



Leicester
City Council

WARDS AFFECTED
All

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

13 July 2017

Consideration of the Ford Procab 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 Ford Procab, 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 Ford Procab has been put forward by the manufacturers, Allied Vehicles, 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 13 July 2017, should any members wish to see it.

5. Compliance Summary

- 5.1. A vehicle compliance form has been completed by the manufacturer of the Ford Procab, 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 1986mm, which exceeds the maximum width of 1845mm specified in Appendix 1.
 - 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 manufacturer's comments that the vehicle is fitted with a side step with a height of 0.22m.
 - The manufacturer has been asked to address 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 13 July 2017 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 advised that the only options are a manual or an automatic gearbox. The manufacturer's brochure will be available to view at the meeting on 13 July 2017.

7. FINANCIAL, LEGAL AND OTHER IMPLICATIONS

7.1. Financial Implications

There are no direct financial implications arising from this report.

Paresh Radia - Principal Accountant (City Development and Neighbourhoods & Corporate Resources)

7.2. Legal Implications

The power for the Council to license a Hackney Carriage/s ("HC/s") is contained in Section 37 of the Town Police Clauses Act 1847 and the power to place conditions on the licensing of hackney carriages is contained in Section 47 of the Local Government (Miscellaneous Provisions) Act 1976 ("the 1976 Act").

The 1976 Act states that a Council may attach to the grant of a HC 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 Ford Procab has been shown not to be fully compliant with the City Council's Conditions of Fitness and therefore can only be approved by the

Licensing Committee as vehicles 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

OTHER IMPLICATIONS	YES/ NO	Paragraph/References Within the Report
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

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