



Leicester
City Council

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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

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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