

	CONDITIONS TO REFLECT CHANGES IN LEGISLATION AND CENTRAL GOVERNMENT POLICY IS DELEGATED TO THE ENVIRONMENTAL HEALTH TEAM MANAGER FOLLOWING CONSULTATION WITH THE PORTFOLIO HOLDER
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1.0 Background

1.1 The Local Government (Miscellaneous Provisions) Act 1976 (LG (MP) A) gives the local authority the following discretionary powers in relation to hackney carriage licences:

- Section 47(1) states, a district council may attach to the grant of a licence of a hackney carriage under the Act of 1847 (Town Police Clauses Act 1847) such conditions as the district council may consider reasonably necessary.
- Section 47(2) states, without prejudice to the generality of the foregoing subsection, a district council may require any hackney carriage licensed by them under the Act of 1847 to be of such design or appearance or bear such distinguishing marks as shall clearly identify it as a hackney carriage.
- Section 47(3) Any person aggrieved by any conditions attached to such a licence may appeal to a magistrates' court.
- Under Section 48(2) of LG (MP)A 1976 a district council may attach to the grant of a licence under this section such conditions as they may consider reasonably necessary including, without prejudice to the generality of the foregoing provisions of this subsection, conditions requiring or prohibiting the display of signs on or from the vehicle to which the licence relates.

1.2 The last review of vehicle policy was carried out in 2016 with a new policy and set of conditions being introduced on 1 January 2017.

1.3 In reviewing the current vehicle conditions, account has been taken of the current edition of the Department for Transport Taxi and Private Hire Vehicle Licensing Best Practice Guide issued in 2010 and the Department for Transport Statutory Guidance for Licensing Authorities; Taxi and Private Hire Vehicle Licensing: Protecting Users

1.4 Objectives

The current policy and conditions have been reviewed with the following four objectives in mind.

1. Vehicle conditions are further improved;
2. Vehicle emissions are further reduced;
3. Licensed taxi vehicles are more easily recognisable;
4. Driver and passenger safety is further improved.

1.5 The draft Hackney Carriage and Private Hire Vehicle Policy and conditions are located at Appendix 1 (Hackney Carriage) and Appendix 2 (Private Hire). Tracked changes show the amendments made to existing policy and conditions.

2.0 Consultation

2.1 Comments made by Licensing Committee on 11 September were used to shape the final draft sent out for wider consultation.

2.2 A consultation period commenced on 20 September 2019 and ended on 15 December 2019. The following individuals and groups were consulted:

- All current driver licence holders;
- All current vehicle proprietors;
- Leicestershire police;
- Leicestershire County Council;
- Licensing Committee
- Department for Transport
- CCTV System Providers
- Public and passengers (public consultation on council webpage)

2.3 A total of 18 responses were received from licence holders. In addition, Safe Systems CCTV Ltd commented specifically on the proposed CCTV policy and conditions.

3.0 Response to consultee feedback / final proposals for change

3.1 Vehicle age (paragraph 4 of the policy)

Proposed Change

Requirement for all new vehicles (upon initial application) to be less than 6 years old from the date of first registration.

Supportive	8
Not supportive	10

Response / Revised proposal

The proposal was not supported by the trade due to the additional cost associated with the purchase of newer vehicles. The proposal has been revised:

Requirement for all new vehicles (upon initial application) to be less than 10 years old from the date of first registration.

3.2 Vehicle age (paragraph 4 of the policy)

Proposed Change

No vehicle licence will be renewed on a vehicle that is 6 years of age or more, unless that vehicle is in an exceptionally well-maintained condition. The definition of exceptionally well-maintained condition has been amended. Vehicles failing 3 consecutive inspections will fall outside of the definition.

Supportive	11
Not supportive	7

Response

No amendments have been made to the proposed changes.

3.3 Vehicle age (paragraph 4 of the policy)

Proposed Change

For vehicles 10 years and older to increase the number of mechanical inspections from 2 to 3 per year.

Supportive	7
Not supportive	11

Response / Revised proposal

The trade did not support the proposal. The proposed change has been removed from the draft policy.

3.4 Reporting of accidents / damage to vehicles / replacement vehicles (paragraph 9 of draft policy)

Proposed Changes

Amendment to policy relating to the reporting of accidents.

New policy relating to vehicle applications from hire companies.

New policy relating to insurance 'write-off' and damaged vehicles.

Minor amendment made to licence condition relating to the maintenance of vehicles (condition1).

Supportive	15
Not supportive	3

Response

No amendments have been made to the proposed changes.

3.5 Vehicle emissions (paragraph 3.0 of draft policy)

Proposed Changes

To remove the exemption for vehicles licensed by NWLDC before 1 January 2017.

To bring forward the implementation date for policy requiring all vehicles to be fitted with at least a Euro 5 compliant engine from 1 January 2022 to 1 July 2020.

To bring forward the implementation date for policy requiring all vehicles to be fitted with at least a Euro 6 compliant engine from 1 January 2026 to 1 January 2025.

Supportive	10
Not supportive	8

Response / Revised proposal

The proposal received a lack of support from the trade. The following revisions have been made to the proposed policy changes:

To delay the implementation date by 2 months, allowing vehicle owners between 6 and 18 months to purchase a replacement vehicle if required to do so. At the time of print 35 licensed vehicles are fitted with a Euro 4 compliant engine. The retro fitting of a system to reduce emissions to equivalent of Euro 5 will also be permitted.

To permit the use of retrofit technology to reduce vehicle emissions to the required standard. The cost of retrofit technology is approximately £550. The technology can be removed from a vehicle and refitted to a replacement vehicle. This would be an alternative resolution for those vehicle owners not wishing to purchase a replacement vehicle.

Revised wording of emissions policy:

From 1 September 2020 all hackney carriages and private hire vehicles must be fitted with at least a Euro 5 compliant engine or equivalent using retrofit technology (registered since September 2009) Euro 4 compliant engines or older will not be permitted. Any vehicle with a Euro 4 compliant engine or older will not be licensed at the time of renewal.

From 1 January 2025 all hackney carriages and private hire vehicles must be fitted with at least a Euro 6 compliant engine or equivalent using retrofit technology (registered since September 2014) Euro 5 compliant engines or older will not be permitted. Any vehicle with a Euro 5 compliant engine or older will not be licensed at the time of renewal.

3.6 Identification of licensed vehicles (paragraph 8.0 of draft policy)

Proposed changes to Licence plates and roof signs

New policy and licence condition requiring the display of the internal vehicle plate. The practice of issuing internal plates began in April 2019. The plate, to be displayed in the front windscreen identifies the vehicle as being licensed for anyone approaching the vehicle from the front. All vehicles will continue to be required to display an external licence plate on the rear of the vehicle. (licence condition 3)

Amendment to policy and licence condition relating to the permitted wording on roof signs. 'Taxi' will be permitted in addition to current policy permitting 'For Hire'. Removal of the requirement to display the maximum number of persons carried on the side of the roof sign. (Paragraph 8 of draft policy and hackney carriage condition 10)

New policy relating to the processing of requests for an exemption from displaying licence plates (paragraph 10 of draft policy).

Supportive	15
Not supportive	3

Response

No amendments have been made to the proposed changes.

3.7 Vehicle specification (paragraph 2.0 of draft policy)

Proposed Changes

Minor change to minimum engine capacity

More detail added to specification (windows, floor covering, wheels and tyres)

Supportive	16
Not supportive	2

Response / Revised proposal

No amendments have been made to the proposed changes.

3.8 CCTV (in-car cameras) (paragraph 6 of draft policy)

Proposed Changes

To retain a policy whereby the installation of CCTV in licensed vehicles is discretionary.

Amendments to policy providing more detail covering system installation, specification, activation, audio recording, security and retention of images, making use of images and signage.

New licence conditions relating to system maintenance, retrieval of data, instruction to drivers and signage. (private hire condition 5, hackney carriage condition 4)

Supportive	14
Not supportive	4

Comments were received from a reputable in-car CCTV system provider

Response

Minor amendments have been made to the proposed changes.

3.9 Motor insurance (paragraph 7.0 of draft policy)

Proposed Changes

More detail added to policy relating to motor insurance cover

Supportive	15
Not supportive	3

Response / Revised proposal

No amendments have been made to the proposed changes.

3.10 Tinted windows (private hire condition 14, hackney carriage condition 13)

Proposed Changes

More detail added to licence conditions relating to minimum light transmission

Supportive	12
Not supportive	6

Response

No amendments have been made to the proposed changes.

3.11 Safety equipment (private hire condition 6, hackney carriage condition 5)

Proposed Changes

Minor changes made to the requirement to have a fire extinguisher

Supportive	13
Not supportive	5

Response

No amendments have been made to the proposed changes.

3.12 Absence of vehicle proprietor (private hire condition 7, hackney carriage condition 6)

Proposed Changes

New condition requiring the appointment of a responsible person where the vehicle proprietor is not available

Supportive	16
Not supportive	2

Response

No amendments have been made to the proposed changes.

4.0 Future Amendments to Vehicle Policy and Conditions

4.1 This and future issues of the policy and conditions will require further amendment from time to time to reflect changes to legislation and central government policy and practice.

In order to ensure that any such changes in legislation and central government policy are effectively reflected in the policy without unnecessary reference to Licensing Committee it is proposed that such amendments are delegated to the Environmental Health Team Manager.

5.0 Next Steps

All licence holders will be notified of the revised vehicles policy and conditions.

The new policy and conditions will commence on 1 March 2020.

Policies and other considerations, as appropriate	
Council Priorities:	Our communities are safe, healthy and connected
Policy Considerations:	See background papers
Safeguarding:	Positive impact on safeguarding through regulated in-car CCTV
Equalities/Diversity:	No implications
Customer Impact:	Positive impact on public safety
Economic and Social Impact:	Positive impact on public safety
Environment and Climate Change:	A reduction in vehicle emissions from licensed hackney carriage and private hire vehicles
Consultation/Community Engagement:	See body of report
Risks:	No significant risks identified. The Department for Transport Taxi and Private Hire Vehicle Licensing Best Practice Guidance has been fully considered in drafting the proposed licence conditions. All proposed conditions relate to the promotion of public, driver or passenger safety.
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