
TITLE: SURVEY PROPOSAL FOR HACKNEY CARRIAGE ROOF SIGNS

Committee: Licensing Committee

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[M58]

1.0 ISSUE

1.1 To carry out a survey of those roof signs currently displayed on Hackney Carriage Vehicles licensed by East Cambridgeshire, and to present the findings to a future Licensing Committee for discussion in terms of the Council's current Hackney Carriage Roof Sign Licence Condition.

2.0 RECOMMENDATION(S)

2.1 That Members:

- a) Agree to a Hackney Carriage Roof Sign survey being carried out in relation to those Hackney Carriages licensed by East Cambridgeshire.
- b) Agree for the findings of the Hackney Carriage Roof Sign survey to be presented to a future Licensing Committee meeting for discussion in relation to the current Hackney Carriage Roof Sign Licence Condition.

BACKGROUND/OPTIONS

3.1 Members are referred to the background papers for the full history of this matter. However, to summarise, in January 2011 a report was presented to Licensing Committee with some proposed wording for a Hackney Carriage Roof Signage Condition.

3.2 The proposed wording was consulted on for a 12 week period and brought back to committee. Amendments were made to the proposed wording. The final proposed roof sign condition wording was rescinded on the 14 December 2011, with Members resolving to re-consider the roof sign issue in 6 months time.

4.0 ARGUMENTS/CONCLUSIONS

4.1 Due to the decision to rescind the proposed roof sign condition wording, it means that the original Hackney Carriage Roof Sign Licence Condition remains in force. This Condition has no definition as to what constitutes the '*form to be approved*' and states:

'A vehicle roof sign will be allowed in a form to be approved by the Council'

(Condition 3.3, Conditions relating to Hackney Carriage And Private Hire Vehicles, Taxi and Private Hire Guide, February 2012, version 7)

- 4.2 Roof signs are an important part of the make up of a Hackney Carriage Vehicle.
- 4.3 Hackney Carriage Roof Signs enable members of the public to easily distinguish between a Hackney Carriage Vehicle and Private Hire Vehicle. Section 47 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*’ and that ‘ *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 distinguishing marks as shall be clearly identifiable as a Hackney Carriage*’
- 4.4 Hackney Carriage Vehicles may be flagged down by members of the public. Roof signs are typically illuminated when available for hire, helping members of the public to see and be able to flag a vehicle down; particularly at night or in the winter months.
- 4.5 Private Hire Vehicles may not legally be flagged down and must be pre-booked through a Licensed Private Hire Operator (Section 56(2) Local Government (Miscellaneous Provisions) Act 1976). Should a Private Hire Vehicle driver allow their vehicle to be hailed down, it is committing an offence, and as such the journey will not be insured.
- 4.6 To ensure that Hackney Carriage and Private Hire Vehicles are not confused with one another, the Council has a licence condition stating that:

‘For a Private Hire Vehicle a roof sign will not be allowed to be displayed at any time’ (Condition 2.3, Conditions relating to Hackney Carriage and Private Hire Vehicles.)

This is in line with Section 48(1)(a)(ii) of the Local Government (Miscellaneous Provisions) Act 1976 which states that ‘ *a District Council shall not grant such a licence unless they are satisfied that the vehicle is not of such design and appearance as to lead any person to believe that the vehicle is a Hackney Carriage*’.

- 4.7 By carrying out a survey of those roof signs currently in use on licensed Hackney Carriage Vehicles in East Cambridgeshire, it will provide a comprehensive picture as to the variety of roof signs that are currently in use and will help shape what may constitute a ‘form to be approved’ which will also need to be a proportionate condition in terms of costs and necessity to protect the public, prior to any consultation exercise with the trade and relevant organisations.

4.8 The survey would identify the colour of sign (front and rear), positioning on vehicle roof, wording, the presence of any other wording, lettering or numbering, the shape and size and the taking of a photograph of the sign.

5.0 FINANCIAL IMPLICATIONS/EQUALITY IMPACT ASSESSMENT

5.1 There are no financial implications for carrying out the survey except in the instance where vehicles have not been able to be surveyed in situ on either of the two Hackney Carriage ranks or at the Railway Station. In such instances, the vehicle proprietors would be contacted and requested to present their vehicle, or alternatively visits could be made to premises where the vehicles are kept.

5.2 An Equality Impact Assessment form (INRA) has been completed which shows that this report is only proposing a survey at present and so does not in itself affect any groups at present.

6.0 APPENDICES

6.1 Appendix 1 – Initial Screening Impact and Needs/Requirements Assessment (INRA)

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer</u>
Taxi and Private Hire Vehicle Licensing: Best Practice Guidance, March 2 2012	Room SF209 The Grange Ely	Mrs E A Bailey Principal Environmental Health Officer (Commercial) (01353) 665555 E-mail: elizabeth.bailey@eastcambs.gov.uk
ECDC Taxi and Private Hire Guide, February 2012, version 7		
Local Government Miscellaneous Provisions Act 1976		
Town and Police Clauses Act 1947		
12 January 2011, Licensing Committee, Agenda Item 6		
15 June 2011, Licensing Committee, Agenda Item 5		
14 September 2011, Licensing Committee, Agenda Item 5		
19 October 2011, Licensing Committee, Decision List		
14 December 2011, Licensing Committee, Decision List		

Impact and Needs/Requirements Assessment (INRA)

Initial Screening

Initial screening needs to take place for all new/revised Council policies. 'Policy' needs to be understood broadly to include all Council policies, strategies, services, functions, activities and decisions. This stage must be completed at the earliest opportunity to determine whether it is necessary to undertake an INRA for this activity.

Name of Policy:	SURVEY PROPOSAL FOR HACKNEY CARRIAGE ROOF SIGNS.
Lead Officer (responsible for assessment):	Mrs E A Bailey
Department:	Environmental Services
Others Involved in the Assessment (i.e. peer review, external challenge):	
Date Initial Screening Completed:	20/6/12

- (a) **What is the policy trying to achieve?** i.e. What is the aim/purpose of the policy? Is it affected by external drivers for change? What outcomes do we want to achieve from the policy? How will the policy be put into practice?

The purpose of the report is for a survey of those hackney carriage roof signs on currently licensed vehicles to be carried out with a view to establishing what may constitute a 'council approved roof sign' for hackney carriage vehicles.

Whilst there is a licence condition in place indicating hackney carriage roof signs are to be in an 'approved form' there isn't currently any standard/ guidance/ definition as to what constitutes an 'approved form'

- (b) **Who are its main beneficiaries?** i.e. who will be affected by the policy?

The main persons to be affected should the survey be undertaken will be the hackney carriage vehicle proprietors during the survey period.

- (c) **Is this assessment informed by any information or background data?** i.e. consultations, complaints, applications received, allocations/take-up, satisfaction rates, performance indicators, access audits, census data, benchmarking, workforce profile etc.

The current licence condition for hackney carriage vehicles states that roof signs are to be of a 'form approved' by the Council. There is however, no reference/ information/guidance as to what constitutes a 'form approved'.

