

Report of Head of Elections, Licensing and Registration

Report to Licensing Committee

Date: 5 July 2016

Subject: Hackney Carriage Vehicle Conditions – Corporate Advertising, Sign and Markings

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. This report deals with three particular aspects of the existing Hackney Carriage Vehicle conditions:-
 - Hackney Carriage Vehicle (HCV) wheelchair accessible vehicles (WAV's) Corporate advertising
 - HCV signs and markings - (Taxi Association advertising)
 - HCV Signs and markings (LCC licence plate improvements)
2. Primary legislation allows the Council to impose conditions upon Hackney Carriage vehicles and those existing conditions are currently contained in two specific policies; one relating to wheelchair accessible vehicles and the other relating to saloon vehicles.
3. The first part of this report relates to the existing WAV 'corporate livery' policy which sets the end date for WAV's being able to apply for 'corporate livery' at 5 years. It is proposed to extend that end date to 7 years.
4. The second part of the report relates to signs and markings on all HCV vehicles which will enable saloon vehicles or WAV's to advertise the Taxi Association in which they are registered, in a manner approved by the Council.

5. The third part of the report concerns updating the appearance of the HCV rear Council licence plate to mirror the improvement changes already in place on Private Hire vehicles (PHV's)

Recommendations

- 1) HCV Corporate livery – that Members approve a further consultation period of two months to enable this part of the report to return to Licensing Committee in September 2016 for further consideration.
- 2) HCV Signs and markings (Taxi Association advertising) – that Members approve in principle the addition to the existing policy and that officers prepare a report for Executive approval.
- 3) HCV Signs and markings (LCC licence plate improvement) – that Members approve a further consultation period of two months to enable this part of the report to return to Licensing Committee in September 2016 for further consideration.

1 Purpose of this report

- 1.1 The proposed change to existing policy in respect of the age in which vehicles can continue to apply for a 'corporate wrap' is as a result of a request from the Hackney Carriage trade. This report sets out the existing policy and specifies a change proposal for Members to consider which benefits the trade but also meets the spirit of the purpose of corporate advertising and reflects upon the changing environmental issues in respect of air pollutants from diesel vehicles.
- 1.2 The part of the report which relates to a new policy to enable a Taxi Association to advertise their association name in an approved manner is also presented as a result of a request from the trade for Members to consider.
- 1.3 The third proposed change is brought forward by Officers to deal with some developing issues within the Hackney carriage trade in respect of the rear Council licence plate and also to bring that LCC plate into line with the much more modern and more visible licence plate already approved to be on LCC Private Hire vehicles.

2 Background information

- 2.1 Leeds City Council controls the appearance of its entire Hackney Carriage fleet and the approved colour scheme is black and white. When the Council issued a series of new free plates (around 2001) it was stipulated that they would all have to be wheelchair accessible vehicles. To offset some of the cost implications of this, there was the introduction of a 'corporate wrap' policy and Members will have seen many examples of this on the licensed fleet. Undoubtedly it brings financial benefits to Proprietors. Included in the original approval was a vehicle age limit for applications set at 5 years, following which no further approval would be given after the expiry of that existing contract. The reason was to encourage drivers to re-invest in more modern and more efficient vehicles and for the financial benefits from such advertising to be focussed on that proportion of the fleet which did invest in newer vehicles.
- 2.2 There is a further age restriction within the policy that stipulates a Proprietor must have purchased the vehicle prior to the third anniversary of its first registration. Again, this was to encourage investment in purchasing newer vehicles.
- 2.3 The policy, 'signs and markings', relates to the whole Hackney Carriage fleet. Members will have noticed that the doors of all licensed HCV's (except WAV's with corporate livery) carry a high visibility reflective signage on the driver and front passenger door. A request has been received from the trade to allow discreet advertising around those existing LCC door signs to display the Taxi Association detail to which that vehicle is registered.
- 2.4 The final additional 'signs and markings' control proposal is in respect of the rear LCC licence plate. On Private Hire vehicles these are of the same standard and quality on the rear as those displayed on the passenger doors of all HCV's (except those with Corporate livery) and this proposal is brought forward by

Officers to now upgrade the rear LCC licence plate on HCV's to be of the same high visibility specification and quality to those attached to Private Hire vehicles.

- 2.5 All of these conditions are contained within a conditions policy attached to either HCV saloons or HC WAV Proprietor licences and if approved can be easily adjusted within the policy.

3 Main issues

3.1 HC WAV corporate livery.

- 3.2 As explained in the background information to this report, an essential ingredient of the original approval of corporate livery was to focus the income in a competitive market towards those HC WAV Proprietors who invested in newer vehicles. This has been brought into sharper focus more recently by DEFRA who are introducing regulations for a clean air zone in the city centre and inner ring road area in 2020. This will be a compulsory requirement for the Council's environmental planning and which might impinge upon licensing conditions sometime in the future. (A briefing paper on all of those attendant issues will be presented to Licensing Committee in August on behalf of the Director of Environment and Housing directorate). Whilst there are no plans to make any changes to current policy in respect of vehicle ages it seems prudent to retain the focus on newer vehicles within the Hackney Carriage fleet. Members may think it is also worth observing that it would only be a very short term economic benefit to Proprietors to extend the policy to a full life cycle of a licensed vehicle which would then result in a greater financial outlay later on.

- 3.3 By extending the policy to the maximum age of 7 years in respect of 4 seater HC WAV's and 9 years in respect of 5/6/7/ seater WAV's in which a Proprietor could apply for corporate livery, it would still allow that vehicle to earn income on the existing contract after its 7th year and 9th year respectively.

- 3.4 In changing the stipulation that a vehicle Proprietor must have purchased the vehicle within 3 years of its date of first registration to within 5 years of its date of first registration it increases opportunities, makes the policy easier to understand for the trade but still contributes to focussing on encouraging the purchase of newer vehicle in a proportionate way.

3.5 HCV signs and markings

- 3.6 The Hackney carriage JTC (Joint trade Council) is a recognised body of three Hackney Carriage taxi companies who represent the majority of licensed HCV proprietors. The JTC is a body recognised by the Council and the Taxi and Private Hire Licensing section and is the largest single representative of the Hackney carriage Proprietor and driver trade. It is made up of an elected board of members from the 3 taxi companies of Streamline/Telecabs, City Cabs and Eurocabs.

- 3.7 They have given a collective response to the policy reviews. In particular, the response to this proposal, the JTC said:-

“We would ask for the consideration of the company logo to appear above the door badge sign. The Private Hire Company name is on the side of those vehicle doors as well as their licence numbers. We feel this is unfair and gives Private Hire a definite advantage. The advantage is that the public can either see on the door, or the windscreen, or in some cases, on the bonnet, the name of the Private Hire Company. Hackney Carriage can only have an emblem on the front and back of the vehicles windscreen or rear doors”.

- 3.8 An example of the proposal by the JTC is attached at **Appendix 1** and if approved that would form the basis of further approvals for such type of livery when personalised to other Taxi Associations.

3.9 HCV rear LCC licence plates

- 3.10 Members will have seen that there are a variety of type of plates affixed to HCV saloon and WAV's. Some of these contain sharp metal edges and a member of the trade has already pointed out that it would actually be safer for them now to be taken out of use. There are no technical reasons why the style and technical specification of those reflective LCC licence plates affixed to PHV's by condition cannot be affixed to HCV's. (It is recognised that perhaps some individual cases the shape may need to be square as opposed to oval). The colour of the new style reflective plate would need to be compliant with the existing legislation around 'Construction and Use'.

- 3.11 It has been noted that some members of the HC trade are now affixing their own adhesive style plates to their vehicles and as that becomes a trend it presents the opportunity for the trade to recognise that it is now time to adopt the new style of LCC licence plate. The cost implications are for the trade to bear and Members may consider that a variety of options if they approve the proposal.

Option 1 – that the cycle of change to the new style plates and replacement of the old style plates is completed within 3 months (or within another set time considered appropriate by Members).

Option 2 – that it is completed at the time of vehicle transfer, licence renewal or immediately where unapproved plates have been affixed to the vehicle.

- 3.12 The final issue around these reflective plates relates to WAV's that carry corporate livery. At the time when the policy to affix reflective LCC licence plates to the front doors of HCV's was approved, an exception was made in respect of WAV's because the trade thought might spoil the appearance of the corporate livery and also they might have to remove the door signs and pay for them refitting later. Officers feel that it is now time to move ahead and enable easier recognition of the licensing detail of HC WAV's that contain corporate livery, particularly for wheelchair occupants, by requiring such vehicles to display an LCC plate on the sides of the vehicle in a location that does not obstruct the view of the driver (which may include a window), which makes more identifiable and

traceable. Members will note the remarks of the trade which were made a number of years ago at 4.1.3. in respect of costs.

4 Corporate considerations

4.1 Consultation and engagement

4.1.1 The Hackney carriage trade have been aware for some time of the proposals to consider extending the applicable age to which a vehicle can fit corporate livery as specific time period was not set. In the first consultation period, one response was received to the effect that corporate livery should be available throughout the lifetime that a WAV is licensed irrelevant of its age.

4.1.2 The proposal of the trade to include appropriate advertising of the Taxi Association detail around the driver and front passenger door licence markings has significant support within the trade (please refer to 3.6).

4.1.3 When the high reflective rear LCC plate markings were introduced on PHV's the HC trade objected to the cost implication of the rear licence plate at that time (about 2001). This issue was raised again at a Hackney Carriage forum and again cost was a point of objection on the basis that the Hackney Carriage trade were already paying for the new signs on the front doors. To accommodate that concern the rear LCC plate proposal was not progressed. Members may feel that on this occasion it may be beneficial to formalise a consultation period over a 2 month period to enable a further report to come before Licensing Committee in September 2016.

4.2 Equality and diversity / cohesion and integration

4.2.1 Equality and Cohesion Screening Assessments were carried out on the policies agreed at Licensing Committee in January 2013 and were used to inform decision making. These are available as Background Documents. Whilst this report does not raise any known negative impacts at this time a further Equality and Cohesion Screening Assessment will be conducted alongside consultation feedback.

4.3 Council policies and best council plan

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 are no cost implications to the Council or the Taxi and Private Hire Licensing section.

4.5 Legal Implications, access to information and call In

4.5.1 In respect of the three proposals contained in this report the relevant legislation is set out below:-

Local Government (Miscellaneous Provisions) Act, 1976

Section 47 - Licensing of hackney carriages.

(1) A district council may attach to the grant of a licence of a hackney carriage under the Act of 1847 such conditions as the district council may consider reasonably necessary.

(2) 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.

(3) Any person aggrieved by any conditions attached to such a licence may appeal to a magistrates' court.

4.5.2 Members will note that there may be individual appeals against conditions, when applied, but there is also the opportunity for Judicial Review of the Council policy and whilst this cannot be discounted it is thought that the proportionality of the proposals and the spirit of their intention would normally lead to this being considered to be a relatively low risk.

4.6 Risk management

4.6.1 In respect of recommendations 1 and 3 a full assessment of risk management would be conducted following consultation. Recommendation 2 is considered to present little risk to challenge particularly as it is a trade proposal and has no negative impact on the public.

5 Conclusions

5.1 The proposals around corporate livery and Taxi Association advertising actually increase the benefits to the trade and the final proposal concerning the improvements to the LCC licence plates bring the Hackney Carriage trade in line with the Private Hire trade and these are business costs they can be offset by the Proprietor against their business tax outlay costs. It will also help to more readily identify LCC vehicles than those from any nearby authority and generally improve the appearance of HCV's in the city licensed by this Authority. These views can be balanced against the consultation feedback.

6 Recommendations

- 6.1
- 1) HCV Corporate livery – that Members approve a further consultation period of two months to enable this part of the report to return to Licensing Committee in September 2016 for further consideration.
 - 2) HCV Signs and markings (Taxi Association advertising) – that Members approve in principle the addition to the existing policy and that officer prepare a report for Executive approval.
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7 Background documents¹

¹ 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.

- 7.1 Hackney Carriage Vehicle saloon conditions
- 7.2 Hackney Carriage Vehicle Wheelchair Accessible Vehicle conditions
- 7.3 Local Government (Miscellaneous Provisions) Act 1976.
- 7.4 LCC Private Hire vehicle conditions

STREAMLINE - TELECABS
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LICENSED HACKNEY CARRIAGE