

AGENDA ITEM NO 6

TITLE: AMENDMENT TO TAXI AND PRIVATE HIRE VEHICLE CONDITIONS IN LINE WITH THOSE RESOLUTIONS MADE BY THE LICENSING COMMITTEE ON 9TH DECEMBER, 2009

Committee: Licensing Committee

Date: 12th January, 2011

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[K226]

1.0 ISSUE

1.1 To consider the proposed amendments to the Council's Taxi and Private Hire Guide, in line with those resolutions agreed by Members at the Licensing Committee meetings held on 9th December, 2009 and October 19th, 2010, prior to the revised document being circulated to the trade.

2.0 RECOMMENDATION(S)

2.1 Members are requested to

- (i) Confirm that the proposed conditions as contained and highlighted in Appendix 1 (Extract from the Taxi and Private Hire Guide, November 2010, version 5 DRAFT) are in line with those resolutions made on 9th December, 2009 (Appendix 2) in respect of Private Hire and Hackney carriage standards relating to roof signs, plate display and vehicle markings; and for
- (ii) the draft conditions to be circulated to the trade for a period of 12 weeks for comment in line with the Council's Legal Department recommendation, and that
- (iii) the results of the consultation to be brought back to Licensing Committee meeting prior to the final conditions being published.

3.0 BACKGROUND/OPTIONS

3.1 Further to the recommendations made to the Licensing Committee on 9th December, 2009, by the hackney carriage and private hire working party, Members resolved to amend current private hire and hackney carriage vehicle conditions in respect of roof signs, plate display standards, plate numbering and vehicle markings (livery and advertisements) (Appendix 2)

3.2 A decision to rescind the proposal for a single colour for Hackney Carriages was made at the Licensing Committee held on 18th October, 2010, as a result of a letter being received from the National Private Hire Association, meaning

that licensing conditions relating to vehicle colour do not need to be introduced.

3.3 The Council's Legal Department advised that a set of proposed draft conditions should be brought back to Licensing Committee to take into account the recommendations of the 9th December relating to Roof Signs, Plate Display Standards and vehicle markings, in addition to relevant DfT Guidance and Local Government Regulation standard conditions before circulation to the trade.

3.4 The proposed conditions for circulation to the trade for comment are set out at Appendix 1

4.0 ARGUMENTS/CONCLUSIONS

4.1 It is important that licence conditions are clear, unambiguous and enforceable and not open to interpretation due to the way in which they are drafted.

4.2 Having reviewed the resolutions made on 9th December, 2009 and when considering the translation of the resolutions into enforceable and clear conditions, the following points are made:

Roof Signs for Hackney Carriage Vehicles.

4.3 To further clarify the Taxi Roof Sign condition for hackney carriage vehicles, the following sentence has been added to the proposed condition 3.3 (Appendix 1) to clarify the colour of the signage wording used, to make the condition explicit and consistent. " The roof sign will carry the single word 'TAXI' in **black capital letters which will be visible at the front and rear of the roof sign**". "The sign is to be red at the rear and white at the front"

Control of Council Approved Stickers/Labels.

4.2 To tighten up the resolution wording relating to vehicles carrying the Council approved stickers/labels on their front door, an additional sentence has been added in to conditions 2.6 and 3.1 (Appendix 1) to state that " The stickers must not be defaced, altered or damaged in any way and must be replaced immediately if they become damaged, defaced or altered."

Dashboard Display.

4.3 Whilst the resolution of the 9th December, 2009 states that Hackney Carriage vehicles should 'clearly display the vehicle licence details internally' (i.e. Dash Display containing the vehicle plate number), the resolution wording does not mention whether Private Hire Vehicles have to display the Dash Display. The same condition has therefore been added in for Private Hire vehicles as at suggested condition 2.7 of Appendix 1, to ensure the safety of

passengers irrespective of whether they are in a Private Hire or Hackney Carriage vehicle.

Third Party Advertisements.

- 4.4 Whilst detailing that third party adverts are permitted for Hackney Carriages, the resolutions of the 9th December, 2009 do not clarify the position regarding third party advertisements for Private Hire vehicles.
- 4.5 The current conditions permit third party adverts for both private hire and hackney carriage vehicles.
- 4.6 Paragraph 38 of the Department for Transport Taxi and Private Hire vehicle Licensing: best practice guidance, March 2010 states that members of the public can often confuse private hire vehicles with hackney carriages, and that it is important to distinguish between two types of vehicle. (Appendix 2)
- 4.7 The Department for Transport Taxi and Private Hire vehicle guidance suggests that there is a condition that prohibits private hire vehicles from displaying any identification at all apart from the local authority licence plate or disc and council signs (stickers).
- 4.8 Condition 4.1 within Appendix 1 therefore states that third party advertising is only permitted on Hackney Carriage vehicles, and not for private hire vehicles.

Vehicle Markings.

- 4.9 In respect of vehicle markings, it was resolved on the 9th December 2009 that for new or on replacement, Hackney Carriage vehicles will carry the ECDC sticker/label on the front doors.
- 4.10 Whilst paragraph 6 (i) of the minutes of the 9th December 2009 state that all Hackney Carriages be permitted to retain their livery, it is recommended that on replacement or for a new hackney carriage, that other than an approved third party advert, the ECDC sticker/label and roof sign, that no other markings, lettering or symbols be permitted on any part of the vehicle, so as to not to detract from the ECDC Sticker/label, and to be able to clearly distinguish Hackney Carriage vehicles from Private Hire vehicles.
- 4.11 It is recommended that with regard to Private Hire vehicles that on adoption of conditions after the 12 week consultation and subsequent committee meeting, that Private Hire vehicles only be permitted to display the ECDC approved Sticker/labels on the front doors and licence plate, with no other markings, lettering or symbols on the vehicle.

5.0 FINANCIAL IMPLICATIONS

5.1 To consult with the trade and relevant organisations for the recommended 12 week period. Consultation will be paper and electronic based.

6.0 APPENDICES

6.1 Appendix 1 Relevant extract from Taxi and Private Hire Guide, December 2010, Version 5 DRAFT

Appendix 2 Minutes of Licensing Committee on 9th December, 2009

Appendix 3 Department for Transport Taxi and Private Hire Vehicle Licensing: best practice guidance, March 2010

Background Documents

Location

Contact Officer

(List any background documents used in preparation of report not attached as appendices, or state 'none')

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APPENDIX 1

Relevant amended extract from Private Hire and Taxi Guide 'Blue Book'

8. CONDITIONS RELATING TO HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES

1.0 INTRODUCTION

1.1 Part II of the Local Government (Miscellaneous Provisions) Act 1976 ("The Act") modified and extended the controls over hackney carriages under Town Police Clauses Act 1847 and also introduced powers to control private hire vehicles and their drivers, proprietors and operators.

1.2 East Cambridgeshire District Council ("The Council"), following public notice given on 10th November 1977, adopted that part of the Act with effect from 31st December 1977.

2.0 PRIVATE HIRE

2.1 So far as private hire vehicles are concerned, the Act requires that a licence must be held by the proprietor in respect of each vehicle used as a private hire vehicle which is defined in the Act as a "motor vehicle constructed or adapted to seat fewer than nine passengers, other than a hackney carriage or passenger carrying vehicle (formerly known as public service vehicles), which is provided for hire with the service of a driver for the purpose of carrying passengers". The Council has to be satisfied:-

- (a) that the vehicle is
 - (i) suitable in type, size and design for use as a private hire vehicle;
 - (ii) not of such design and appearance as to lead any person to believe that the vehicle is a hackney carriage;
 - (iii) in a suitable mechanical condition;
 - (iv) safe; and
 - (v) comfortable.
- (b) that there is in force in relation to the use of the vehicle a policy of insurance or such security as complies with the requirements of the appropriate legislation.

2.2 A separate licence has to be obtained from the Council by the operator of the private hire vehicle or vehicles and this expression is defined in

the Act as meaning "in the course of business to make provision for the invitation or acceptance of booking for a private hire vehicle".

- 2.3 For a private hire vehicle a roof sign will not be allowed to be displayed at any time.
- 2.4 The Council will issue a rectangular yellow plate (with black lettering), which must be fixed securely to the exterior of the vehicle in such a position as to be visible from behind the vehicle.
- 2.5 Taximeters are not required for Private Hire Vehicles.
- 2.6 Private Hire vehicles are to carry the Council Approved sticker on the front passenger and driver doors at all times, which includes the wording 'Advanced bookings only', the licence plate number, company name excluding the word 'taxi' and 'cab' and company telephone number. The stickers must not be defaced, altered or damaged in any way and must be replaced immediately if they become damaged, defaced or altered.
- 2.7 Private Hire vehicles must at all times clearly display by firmly affixing on their dashboard the A5 vehicle licence issued by the Council.

3.0 HACKNEY CARRIAGE

- 3.1 Hackney Carriage vehicles are to carry the Council Approved sticker on the front passenger and driver doors at all times. The stickers must not be defaced, altered or damaged in any way and must be replaced immediately if they become damaged, defaced or altered.

(Applies to those new vehicles or replaced vehicles from XX date)

- 3.2 For a hackney carriage vehicle the Council will issue a rectangular white plate (with black lettering), which must be fixed securely to the exterior to the rear of the vehicle in such a position as to be visible from behind the vehicle.
- 3.3 A Hackney carriage vehicles shall carry a roof sign on the roof, which is illuminated when available for hire. The roof sign will carry the single word 'TAXI' in black capital letters which will be visible at the front and rear of the roof sign. No other lettering, numbers or symbols are to be allowed on the roof sign. The sign is to be red at the rear and white at the front.
- 3.4 Hackney carriage vehicles must at all times clearly display by Firmly affixing on their dashboard the A5 vehicle licence issued by the Council
- 3.5 Hackney carriage vehicles must be fitted with a taximeter that must be tested by one of the Council's approved MOT Inspectors.

3.6 London style taxicabs will be licensed if required by an applicant as hackney carriages only and will not be allowed for private hire purposes.

3.7 The Act provides that no person shall cause or permit any vehicle other than a hackney carriage to wait on any stand ("taxi rank") for hackney carriages. Three stands exist in Ely - Market Place (east), Market Street and at the Railway Station. There are no stands elsewhere in the District. Those at Market Place, Ely and Market Street, Ely can be used by any licensed hackney carriage from anywhere in the District but the stand at Ely Station is available only to those owners of vehicles who obtain the consent of Railtrack.

4.0 **ADVERTISEMENTS**

4.1 The fixing of full colour third party advertisements on the rear doors of hackney carriages is allowed, subject to the approval of the Council. Such advertisements must not be greater than 28" x 12". Proprietors are permitted to choose their own suppliers provided there are no advertisements relating to alcohol or tobacco. Should the application be refused and the applicant disagrees with the council decision, he/she may request a hearing by Committee.