 0116 454 6354)  
Email: [angie.smith@leicester.gov.uk](mailto:angie.smith@leicester.gov.uk)

## Information for members of the public

### Attending meetings and access to information

You have the right to attend formal meetings such as full Council, committee meetings & Scrutiny Commissions and see copies of agendas and minutes. On occasion however, meetings may, for reasons set out in law, need to consider some items in private.

Dates of meetings and copies of public agendas and minutes are available on the Council's website at [www.cabinet.leicester.gov.uk](http://www.cabinet.leicester.gov.uk), from the Council's Customer Service Centre or by contacting us using the details below.

### Making meetings accessible to all

Wheelchair access – Public meeting rooms at the City Hall are accessible to wheelchair users. Wheelchair access to City Hall is from the middle entrance door on Charles Street - press the plate on the right hand side of the door to open the door automatically.

Braille/audio tape/translation - If you require this please contact the Democratic Support Officer (production times will depend upon equipment/facility availability).

Induction loops - There are induction loop facilities in City Hall meeting rooms. Please speak to the Democratic Support Officer using the details below.

Filming and Recording the Meeting - The Council is committed to transparency and supports efforts to record and share reports of proceedings of public meetings through a variety of means, including social media. In accordance with government regulations and the Council's policy, persons and press attending any meeting of the Council open to the public (except Licensing Sub Committees and where the public have been formally excluded) are allowed to record and/or report all or part of that meeting. Details of the Council's policy are available at [www.leicester.gov.uk](http://www.leicester.gov.uk) or from Democratic Support.

If you intend to film or make an audio recording of a meeting you are asked to notify the relevant Democratic Support Officer in advance of the meeting to ensure that participants can be notified in advance and consideration given to practicalities such as allocating appropriate space in the public gallery etc.

The aim of the Regulations and of the Council's policy is to encourage public interest and engagement so in recording or reporting on proceedings members of the public are asked:

- ✓ to respect the right of others to view and hear debates without interruption;
- ✓ to ensure that the sound on any device is fully muted and intrusive lighting avoided;
- ✓ where filming, to only focus on those people actively participating in the meeting;
- ✓ where filming, to (via the Chair of the meeting) ensure that those present are aware that they may be filmed and respect any requests to not be filmed.

### Further information

If you have any queries about any of the above or the business to be discussed, please contact Angie Smith, **Democratic Support on (0116) 454 6354** or email [angie.smith@leicester.gov.uk](mailto:angie.smith@leicester.gov.uk) or call in at City Hall, 115 Charles Street, Leicester, LE1 1FZ.

For Press Enquiries - please phone the **Communications Unit on 454 4151**

## **PUBLIC SESSION**

### **AGENDA**

#### **FIRE/EMERGENCY EVACUATION**

If the emergency alarm sounds, you must evacuate the building immediately by the nearest available fire exit and proceed to area outside the Ramada Encore Hotel on Charles Street as Directed by Democratic Services staff. Further instructions will then be given.

#### **1. APOLOGIES FOR ABSENCE**

#### **2. DECLARATIONS OF INTEREST**

Members are asked to declare any interests they may have in the business on the agenda.

#### **3. MINUTES OF PREVIOUS MEETING**

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

The minutes of the meeting held on 24 October 2017 are attached and the Commission will be asked to confirm them as a correct record.

#### **4. PETITIONS**

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

#### **5. QUESTIONS, REPRESENTATIONS, STATEMENTS OF CASE**

The Monitoring Officer to report on the receipt of any questions, representations and statements of case submitted in accordance with the Council's procedures.

#### **6. CONSIDERATION OF THE LEVC TX ULTRA-LOW EMISSION VEHICLE FOR LICENSING AS A HACKNEY CARRIAGE**

**Appendix B  
(Pages 5 - 14)**

The Director of Neighbourhood and Environmental Services submits a report.

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

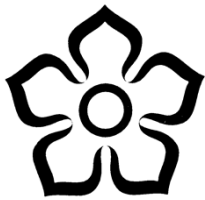
**7. DIFFERENTIAL CHARGING OF WHEELCHAIR-DEPENDENT PASSENGERS**

**Appendix C  
(Pages 15 - 18)**

The Director of Neighbourhood and Environmental Services submits a report which advised Members of action taken by the Licensing Enforcement Team to ensure that wheelchair dependent passengers using Private Hire Vehicles are not discriminated against through the imposition of additional charges.

The Committee is recommended to note the action take to address discriminatory issues described.

**8. ANY OTHER URGENT BUSINESS**



Leicester  
City Council

Minutes of the Meeting of the  
LICENSING AND PUBLIC SAFETY COMMITTEE

Held: TUESDAY, 24 OCTOBER 2017 at 5:30 pm

P R E S E N T:

Councillor Thomas (Chair)  
Councillor Hunter (Vice Chair)

Councillor Cank  
Councillor Fonseca

Councillor Shelton  
Councillor Unsworth

\* \* \* \* \*

**12. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Dr. Barton, Byrne and Shelton.

**13. DECLARATIONS OF INTEREST**

There were no declarations of interest made.

**14. MINUTES OF PREVIOUS MEETING**

RESOLVED:

that the minutes of the meeting held on 13 July 2017 be approved as a correct record.

**15. PETITIONS**

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

**16. 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.

## **17. TAXI DRIVERS - CODE OF CONDUCT AND PENALTY POINTS SCHEME**

The Director of Neighbourhood and Environmental Services submitted a report which informed the Committee of the City Mayor's decision regarding the code of conduct and Penalty Points Scheme for taxi drivers. The Committee was recommended to note the decision.

The Licensing Team Manager presented the report. It was noted that, following further consultation in December 2016 / January 2017, members of the public still had concerns with driver behaviour and supported the Penalty Points Scheme.

It was reported that on the 6 September 2017, the City Mayor confirmed the Scheme was to be made a permanent arrangement, and that the Director of Neighbourhood and Environmental Services be given authority to make alterations to the Scheme as necessary, in consultation with the relevant Assistant Mayor, as required by the Council Constitution and any relevant Committee.

Members suggested that officers engage with new and existing taxi drivers to ensure they were educated with regards to the Scheme, so that drivers did not fall foul of the system put in place.

RESOLVED:

That the report be noted.

## **18. TEMPORARY RELAXATION OF TAXI AGE POLICY FOR HACKNEY CARRIAGES**

The Director of Neighbourhood and Environmental Services submitted a report which informed the Committee of the City Mayor's decision regarding the temporary relaxation of the Taxi Age Policy for hackney carriages. The Committee was recommended to note the decisions.

The Licensing Team Manager presented the report. Members were reminded that at the meeting on 13 July 2017 the Committee recommended to the City Mayor that Option C be implemented, as outlined in the report. The temporary relaxation of the Taxi Age Policy was to encourage drivers to replace older vehicles with ULEVs. Members were informed that only one owner had contacted Licensing to take advantage of the extension to date.

In response to Members' questions, they noted the following responses:

- In terms of any vehicle, whether second hand or new, before it was licensed to be a taxi it was tested, and then again after six months;
- If a manufacturer contacted the Council with information on a ULEV, it would be placed as an agenda item for Committee for Members to view before adding to the list of permitted vehicles;
- When buying a brand new vehicle, by June 2019, it should be just as easy

to buy a ULEV as a normal car. It would be up to the operator to ensure they purchased a vehicle in time;

- The Director of Neighbourhood and Environmental Services had been given the ability to move the end of the moratorium from 30 June 2018 to a later date if there were problems for drivers in purchasing a ULEV, though the final end date was fixed at 31 March 2019.
- If there was still a problem in March 2019, it would be possible to go to the City Mayor to extend the time period further.

The Chair asked Members to note the report. It was agreed that a further meeting be called if further information on ULEVs became available.

RESOLVED:

1. That the decision regarding the temporary relaxation of the Taxi Age Policy for hackney carriages be noted;
2. A further meeting be called if information on ULEVs became available.

#### **19. ANY OTHER URGENT BUSINESS**

There were no other items of urgent business.

#### **20. CLOSE OF MEETING**

The meeting closed at 6.09pm







Leicester  
City Council

WARDS AFFECTED  
All

# Appendix B

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

**5 March 2018**

---

## **Consideration of the LEVC TX ultra-low emission vehicle for licensing as a Hackney Carriage**

---

### **Report of the Director of Neighbourhood and Environmental Services**

#### **1. Purpose of Report**

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

#### **2. Recommendations**

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

#### **3. Summary**

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

#### **4. Background**

- 4.1. The Licensing Committee has approved a number of vehicles for licensing as hackney carriages. These include some vehicles that do not fully comply with the revised Conditions of Fitness, because Members considered that the advantages of licensing them outweighed the disadvantages.
- 4.2. The manufacturers have been asked to demonstrate the vehicle on 5 March 2018, should any members wish to see it.

- 4.3. The TX is an ultra-low emission vehicle (ULEV). The council does not have any ULEVs currently approved for licensing as hackney carriages. However, the age policy on the licensing of hackney carriages was temporarily relaxed from September 2016 in order to provide the opportunity for the owners of older hackney carriage vehicles to replace those vehicles with ULEVs.

## **5. Compliance Summary**

- 5.1. A vehicle compliance form has been completed by the manufacturer of the TX, which shows that the vehicle is not fully compliant with the conditions of fitness. The area where the vehicle is not compliant is:
- The overall width of the vehicle is 1874mm, which exceeds the maximum width of 1845mm specified in Appendix 1 by 29mm.
  - The seat spacing is 0.448 m with adequate foot room. The minimum width specified in Appendix 1 is 0.48 m, although this may be reduced to 0.435 m provided adequate foot room is maintained at floor level.
  - The manufacturers have been asked to address to these deviations from the conditions of fitness and their response will be reported verbally at the meeting.
- 5.2. The vehicle has not been checked by an enforcement officer at the time of writing the report, but this will take place before the committee meeting on 5 March 2018 and will be reported upon verbally.
- 5.3. A certificate of European Whole Vehicle type approval has been provided for the vehicle.

## **6. Vehicle options**

- 6.1 At the Licensing Committee meeting on 6 September 2010, Members asked about options available for vehicles that are presented for approval to be licensed as hackney carriages.
- 6.2 The suppliers have been asked to provide details of the options available for this vehicle and they have provided a brochure that shows there are two option packs in addition to the standard vehicle equipment. A copy of the brochure will be available for members to view at the committee meeting.

## **7. FINANCIAL, LEGAL AND OTHER IMPLICATIONS**

### **7.1. Financial Implications**

There are no direct financial implications arising from this report.

*Colin Sharpe, Head of Finance*

### **7.2. Legal Implications**

Section 37 of the Town Police Clauses Act 1847, gives the Council power to decide which vehicles it will licence as a Hackney Carriage. Section 47 of the Local Government (Miscellaneous Provisions) Act 1976 (" the 1976 Act") gives the Council discretion to place conditions on the licensing of hackney carriages. In applying this, members need to have consideration of their statutory obligations under the human rights and equalities legislation.

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

As stated in point 5 of the report the LEVC TX has been shown not to be fully compliant with the City Council’s Conditions of Fitness. Therefore it can only be approved by the Licensing Committee as a vehicle that can be licensed as a Hackney Carriage within the City, if the Committee is satisfied that justifiable reasons exist to license a vehicle that does not completely comply with the conditions.

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

*Katherine Jamieson – Solicitor, Legal Services*

**8. Other Implications**

<b>OTHER IMPLICATIONS</b>	<b>YES/ NO</b>	<b>Paragraph/References Within the Report</b>
Equal Opportunities	No	
Policy	No	
Sustainable and Environmental	No	
Crime and Disorder	No	
Human Rights Act	No	
Elderly/People on Low Income	No	
Corporate Parenting	No	
Health Inequalities Impact	No	

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

9.1. None

**10. Consultations**

10.1. None

**11. Report Author**

11.1. Rachel Hall, Licensing Team Manager  
0116 4543047

[Rachel.hall@leicester.gov.uk](mailto:Rachel.hall@leicester.gov.uk)



## APPENDIX 1

### **HACKNEY CARRIAGE LICENSING – CONDITIONS OF FITNESS**

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

##### **APPLICATION**

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

##### **GENERAL CONSTRUCTION**

2. Every cab must comply in all respects with the requirements of any Acts and Regulations relating to motor vehicles in force at the time of licensing including the Motor Vehicle (Type Approval) Regulations 1980 and 1980, and the Motor Vehicles (Construction and Use) Regulations 1984. It must also comply fully with all other test requirements and conditions imposed by Leicester City Council and in force at the time of licensing.
3. Every cab must be type approved to the requirements of the M or M1 category of European Whole Type Approval 70/156/EEC as amended. Those cabs (e.g., van conversions) which have not been type approved must be presented with approved certification that the specific vehicle meets the requirements of one of those categories.

##### **STEERING**

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

##### **BRAKING SYSTEM**

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

##### **FUEL TANKS**

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

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

## **ENGINE EMISSIONS**

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

## **INTERIOR LIGHTING**

8. Adequate lighting must be provided for the driver and passengers. Separate lighting controls for both passengers and driver must be provided. In the case of the passengers compartment an illuminated control switch must be fitted in an approved position. Lighting must also be provided at floor level to every passenger door and be actuated by the opening of those doors.

## **ELECTRICAL EQUIPMENT**

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

## **FIRE APPLIANCES**

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

## **BODY DESIGN**

11. The body must be of the fixed head type with a partially glazed partition glazed partition separating the passenger from the driver.
12. a) Outside dimensions:
  - (i) The overall width of the vehicle exclusive of driving mirrors must not exceed 1.845 metres.
  - (ii) The overall length must not exceed 5 metres.
- b) Inside dimensions of passengers compartment:
  - (i) The vertical distance between the point of maximum deflection of the seat cushion when a passenger is seated to the roof immediately above the point must not be less than 96.5 centimetres.
  - (ii) The width across the rear seat cushion must not be less than 1.07 metres.
13. Any curvature of the floor of the passenger's compartment must be continuous and must not exceed 2 centimetres at the partition and 5 centimetres at the base of the rear seat when measured between the centre line and sills.

14. The door and doorway must be so construction as to permit of an unrestricted opening across the doorway of at least 0.75 metres. The minimum angle of the door when opened must be 90 degrees.
15. The clear height of the doorway must not be less than 1.195 metres.
16. Grab handles must be placed at door entrances to assist the elderly and disabled.

## **STEPS**

17. The top of the tread for any entrance must be at the level of the floor of the passenger compartment and must not exceed 0.53 metres above ground level when the vehicle is unladen.
18. The outer edge of the floor at each entrance must be fitted with non-slip treads. If a colour contrast is used to aid a partially sighted person it must be of an approved type.

## **WHEELCHAIR FACILITIES**

19. Approved anchorages must be provided for the wheelchair. These anchorages must be either chassis or floor linked and capable of withstanding approved dynamic or static tests. Restraints for wheelchair and occupant must be independent of each other. Anchorages must also be provided for the safe stowage of a wheelchair when not in use, whether folded or otherwise, if carried within the passenger compartment.
20. A ramp or ramps for the loading of a wheelchair and occupant must be available at all times for use at the nearside passenger's door. An adequate locating device must be fitted to ensure that the ramp/ramps do not slip or tilt when in use. The ramp/ramps must be capable of being stowed safely when not in use.

## **PAINTWORK AND BODY FINISHES**

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

## **PASSENGERS SEATS**

22. The measurements from the upholstery at the back to the front edge of the back seat must be at least 0.40 metres and for each adult person carried a minimum of 0.40 metres must be available when measured along the front parallel edge of the seat cushion.

23. The width of each front seat must not be less than 0.40 metres and such seats must be at least 0.355 metres when measured from the back to the front of the upholstery.
24. The vertical distance between the highest point of the undeflected seat cushion and the top of the floor covering must not be less than 0.355 metres.
25. Where seats are placed facing each other there must be a clear space of 0.48 metres between any part of the front of a seat and any part of any other seat which faces it. This measurement may be reduced to 0.435 metres provided adequate foot room is maintained at floor level. Where all seats are placed facing to the front of the vehicle there must be a clear space of at least 0.66 metres in front of every part of each seat squab.
26. Front seats must be so arranged as to rise automatically when not in use. They must be symmetrically placed and at least 0.04 metres apart. When not in use front seats must not obstruct doorways.
27. All forward and rearward facing seats must be fitted with suitable head restraints.
28. Suitable means must be provided to assist persons to rise from the rear seat with particular attention to the needs of the elderly and disabled.
29. Vehicles with sliding passenger doors must have an approved visible warning system at the rear of the vehicle to indicate to other vehicles that a door is open and that a passenger may be alighting.

## **PASSENGER COMPARTMENT**

30. Every cab must be provided with an approved means of communication between the passenger and the driver. When a sliding window is fitted at the rear of the drivers compartment, the maximum width of the opening must not exceed 11.5 centimetres.
31. Windows must be provided at the sides and at the rear.
32. Passenger door window must be capable of being opened easily by passengers when seated. The control for opening a door window must be easily identified so as not to be mistaken for any other control.
33. An adequate heating and ventilation system must be fitted for the driver and passengers and means provided for independent control by the driver and passengers.
34. Approved seatbelts must be fitted to all forward facing passenger seats.
35. The flooring of the passengers' compartment must be covered with non-slip material which can be easily cleaned.



36. The windscreen must be of a laminated construction and not be tinted. All other windows and glass must be of an approved safety type.
37. An approved type of automatic door locking device must be fitted to passenger doors. When the vehicle is stationary, the passenger doors must be capable of being readily opened from the inside and outside the vehicle by one operation of the latch mechanism. The interior door handle must be easily identified so as not to be mistaken for any other control.

### **FARE TABLE AND NUMBER PLATE**

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

### **TAXIMETER**

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

### **"TAXI" SIGNS**

40. A "Taxi" sign of approved pattern, clearly visible both by day and by night when the cab is not hired, must be fitted.

### **RADIO APPARATUS**

41. Where apparatus for the operation of a two-way radio system is fitted to a cab, no part of the apparatus may be fixed in the passenger's compartment or in the rear boot compartment if LPG tanks or equipment are situated therein.
42. Any other radio equipment either in the passenger or driver compartment, must be approved.

### **FITTINGS**

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

### **MAINTENANCE**

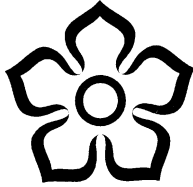
44. Cabs, including all fittings, advertisements, etc., must be well maintained and kept clean and in good working order. The vehicle will at all times be subject to test and inspection and should it be found that a cab is not being properly maintained or that any part or fitting is not in good working order, a notice will be served on the owner prohibiting him from using the vehicle until the defect has been remedied.

## **ADVERTISEMENTS**

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

## **BADGES/EMBLEMS**

51. In addition to advertisements displayed in accordance with the above requirements, the official badge or emblem of a motoring organisation which provides genuine round the clock emergency vehicle and recovery services on a country wide basis may be affixed to the radiator grille. Only one such badge or emblem may be so displayed.
52. No advertisements, badge or emblem, including the stick-on-types is to be exhibited other than as provided for the above and any subsequent conditions.



Leicester  
City Council

WARDS AFFECTED  
All

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

**5 March 2018**

---

## **Differential Charging of Wheelchair-Dependent Passengers**

---

### **Report of the Director of Neighbourhood and Environmental Services**

#### **1. Purpose of Report**

- 1.1. To advise members of action taken by the Licensing Enforcement Team to ensure that wheelchair dependent passengers using Private Hire Vehicles are not discriminated against through the imposition of additional charges.

#### **2. Recommendations**

- 2.1. Members are asked to note the action taken to address discriminatory issues described.

#### **3. Background**

- 3.1. Whilst the Council has the authority to set fares in relation to Hackney Carriages, it has no corresponding control on the prices charged by Private Hire Vehicles. Therefore, Private Hire charges are generally determined by market forces.
- 3.2. However, this must be considered in the context of the Equality Act 2010 which imposes restrictions on vehicles that are designated as wheelchair accessible. This applies to both taxis and private hire vehicles.
- 3.3. From 6 April 2017 where a driver is using a vehicle that has been designated as wheelchair accessible then they are obliged to:
  - transport wheelchair users in their wheelchair
  - provide passengers in wheelchairs with appropriate assistance
  - charge wheelchair users the same as non-wheelchair users

- 3.4. Leicester City Council is in the process of compiling the data required to publish a list of vehicle accessible vehicles.
- 3.5. Drivers of such designated vehicles found to be discriminating against wheelchair users will face fines of up to £1,000. Drivers may also face having their taxi or private hire vehicle (PHV) license suspended or revoked. Drivers unable to provide assistance for medical reasons will be able to apply for an exemption from the new requirements.

#### **4 Recent Licensing Enforcement Intervention**

- 4.1 As a result of media coverage within the East Midlands and customer complaints, the Licensing Enforcement Team have been made aware that wheelchair users that require a larger private hire vehicle were being charged an additional charge as a direct consequence of their disability.
- 4.2 The complaints specifically related to the private hire operators quoting the additional charge to the customer at the time of making the booking.
- 4.3 Within the last two months from the date of this report, there have been two complaints to the Licensing Enforcement Team that relate to two separate private hire operators quoting and subsequently charging a surcharge of £10 for the complainants journeys.
- 4.4 Upon speaking to the two holders of the private hire operator's licence, they both outlined that they thought they were able to set their own charges and that due to the type of vehicle required for wheelchair access that they would be allowed to charge a surcharge for the booking of this larger vehicle.
- 4.5 Given the Authority's enforcement policy of an incremental approach, it was determined to provide information and advice as the initial response.
- 4.6 A letter was sent to operators informing them of their obligations and importance of complying with the legislation. It also outlined the enforcement actions that would be taken if there were any further complaints or evidence that they had failed to heed the advice and had continued with that practice. The letter also signposted them to further information and guidance.
- 4.7 A copy of the content of these letters are attached as Appendix 1.
- 4.8 It is hoped that the provision of the information and guidance provided will prevent any further breaches in legislation, however to provide a reassurance, measures will be put into place to monitor compliance. If any breaches are detected then formal enforcement responses will be considered which may

include operators being referred to the Licensing Enforcement Sub-Committee to review the status of their Private Hire Operators Licence.

## 5 Financial, Legal and Other Implications

### Financial Implications

5.1 There are no significant financial implications arising from this report.

*Colin Sharpe, Head of Finance, ext. 37 4081*

### Legal Implications

5.2 Section 165-167 are the relevant sections in the Equality Act 2010. There are no legal implications arising from this report

*John Moss, Solicitor - Legal Services*

## 6 Other Implications

OTHER IMPLICATIONS	YES/ NO	Paragraph/References Within the Report
Equal Opportunities	Yes	
Policy	No	
Sustainable and Environmental	No	
Crime and Disorder	No	
Human Rights Act	No	
Elderly/People on Low Income	No	
Corporate Parenting	No	
Health Inequalities Impact	No	

## 7 Background Papers

None

## 8 Consultations

None

## 9 Report Author

Tj Mavani, Licensing Enforcement Officer

0116 4541747

[Tj.Mavani@leicester.gov.uk](mailto:Tj.Mavani@leicester.gov.uk)

Please ask for Mr. Tj Mavani  
Direct line 0116 454 1747  
Our ref: N.&ES./LIC./PHO./tm  
Date ...

**Urgent**

Mr. Name  
Name Taxis  
4 Name Road  
Leicester  
LE1 NME

Dear Operator,

**EQUALITY ACT 2010 – OVERCHARGING OF WHEELCHAIR-USERS**

As you are aware, the Licensing Team has received reports from wheelchair-users of inflated charges quoted by staff at **NAME** Taxis. The surcharges relate to bookings of wheelchair accessible vehicles and this is deemed as direct discrimination under the Equality Act 2010.

Private hire operators may legally determine their own pricing structure. However, to charge a higher rate or impose additional fees in respect of wheelchair-users is both unlawful and contrary to the spirit of the Act.

You will recall discussing this point with Licensing Enforcement Officers when you were advised of the above points.

For your information, the legislation and guidance on this subject is contained in the Equality Act 2010.

**Please note** that such allegations are regarded as serious breaches of licence. Any further complaints may result in formal enforcement action, including referral of the operator's licence to the Licensing Enforcement Sub-Committee for review.

I trust the content of this letter clarifies the situation.

Yours faithfully,

**Tj Mavani**  
**Licensing Authority**  
**Licensing Enforcement**