

LICENSING REGULATORY COMMITTEE

Introduction of Livery for Hackney Carriage Vehicles 2nd September 2010

Report of Licensing Manager

PURPOSE OF REPORT

To seek Members' approval for the introduction of a livery for Hackney Carriage vehicles.

This report is public.

RECOMMENDATIONS

Members are requested to consider the results of the consultation exercise into the introduction of livery for Hackney Carriage vehicles that has taken place with members of the taxi trade and are recommended to approve the introduction of a licence condition that all new and replacement hackney carriages be a specified colour, and a consequential licence condition that no new or replacement private hire vehicle shall be that colour, with immediate effect, save that an exception be permitted where a proprietor demonstrates that the vehicle was ordered before the 6th September 2010.

1.0 Report

1.1 Members will recall that at the Licensing Regulatory Committee meeting on 10th June 2010 the Licensing Manager asked for their approval to carry out a consultation with members of the trade about the introduction of a livery for hackney carriage vehicles.

2.0 Consultation Responses

2.1 As a result of consultation with all members of the trade, 5 representations were received, 3 of which are objecting to the introduction of livery, and 2 have made recommendations should livery be introduced. Representations are attached at Appendix 1. The main points of the representations are as set out below.

2.2 One member of the trade has suggested that if livery is introduced, all hackney carriages should be Euro Cabs or the purpose built London Type Cabs. Whilst this is an option that could be considered by members, consideration should be taken with regards to the cost of these vehicles, approximately £25,000, as this would place a considerable financial burden on proprietors.

2.3 Another member of the trade has suggested that the colour silver should be used for livery. However as silver is such a common colour for vehicles, officers do not think

that this would be easily distinguished from many other private vehicles. Additionally an objection was received from a private hire proprietor, whose company name is Silver Taxis, and for obvious reasons would not be happy for the colour silver to be used as a livery for hackney carriage vehicles.

2.4 One member of the trade has expressed concerns that if all hackney carriages were the same colour, any member of the public who had the need to make a complaint about a particular vehicle would have difficulty in identifying the vehicle for the purpose of the complaint. The proprietor has suggested that members of the public only remember which vehicle they have travelled in based on colour. In the experience of the licensing department this is not the case, as it would be extremely difficult for any authority to resolve a complaint based on such a small amount of information. This theory would, however, in the licensing officers' opinion, require each vehicle in our current fleet of hackney carriages (109) to be a different colour. For members' information, this representation was received after the close of the consultation period, however officers would request that it is considered by the committee.

2.5 Members of the trade expressed concern that specifying a colour for hackney carriages would result in a premium having to be paid for that particular colour, which could mean proprietors sourcing vehicles from outside of the district. They state that this could have a detrimental effect on local suppliers. There is no evidence to back up this theory from other areas that do have livery. Further if local dealers decide to charge a premium for any colour selected for hackney carriage livery, which then results in a loss of trade for themselves, it would be a bad business decision on their part and any subsequent loss of sales would be caused by their own actions. Public safety is the main consideration of the licensing authority.

3.0 Proposal

3.1 Members are asked to consider the proposal for a livery in the light of the consultation responses received.

3.2 Over recent months there have been several complaints from hackney carriage proprietors that private hire vehicles currently licensed by this authority can not be distinguished from hackney carriage vehicles. Section 48 of the Local Government (Miscellaneous Provisions) Act 1976 (The Act) states that :-

“a district council may on the receipt of an application from the proprietor of any vehicle for the grant in respect of such vehicle a licence to use the vehicle as a private hire vehicle grant in respect thereof a vehicle licence: Provided that a district council shall not grant such a licence unless they are satisfied – that the vehicle is not of any such design and appearance as to lead any person to believe that the vehicle is a hackney carriage;”

3.3 Private hire vehicles licensed by this authority have door signs which state that the vehicle must be pre- booked and do not have a roof sign, as hackney carriage vehicles do. However, livery would help to distinguish hackney carriage vehicles from private hire vehicles further, and improve safety for members of the public using taxis as well as assisting with enforcement issues. For these reasons, officers would recommend the introduction of livery.

3.4 In areas where livery has been introduced the industry has been enhanced, as the chosen colour becomes synonymous with the word 'Taxi' within that area. Members of the public, will quite clearly see any 'Taxi' approaching, and will therefore become

aware of who can and who cannot be ‘flagged down’ safely. The aim of this authority when carrying out its private hire and hackney carriage licensing functions is to protect the public.

- 3.5 Section 47 of the Act provides 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 such distinguishing marks as shall clearly identify it as a hackney carriage”
- 3.6 The proposal therefore would be to use Section 47 to require that any new or replacement hackney carriage must comply with the approved livery, and to use Section 48 to require that any new or replacement private hire vehicle must not be the same colour as the chosen hackney carriage livery. Whilst this would take immediate effect, exceptions would be permitted where a proprietor is able to demonstrate that a vehicle was ordered before the 6th September 2010. Clearly there will be a transitional period during which some existing private hire vehicles will be the same colour as the hackney carriage livery, but this is inevitable.
- 3.7 If members are minded to approve the introduction of livery, officers would like to recommend that the chosen colour be white, as it is widely available, does not come in as many variety of shades as many other colours do, and should not place any additional financial burden on proprietors.

4.0 Conclusion

Officers believe that if the proposed recommendations are approved, they would improve public safety, and assist with enforcement.

CONCLUSION OF IMPACT ASSESSMENT (including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)

The introduction of livery would contribute to – developing and strengthening Lancaster’s economy and promoting the well being of Lancaster’s Communities. The additional recommendations will improve public safety, failure to continually improve safety could leave the Council open to criticism. The proposed policy does not have the potential to cause negative impact or discriminate against different groups in the community based on age, disability, gender, race/ethnicity, religion or religious belief (faith), sexual orientation, or rural isolation.

FINANCIAL IMPLICATIONS

There are no financial implications arising from this report.

LEGAL IMPLICATIONS

The legal implications are set out in the report. There is a right of appeal to the Magistrates’ Court against a condition imposed in a hackney carriage or private hire vehicle licence.

BACKGROUND PAPERS None.

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