

**LICENSING AND SAFETY COMMITTEE**  
**14 January 2011**

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**SIGNING ON VEHICLES**  
**(Chief Officer : Environment and Public Protection)**

**1 PURPOSE OF DECISION**

- 1.1. This report arises from a recommendation that was contained within the TPI Unmet Demand Survey Report received by this committee on 1 October 2009. The purpose of this report is to update members on the progress and results of a consultation exercise conducted with the trade.

**2 RECOMMENDATIONS**

2.1. **That the Committee**

- i) **Considers the report and**
- ii) **Determines whether or not officers should bring back a further report to the Committee on the best way to introduce a condition requiring signage on private hire vehicles**

**3 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS**

3.1 Borough Solicitor

The legal implications are contained within the report

3.2 Borough Treasurer

There are no significant financial implications arising from the recommendation in this report

3.3 Equalities Impact Assessment

There are no implications arising from the recommendation in this report

3.4 Strategic Risk Management Issues

There are no issues to consider.

**4 SUPPORTING INFORMATION**

- 4.1. The TPI Unmet Demand Survey August 2009 made a number of recommendations and amongst those recommendations was:

**“Providing information on the difference between Hackneys and Private Hire Vehicles and promoting the use of legitimate vehicles.”**

- 4.2. The Bracknell Licensed Taxi Forum (BLTF) suggested that to raise awareness and improve public safety, private hire vehicles should have a compulsory sign on the doors which include words such as “Advance Bookings Only” or “No Booking, No Ride”. These signs they suggested are common throughout the UK and help clearly identify a private hire vehicle from a Hackney Carriage.
- 4.3. It is illegal for a private hire vehicle to ply for hire and all rides must be booked in advance. Private hire insurance in the vast majority of cases does not cover plying for hire and will be invalid where a ride has not been booked in advance.
- 4.4. The TPI Survey did consult with users of private hire vehicles and 82.8% said they booked by telephone. There was in addition statistical evidence presented that 7% said they obtained a private hire vehicle from a rank and 5.1% said they flagged down a private hire vehicle in the street. The Council has conducted mystery shopper exercises at the bus station identified by the BLTF as a problem area and on all occasions private hire drivers directed the shoppers to Hackneys on the taxi ranks. It is not clear from the TPI report if the respondents fully understood the distinction between a Hackney Carriage and a private hire vehicle in answering this question. It is suggested that there is a need to have further statistically valid data upon public understanding and usage of private hire vehicles to determine the extent to which illegal plying for hire is taking place.
- 4.5. The Council, through the Hackney Carriage Sub Committee in December 1998, considered the introduction of compulsory door signs. At that time the Sub Committee agreed to the introduction of signage on a voluntary basis as follows:

**Private hire vehicles must not display a roof sign.**

**Private hire vehicles may display signs on the front doors, provided the sign does not exceed 50cm length and 25cm height, and contains the operator name and telephone number and the words ‘Advance Bookings Only’. No other words, devices or logos are permitted.**

**The sign may be attached by means of adhesive transfer or magnetic catches, and must be submitted for approval by the Licensing Section before being used.**

**Hackney Carriages must display a roof sign with the word “TAXI”, which must be illuminated when plying for hire. Door signs may be displayed complying with the conditions listed above, but excluding the words “Advance Bookings Only”. The TAXI roof sign may only be removed with permission of the Council or when working outside the Borough.**

**All hackney carriages which display liveried advertising on the vehicle must apply for approval to ensure the advertisement meets the criteria detailed in Appendix F. A fee is payable for this application, and an inspection of the vehicle will be required.**

- 4.6. Officers as part of the work to address recommendations within the TPI report consulted with all licensed vehicle owners to gauge views on the introduction of a condition which made it compulsory for private hire vehicles to display signs on the driver and passenger door. Attached to the report as Annex A is a copy of the letter sent to all owners of licensed vehicles within the Borough. Attached as Annex B are the 5 responses received:

1. Letter from JJM Taxis 27-07-2010
2. E-mail from Ian Thornton 28-07-2010
3. Letter from Mr C Bunn 29-07-2010
4. Letter from J & S Chauffer Services 29-07-2010
5. Letter from Mr J Cole 29-08-2010

- 4.7 A condition may be applied to a private hire licence as a Council may consider reasonably necessary including one requiring the display of signs on the vehicle so as not to lead any person to believe that the vehicle is a Hackney Carriage. If such a condition is applied to a licence it is suggested that it should be subject not only to the test of reasonableness but also necessity and proportionality. A theme within the responses received is around the necessity for such signs. To address these tests the Committee may wish to consider the following questions:
1. is there a problem to address?
  2. is this an effective counter measure?
  3. is this a proportionate measure which realises benefit for the community without imposing an unnecessary burden upon the private hire business?
- 4.8. The BLTF have consistently voiced the opinion that private hire vehicles are plying for hire from the short term parking area adjacent to the taxi rank at the bus station. Matters reported by BLTF members to officers have been investigated but there has been insufficient evidence to prove any allegations. Officers have also conducted mystery shopper exercises by using staff from neighbouring authorities to approach private hire vehicles to test the allegations. All approaches have been rebuffed by the private hire drivers who rightly referred the shoppers to the taxi ranks.
- 4.9. Further reasons often expressed to support the introduction of door signs is that in poor light, especially at night, members of the public may approach a private car believing it to be the private hire vehicle they have booked for their trip home. The driver of that vehicle may present a serious risk to the passenger. Over the years there have been high profile cases of abduction and sexual assault involving such opportunist drivers. Whilst the frequency of such attacks is very low, they do present a serious risk to public safety when they occur. The use of door signs together with a programme of public education would reduce such risks. The same education programme informing members of the public to look for the plate at the rear of the vehicle or the driver badge may have a similar impact and the Council is presently engaged with Thames Valley Police on such a campaign as part of the TPI recommendation previously mentioned.
- 4.10. Other than the matters referred to in 4.8 above there have been limited allegations of plying for hire by private hire vehicles in recent years. Any allegation that is made is investigated by officers and, where appropriate, action taken in accordance with our Enforcement Policy. Given the low number of justified complaints, it may be that illegal plying for hire within Bracknell Forest is not a serious problem, however as mentioned earlier this must be weighed against the evidence that 12% of private hire users surveyed for the Unmet Demand Survey say they accessed a private hire vehicle in contravention of the legal requirements. Members may consider that further evidence from users of the service may assist in establishing the extent of the problem within Bracknell Forest.
- 4.11. If members are satisfied that a problem exists there must be a consideration on whether the use of signs on vehicles would be an effective measure to address that problem. I would draw members' attention to the letter by Mr Bunn attached as

Annex B3, and Mr Cole Annex B5. Both are long standing members of the taxi trade in the areas of Hackney Carriage and Private Hire.

- 4.12. Their responses imply that they do not feel there is a problem and that the use of compulsory signs is unlikely to be a solution to solve the problem or change public attitude. There is presently no evidence available to be produced to Members from local authorities who have adopted compulsory signs that such an approach confirms or denies this view.
- 4.13. If members are satisfied that there is a problem that needs to be addressed and compulsory signs are a solution, then consideration must be given to the impact of that solution or variants of it on the business to which it is applied. The provision of a sign for both sides of a vehicle given present size requirements and magnetic attachment is around £60 per vehicle. The more information, i.e. Council logo, licence number that is required the higher the cost to the licence holder. Comment has also been made within the responses received that certain passengers require a level of anonymity or presentation of vehicle and that a sign would adversely impact upon businesses that presently attract those types of passengers. Members could decide to provide exemptions for certain classes of licence, i.e. corporate dispensation vehicles, if that is of concern to them.
- 4.14. Some Bracknell operators including JJM and F&D already use door signs on a voluntary basis as they perceive it as a good advertising medium for their companies.
- 4.15. The Department of Transport – Taxi and Private Hire Vehicle Licensing – Best Practice Guidance March 2010, to which the Licensing Authority should have regard states.

**Members of the public can often confuse PHVs with taxis, failing to realise that PHVs are not available for immediate hire and that a PHV driver cannot be hailed. So it is important to distinguish between the two types of vehicle. Possible approaches might be:**

**A licence condition that prohibits PHVs from displaying any identification at all apart from the local authority licence plate or disc.**

**The licence plate is a helpful indicator of licensed status and, as such, it helps identification if licence plates are displayed on the front as well as the rear of vehicles. However, requiring some additional clearer form of identification can be seen as best practice. This is for two reasons: firstly, to ensure a more positive statement that the vehicle cannot be hired immediately through the driver; and secondly because it is quite reasonable, and in the interests of the travelling public, for a PHV operator to be able to state on the vehicle the contact details for hiring;**

**Licence condition which requires a sign on the vehicle in a specified form.**

**This will often be a sign of a specified size and shape which identifies the operator (with a telephone number for bookings) and the local licensing authority, and which also has some words such as 'pre-booked only'. This approach seems the best practice; it identifies the vehicle as private hire and helps to avoid confusion with a taxi, but also gives useful information to the public wishing to make a booking. It is good practice for vehicle identification for PHVs to include the contact details of the operator.**

**Another approach, possibly in conjunction with the previous option, is a requirement for a roof-mounted, permanently illuminated sign with words such as 'pre-booked only'. But it can be argued that any roof-mounted sign, however unambiguous its words, is liable to create confusion with a taxi. So roof-mounted signs on PHVs are not seen as best practice.**

Whilst this is stated best practice Members should consider if it is appropriate for Bracknell Forest given local conditions around necessity and proportionality.

#### Background Papers

Local Government (Miscellaneous Provisions) Act 1976.

The Department of Transport – Taxi and Private Hire Vehicle Licensing – Best Practice Guidance March 2010

#### Contact for further information

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