



Leicester
City Council

WARDS AFFECTED: ALL

LICENSING & PUBLIC SAFETY COMMITTEE

23 October 2018

**ULTRA LOW EMISSION VEHICLE – REQUEST FOR EXEMPTION FROM
CONDITIONS OF FITNESS FOR HACKNEY CARRIAGES**

Report of the Director of Neighbourhood and Environmental Services

1. Purpose of Report

- 1.1 The purpose of the report is to ask the Committee to grant an exemption from the council's Conditions of Fitness for Hackney carriages for an ultra low emission vehicle.

2. Background

- 2.1 The Licensing & Public Safety Committee approved the current hackney carriage conditions of fitness on 27 July 2017. The conditions of fitness are attached at Appendix A.

- 2.2 On 5 March 2018 the Committee approved the LEVC TX ultra-low emission vehicle (ULEV) for licensing as a hackney carriage. No vehicle of this type has yet been licensed as a hackney carriage. Funding has been sought from the European Regional Development Fund to allow grants to be given to help drivers with the cost of purchasing a new ULEV to license as a Hackney carriage and it is likely that drivers are waiting for the outcome of this bid.

- 2.3 The City Council is in the process of purchasing a LEVC TX ULEV, which will be used by the Passenger Transport Service in place of a minibus for some journeys. The intention is that the vehicle will also be licensed as a hackney carriage, and so will be available for existing hackney owners to use on a trial basis to see whether or not the vehicle would be suitable for them. It is hoped that this will help to overcome any concerns about battery life, the time and travelling distance between recharges, and the cost of running the vehicle.

3. Proposed exemption from conditions of fitness

- 3.1 In order to make the vehicle stand out on the road and to showcase the fact that it is an electric vehicle, it is proposed that the vehicle will be blue in colour with a white design / lettering. This will highlight the 'clean air' benefits of the vehicle and the fact that it is the first vehicle of this kind to

be licensed in Leicester. However, this would require an exemption from the conditions of fitness which require all hackneys to be black or predominantly black see item 46 in Appendix A).

- 3.2 The LEVC TX ULEV will be identifiable as a licensed hackney carriage due to the existence of the Leicester City Council crest on the bonnet and on the front doors, together with the licence plate on the rear of the vehicle. Furthermore, the body design of this particular vehicle is in keeping with the traditional shape of a hackney carriage.
- 3.3 There will be no change to the overall conditions of fitness for hackney carriages or private hire vehicles.

4. Recommendation

- 4.1 Members are asked to give approval to the exemption from the conditions of fitness for this single vehicle for the period of time that it is owned by Leicester City Council.

5 Financial & Legal Implications

Financial Implications

- 5.1 There are no direct financial implications arising from this report

Paresh Radia – Finance

Legal Implications

- 5.2 Section 47 (1) of the Local Government (Miscellaneous Provisions) Act 1976 states that a District Council may attach to the grant of a licence of a Hackney Carriage such conditions as the District Council may consider reasonably necessary.

Section 47 (2) of the Local Government (Miscellaneous Provisions) Act 1976 states that a District 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.

Local conditions of vehicle fitness are for each Local Authority to decide so can vary considerably from area to area. There is nothing to prevent a Local Authority from relaxing those conditions for a particular purpose.”

Katherine Jamieson – Legal Services

6 Background Papers – Local Government Act 1972

None

7 Consultations

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HACKNEY CARRIAGES – 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 type of vehicle that does not completely comply with the conditions or not to licence a type of 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 category¹ 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 Category M: Motor vehicles with at least four wheels designed and constructed for the carriage of passengers.

- Category M1: Vehicles designed and constructed for the carriage of passengers and comprising no more than eight seats in addition to the driver's seat.

- Category M2: Vehicles designed and constructed for the carriage of passengers, comprising more than eight seats in addition to the driver's seat, and having a maximum mass not exceeding 5 tonnes.

- Category M3: Vehicles designed and constructed for the carriage of passengers, comprising more than eight seats in addition to the driver's seat, and having a maximum mass exceeding 5 tonnes.

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, hydrogen or petrol the device must be visible and readily accessible at all times from the outside of the vehicle. In the case of an electric only powered vehicle this requirement does not apply.

ENGINE EMISSIONS

7. Engine emissions must meet a minimum of Euro 4 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 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.

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

VEHICLE AGE

44. At the time a vehicle is first presented for licensing by Leicester City Council, it must be no more than five years old, based on the date it was first registered,
45. The maximum age for re-licensing a currently licensed vehicle is eleven years.

LIVERY

46. All hackney carriages, first licensed after 1 December 2006, must have an all black livery and, in addition, the Council's Crest and the words "Hackney Carriage" displayed on the front nearside and offside doors and bonnet.

ADVERTISEMENTS

47. Suitable advertisements may be allowed on the inside and outside of the cab subject to the approval of the Council.
48. 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.
49. 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.
50. Advertisements must be of such a form as not to become easily soiled or detached.
51. All materials and adhesives used in the manufacture of and for the purpose of affixing advertised displays to cabs must be approved.
52. Applications for approval of advertisements must be made in writing to the Licensing Officer of the Leicester City Council.

BADGES/EMBLEMS

53. 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.
54. 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.

MAINTENANCE

55. 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.