

# LICENSING REGULATORY COMMITTEE

## Adoption of Livery for Hackney Carriage Vehicles

1 September 2011

### Report of Licensing Manager

#### PURPOSE OF REPORT

To enable members to consider the outcome of the recent consultation on the adoption of a livery for Hackney Carriage vehicles.

This report is public.

#### RECOMMENDATIONS

**Members are requested to consider the results of the further consultation exercise on the introduction of livery for Hackney Carriage vehicles that has taken place with members of the taxi trade.**

##### 1.0 Report

- 1.1 Members will recall that at the Licensing Regulatory Committee meeting on 2 September 2010 the Committee approved the introduction of a licence condition requiring all new and replacement Hackney Carriage vehicles to be a specified colour, and a consequential licence condition that no new or replacement private hire vehicles shall be that colour. This was to be subject to consultation with members of the trade regarding the chosen colour. A copy of the report and the minutes of the meeting are attached at Appendix 1 to this report.
- 1.2 Following the Committee's decision on the 2nd September 2010 some members of the trade made representations to members of the Licensing Regulatory Committee. As a result members asked for further extensive consultation on a number of matters. The introduction of livery was included in that consultation process, which duly took place over a six month period concluding on June 30th 2011. A breakdown of the result of the consultation is attached at appendix 2 to this report.
- 1.3 Members will note that there was only a 13% response from the whole trade about this issue. 65 of those responding to the consultation disagree with this policy. This represents 66.3% of those that responded, but only 8.7% of the trade as a whole. There are 109 hackney carriage vehicles licensed in Lancaster, some proprietors own more than one vehicle (approximately 8), however some vehicles (57) have 2 proprietors. The number of hackney carriage proprietors that responded to the consultation (39), therefore was surprisingly low.
- 1.4 During the latter few months of 2010, an unmet demand survey was carried out on behalf of Lancaster City Council by a company called Mouchel. The principal

objective of the study was to determine what level of demand exists for hackney carriage services in the Lancaster City Council Licensing area. The survey was commissioned to satisfy the current licensing legislation, and the Department for Transport Best Practice Guidance, in order to demonstrate clearly the grounds on which the Council can defend its policy on restriction of hackney carriage vehicle numbers.

- 1.5 During the survey, public and stakeholder consultations took place. The public were shown photographs of a typical hackney carriage, and a typical private hire vehicle in the Lancaster licensing area. In Lancaster 59% said the hackney carriage pictured could be hired at ranks, in the street or by phone. However of these people, just under half also thought the same about the private hire vehicle. Some 54% of those interviewed in Lancaster knew that a private hire vehicle could be obtained by phone – although just 10% of those also knew the hackney definition correctly. 27% of respondents claimed both vehicles could be obtained by hailing, at a rank or over the phone.

In Morecambe, just 4% of those interviewed understood the hackney correctly, with only 15% overall saying you could get a hackney vehicle from a rank. Conversely, some 66% felt you could obtain a private hire vehicle from a rank.

- 1.6 Members of the public were asked the question “Would it help you to identify hackney carriages if they were painted one colour?” In Lancaster 43% of the people interviewed said it would, and in Morecambe 50% said it would. The balance of Lancaster interviewees felt it would not make a difference (51%) whilst the balance of Morecambe people (68%) thought it would. Few people overall said it would not help. A copy of the full report is available to view on the Council’s licensing web page.
- 1.7 In 2010 one private hire driver was successfully prosecuted for picking up a fare that was not pre booked; he also pleaded guilty to not having the correct insurance. This incident took place as part of a mystery shopping exercise carried out by licensing officers, following complaints from the trade that private hire vehicles were plying for hire. Two other private hire drivers have received formal warnings, again after being reported for plying for hire by members of the trade. There is currently a further investigation underway concerning a private hire vehicle plying for hire. The licensing department are regularly receiving complaints, mainly from hackney carriage drivers and proprietors, about private hire drivers plying for hire, and more recently about hackney carriage vehicles not licensed by this authority plying for hire in the Lancaster licensing area. Any private hire vehicle that plies for hire is a danger to the public, as in most cases their insurance would not be valid.
- 1.8 Members should consider in the light of this report whether the condition requiring all hackney carriage vehicles to be the same colour and the consequential condition that private hire vehicle should not be that colour is reasonably necessary on the grounds of public safety. Hackney carriages that all have the same livery are easily identifiable, and therefore members of the public, as well as police officers would be aware that they can be hailed in the street, and pick up at taxi ranks.
- 1.9 Section 47 (1) of The local Government (Miscellaneous Provisions) Act 1976 provides that :- ‘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 to be reasonably necessary.’ Further sub section 2 of that section provides that;- ‘Without prejudice to the foregoing sub section, a district council may require any hackney carriage licensed by them under the Act of 1847 to be of such design and

appearance or bear any distinguishing marks as shall clearly identify it as a hackney carriage.'

- 1.10 If members' are minded to approve the introduction of livery for hackney carriage vehicles, officers would suggest that any livery chosen should ensure that the cars are very distinctive from all other vehicle on the road, otherwise the exercise would be futile. A local car dealer has suggested that different coloured panels can be added to certain areas of the vehicles e.g. bonnets and boots at a low cost of about £70 per panel. These colours would be applied in some sort of acetate, and would be removable when the vehicle ceased to be licensed as a hackney carriage vehicle.
- 1.11 Members are requested to consider, on the basis of the results of this further consultation, and the consultation carried out by Mouchell with members of the public, whether they still consider a condition requiring all hackney carriage vehicles to be a uniform colour to be reasonably necessary on the grounds of public safety, or whether to reverse their earlier decision to introduce a uniform livery for the Hackney Carriage fleet in the Lancaster City Council district.

## 2.0 Conclusion

Members are asked to consider whether to reinforce the decision made on 2 September 2010 to approve the introduction of a livery for Hackney Carriage Vehicles on the grounds of public safety. Alternatively, the Committee may reverse the decision taken on that day and have no specification in colour for Hackney Carriage vehicles.

If members still consider the introduction of a condition requiring hackney carriage vehicles to be a uniform colour, and a consequential condition that private hire vehicles must not be that colour to be reasonably necessary, a further report will be presented to this committee at a later date so that a final decision on livery choice and the timescale for implementation can be made.

### **CONCLUSION OF IMPACT ASSESSMENT**

**(including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)**

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. Rather, the purpose is to ensure that passengers are well served by safe, comfortable and suitable vehicles.

### **FINANCIAL IMPLICATIONS**

There are no financial implications for the Council arising from this report.

### **LEGAL IMPLICATIONS**

A person aggrieved by any conditions attached to a hackney carriage or a private hire vehicle licence may appeal to the Magistrates' Court.

### **BACKGROUND PAPERS**

None.

**Contact Officer:** Wendy Peck

**Telephone:** 01524 582317

**E-mail:** wpeck@lancaster.gov.uk

**Ref:** WP