

Report of Head of Elections, Licensing and Registration

Report to Licensing Committee

Date: 5 October 2016

Subject: Hackney Carriage Vehicle conditions – signs and markings – Update report following consultation.

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 two particular aspects of the existing Hackney Carriage Vehicle conditions:-
 - Hackney Carriage Vehicle (HCV) wheelchair accessible vehicles (WAVs) Corporate advertising
 - HCV Signs and markings (LCC licence plate improvements)
2. The full report was presented to Members at Licensing Committee on 5 July 2016 who directed that further consultation should be undertaken on these two issues and which is now produced in the body of this report.
3. Primary legislation allows the Council to impose conditions upon Hackney Carriage vehicles and the existing LCC conditions are currently contained in two specific policies; one relating specifically to wheelchair accessible vehicles and the other relating to saloon and WAV vehicles.
4. The first part of this report relates to the existing WAV 'corporate livery' advertising policy which sets the end date for WAVs being able to apply for 'corporate livery' at 5 years and as a main feature it is proposed to extend the application end date to 7 years.

5. The second 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) and also making the licensing plate more visible on the side of HCV WAVs with corporate livery.

Recommendations

1. HCV Corporate livery – that Members approve in principle the changes to the age considerations in the existing policy, set out at 3.3 and 3.4 of the report, and that Officers prepare a report for Executive approval.
2. HCV Signs and markings (LCC licence plate improvements) – that Members approve in principle a change to the policy both in respect of the rear LCC licence plate and the displaying of LCC licence plates to the side of the vehicle when fitted with corporate livery and also indicate the timescales under which the amended policy should be brought into effect and that Officers prepare a report for Executive approval.

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 second 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 '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. Examples of the current HCV licence plate will be available for Members to inspect.
- 2.4 Both 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 was 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 WAVs 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 vehicles in a proportionate way.
- 3.5 HCV rear LCC licence plates**
- 3.6 Members will have seen that there are a variety of type of plates affixed to HCV saloon and WAVs. 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.
- 3.7 Officers from LCC Commercial Signage, Civic Enterprise, have attended a main taxi holding rank and inspected a wide variety of vehicles and have not been able to identify any difficulties in transferring from the old style metal plate to the proposed adhesive plate. The colour of the new style reflective plate would need to be compliant with the existing legislation around 'Construction and Use'.
- 3.8 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 particularly as they have already voluntarily moved away from the old style metal plate.
- 3.9 The cost implications are for the trade to bear and Members may consider that a variety of options if they approve the proposal. The existing metal plate costs £15 and the new version adhesive plate £18. The price for existing door livery is £45

but this cost would only be incurred if the door livery was removed and it is often the case that the corporate wrap covers the door livery and when the wrap is removed the livery remains intact and can continue to be used without replacement. There may be occasion when this is not the case though, but that is understood at the time the vehicle Proprietor undertakes his financial agreement with the provider of the corporate wrap. The cost of a smaller size 'door' livery is £36 for a pair.

Option 1 – that the cycle of change to introducing the new requirement is completed within 3 months (or within a relatively short time span considered appropriate by Members) in order to demonstrate an increased commitment to disability groups in particular and the travelling public in general.

Option 2 – that it is completed at the time of vehicle transfer; licence renewal; age extension; at the point the suspension of a defective vehicle is lifted; where existing plates are damaged or becoming hard to read or immediately where unapproved plates have been affixed to the vehicle. Members may feel that those members of the trade who have properly maintained their vehicles or continued to comply with conditions would be least affected in the short term by this option.

3.10 The final issues around these reflective plates relates to WAVs that carry corporate livery. At the time when the policy to affix reflective LCC licence plates to the front doors of HCVs was approved, an exception was made in respect of WAVs 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 WAVs 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 it more identifiable and traceable. Members will note the remarks of the trade which were made a number of years ago at 4.1.2. in respect of costs.

3.11 Again Members may want to consider some options for this proposal if they were to approve it.

Option 1 - that the cycle of change to introducing the new requirement is completed within 3 months (or within a relatively short time span considered appropriate by Members) in order to demonstrate an increased commitment to disability groups in particular and the travelling public in general.

Option 2 - that it is undertaken at the time of vehicle transfer; licence renewal; age extension; at the point the suspension of a defective vehicle is lifted; when a new application for a 'corporate wrap' is approved. Members may feel that those members of the trade who have properly maintained their vehicles would be least affected in the short term by this option.

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, but no specific time period was 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 When the high reflective rear LCC plate markings were introduced on PHV's the HC trade objected to them being introduced on HCV's because of 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.
- 4.1.3 Following a period of consultation since the earlier Licensing Committee meeting an objection has been lodged to the proposals which can be found at **Appendix A**. (Please note that a paragraph relating to an un-associated matter has been removed to avoid confusion).

A second response has been received from another taxi association which has also been similarly edited (**Appendix A**).

- 4.1.4 The aims of the change proposals and their proportionality have been reconsidered in light of the consultation responses and Officers feel that there remains strong merit in the proposals.
- 4.1.5 An issue raised in consultation relates indirectly to vehicles with corporate wraps retaining that corporate wrap after the contract has expired. This practice is financially self-defeating for the trade and Officers will be more pro-active in ensuring that corporate wraps are removed at the expiration of the contract to encourage fresh investment.

4.2 Equality and diversity / cohesion and integration

- 4.2.1 An Equality Screening Assessment has been completed and is available as a background document. There are no contra indicators.

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 financial or resource challenges to the section in implementing these proposals.

4.5 Legal Implications, access to information and call In

4.5.1 In respect of the 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 can 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 Officers consider that the proposals and the considered needs are proportionate and balanced in terms of reducing legal risk. The opportunity for introduction can be managed within any of the options proposed which Members may select.

5 Conclusions

5.1 The proposals around corporate livery actually increase the benefits to the trade and the proposal concerning the improvements to the LCC licence plates bring the Hackney Carriage trade into line with the Private Hire trade. These are business costs that can be offset by the Proprietor against their business tax outlay costs. It will also help to more readily identify LCC vehicles from those of a nearby authority and generally improve the appearance of HCV's in the city licensed by this Authority. Significantly, there are benefits to the disability groups and the public generally. Members now have the opportunity to balance Officers' views against the consultation feedback and Members knowledgeable overview of the trade and the licensed vehicle fleet.

6 Recommendations

6.1 HCV Corporate livery – that Members approve in principle the changes to the age considerations in the existing policy, set out at 3.3 and 3.4 of the report, and that Officers prepare a report for Executive approval.

6.2 HCV Signs and markings (LCC licence plate improvements) – that Members approve in principle a change to the policy both in respect of the rear LCC licence plate and the displaying of LCC licence plates to the side of the vehicle when fitted with corporate livery and also indicate the timescales under which the amended policy should be brought into effect and that Officers prepare a report for Executive approval.

7 Background documents¹

- 7.1 5 July 2016 report to Licensing Committee – Hackney Carriage Vehicle conditions – signs and markings
- 7.2 Hackney Carriage Vehicle saloon conditions
- 7.3 Hackney Carriage Vehicle Wheelchair Accessible Vehicle conditions
- 7.4 Local Government (Miscellaneous Provisions) act 1976.
- 7.5 LLC Private Hire vehicle conditions

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.

Hi Des,

The proposals and comments below are from Eurocabs Hackney Carriage Association.

CORPORATE ADVERTISING LIVERY

The end date for WAV's being able to apply for 'corporate livery' which is at 5 years at the moment should be extended to the full licensing term of the vehicle. There should be no limit on the age of the vehicle as to the starting point for the fitting of the corporate livery. The reason previously given by officers that livery needs to be removed for the inspection under the age criteria extension policy does not make any sense as the vehicle will be visually in good condition and any excessive corrosion which effects the safety of the vehicle will be clearly visible when the vehicle is inspected from underneath.

Due to the economic downturn the opportunities for proprietors to get advertising for their vehicle has dropped significantly furthermore the amount being paid has also reduced by as much as 50 percent in some cases.

Proprietors that are interested in having the livery fitted to their vehicles already buy brand new vehicles to maximise income potential of their vehicle.

Having the option of the Corporate Livery encourages drivers to buy better and newer vehicles but placing limits like having a minimum age and maximum age limits the income and restricts proprietors into buying vehicles that are cheaper and affordable within their limited budgets.

The type of livery i.e having a full body wrap including the roof and the bumper bars is also limiting the level of income and availability of advertisers. Cosmetically the vehicles do look more appealing when they are fully wrapped but not every advertiser wants the vehicle fully wrapped and are not willing to pay any extra, this condition of full wrapping then means that the proprietors income is reduced to ensure that livery meets Leeds City Councils requirements.

There should also be an option available for having two different adverts on the vehicle i.e 50/50 advertising.

SIGNS AND MARKINGS

This issue was discussed by the JTC Committee and only Streamline/Telecabs were in favour of this and therefore this should remain as a voluntary option for the companies or Associations that opt for this and should not be made compulsory for any Association/Company.

REAR LICENSING PLATE

This should again be an option only and should not be made compulsory.

Kind regards,

XXX XXXX,

Committee Member of XXX

Committee Member of XXX Hackney Carriage Association

Dear Mr Broster

Comments made regarding rear licensing plate by Mr XXXX are not representation of the whole JTC but solely of XXXs.

Streamline-Telecabs does not have any objections to plate vinyls. The subject was raised at a recent JTC meeting and as far as i can recall there were no objections from anyone at that time? One point i would raise is the metal plate do have sharp edges and could or have caused health & safety issues with peoples clothing and legs.

Corporate Liveries

I think this subject may be discussed further or at licensing committee. The problem being that some proprietors do not keep their vehicles in good condition and to allow an unlimited age criteria is detrimental to the vehicle when putting corporate livery on an older vehicle. There needs to be either an age limit or condition of vehicle inspection to determine the suitability of a vehicle due to condition.

Kind Regards

Mike Utting
Company Chairman
Streamline-Telecabs