

Report of Head of Licensing and Registration

Report to Licensing Committee

Date: 8 April 2014

Subject: Age restriction on advertising on Wheelchair Accessible Hackney Carriage Vehicles - Proposal to extend

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| Are specific electoral Wards affected? If relevant, name(s) of Ward(s): | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Are there implications for equality and diversity and cohesion and integration? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Is the decision eligible for Call-In? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number: | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |

Summary of main issues

1. The policy in respect of Hackney Carriage Vehicle Conditions and Corporate advertising was approved by Members on 17 January 2013.
2. The particular part of the existing policy is set out in detail at 2.2, but in essence an age restriction of 5 years was put in place to maximise the financial benefits to those Wheelchair Accessible Hackney Carriage Vehicle Proprietors who invested in newer vehicles. Media agents¹ were more attracted to the 'London Cab' type of vehicle because of its predominance in the capital and other major cities. That style of vehicle has been gradually overtaken in many licensing districts by a wider range of vehicle which have not been as attractive to the advertising agents.
3. As the economy starts to 'develop' there has been an increase in advertising opportunities but some of these have been lost because of the age restriction
4. It is proposed that Members should consider extending that age restriction to 7 years which in effect allows Wheelchair Accessible Vehicle's to take up such opportunity to approaching their 8th year depending on the length of contract.

¹ Those who act for Corporate companies in supplying vehicle on which to advertise

Recommendations

5. Members consider the report and make any appropriate comments before releasing it for a consultation period of one month.

1 Purpose of this report

- 1.1 To inform Members of that part of the 'Corporate Advertising' policy applicable to Wheelchair Accessible Hackney Carriages which restrict the applicable age of the policy to those vehicles which are 5 years old from the date of first registration and the potential opportunities to benefit the trade by extending that age limit.

2 Background information

- 2.2 The policy in question was approved by this Licensing Committee in and the relevant part of the policy reads

8.2 Corporate livery may be approved for fitting to a wheelchair accessible Hackney Carriage for the first five years of its licensing life when the existing Proprietor purchased the vehicle prior to it attaining three years of age from the date of first registration.

Where an existing Proprietor has purchased a wheelchair accessible Hackney Carriage, before it had attained three years of age from the date of first registration, they may continue to seek approval for the application of Corporate Livery until the vehicle reaches the last day of its fifth year from the date of first registration.

- 2.3 Officers have consistently encouraged media agents to widen their scope and include other types of Wheelchair Accessible Vehicles and eventually this has started to happen with opportunities arising for licensed Fiats and Peugeots.
- 2.4 There have been recent indications that supply might be outstripping opportunity because of the existing age restriction within the policy. By extending the age restriction it can create financial benefits for Hackney carriage Proprietor's and make the city more attractive to advertisers.
- 2.5 A point of emphasis to the trade would be that a 'corporate wrap' is not a cover up for poor bodywork or accident damage. This point is not just about issues around maintenance or safety issues of the vehicle but also out of fairness to a new Proprietor who should be as assured as he reasonably can be that the 'wrap' is not covering up a host of problems.

3 Main issues

- 3.1 By extending the relevant age restriction in the following terms:-

"8.2 Corporate livery may be approved for fitting to a wheelchair accessible Hackney Carriage

Where an existing Proprietor has purchased a wheelchair accessible Hackney Carriage, before it had attained three years of age from the date of first registration. They may continue to seek approval for the application of Corporate Livery until the vehicle reaches the last day of its seventh year from the date of first registration."

3.2 The benefits could be:

- It could enable the Hackney Carriage Proprietor to secure a corporate wrap contract into its eighth year of vehicle life.
- The new policy maintains the quality look of the fleet and encourages media agents to set their standards at a higher level than the self-interests of those agents.
- It creates more advertising potential for the city in line with 'Our best Council objectives'.
- The policy does not reward the oldest vehicles with their attendant adverse environmental impacts.
- Control measures can be put in place to ensure that the vehicle is free from accident damage and has well maintained body work prior to the fitting of corporate livery which would not be burdensome to the trade.
- There are no adverse impacts on the licensing administration process.

4 Corporate Considerations

4.1 Consultation and Engagement

4.1.1 There has not been a specific trade request for this but initial soundings have been positive.

4.1.2 Members may still feel that a consultation period of one month might be appropriate to take into account the possible views of those who have vehicles which do comply with the policy and which might now face more competition.

4.2 Equality and Diversity / Cohesion and Integration

4.2.1 An equality impact screening assessment has been carried out on these proposals and there is no impact on equality issues. The screening is available as a background document to this report.

4.3 Council policies and City Priorities

4.3.1 The Taxi & Private Hire Licensing policies contribute to the following aims:

Best Council Plan 2013 -17

Towards being an Enterprising Council

Our Ambition and Approach

Our Ambition is for Leeds to be the best city and Leeds City Council to be the best council in the UK – fair, open and welcoming with an economy that is both prosperous and sustainable so all our communities are successful.

Our Approach is to adopt a new leadership style of civic enterprise, where the council becomes more enterprising, business and partners become more civic, and citizens become more actively engaged in the work of the city.

Our Best Council Outcomes

Make it easier for people to do business with us.

Our Best Council Objectives

Promoting sustainable and inclusive economic growth – improving the economic wellbeing of local people and businesses. With a focus on:

- Helping people into jobs,
- Boosting the local economy
- Generating income for the council

Ensuring high quality public services – improving quality, efficiency and involving people in shaping their city. With a focus on;

- Getting services right first time
- Improving customer satisfaction

4.3.2 The Taxi & Private Hire Licensing policies contribute to priorities:

- Reduce crime levels and their impact across Leeds
- Effectively tackle and reduce anti-social behaviour in communities

4.3.3 Safeguarding children and vulnerable adults:

Leeds City Council has both a moral and legal obligation to ensure the duty of care for both children and vulnerable adults across all of its services. This cannot be achieved by any single service or agency. Safeguarding is ultimately the responsibility of all of us and depends on the everyday vigilance of staff who play a part in the lives of children or vulnerable adults.

4.4 Resources and value for money

4.4.1 There would be no increased administration fee or resource requirement attached to this policy change but it would naturally be one of the whole range of fees considered at some time in the future.

4.4.2 For information purposes the process is managed in this way:-

- Media agents submit advertising graphics to Taxi & Private Hire Licensing.
- Section Head checks to ASA and Council standards and approves.

- Individual Hackney carriage Proprietors submit applications for the advertising media to be fitted to their vehicle.
- At the time of submission vehicle body work is given visual inspection, fee paid.
- Corporate warp fitted and inspected for compliance to approval and quality.
- At end of contract vehicle is inspected to ensure it is returned to an acceptable appearance.

4.5 Legal Implications, Access to Information and Call In

- 4.5.1 This is an existing policy which has previous Licensing Committee and Executive Approval. As an amendment to that policy it would be sufficient for Licensing Committee to approve the recommendation and implement the change.
- 4.5.2 There are no conflicts with the relevant legislation, Town & Police Clauses Act 1847 and Local Government (Miscellaneous Provisions) Act 1976 and the condition change is reasonable and proportionate.

4.6 Risk Management

- 4.6.1 Any challenge would be by way of Judicial Review but that would be considered as a low risk as it is an existing policy of some standing which is being relaxed.

5 Conclusions

- 5.1 Officers feel that the proposal is manageable, beneficial to the trade, has no financial or resource risk to the Council and does not detract from the standards of the existing fleet.

6 Recommendations

- 6.1 Members consider the report and make any appropriate comments before releasing it for a consultation period of one month.

7 Background documents²

Hackney Carriage Vehicle Conditions.

Equality Impact Screening Assessment.

² The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.