

<b>28<sup>th</sup> March 2007</b>	<b>ITEM 5</b>
<b>Licensing Committee</b>	
<b>RESTRICTIONS ON THE LIVERY OF LICENSED HACKNEY CARRIAGES</b>	
<b>Report Author:</b> Phil Eastal, Environmental Health Team Leader	
<b>Accountable Head of Service:</b> Head of Strategy, Environment and Development Services	
<b>Accountable Director:</b> Corporate Director, Sustainable Communities	
<b>Portfolio Holder:</b> Cllr G Hague, Environment Portfolio Holder	
<b>Purpose:</b> To consider introducing a requirement for Council-licensed hackney carriages to be of particular colours.	
<b>Wards affected:</b> All	<b>Key decision:</b> Yes
This is a public report	

Comment [s]: **PLEASE CLICK THIS BOX ONCE and enter the date of the meeting (in font 16, not capitals)**

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Comment [s]: **PLEASE CLICK THIS BOX ONCE and enter the title of your report (in font 16 and in capitals)**

**1. RECOMMENDATIONS:**

- 1.1 To instruct the Head of Strategy, Environment and Development Services to consult with relevant parties on a proposal to amend the 'Vehicle Specifications for Hackney Carriages and Private Hire Vehicles' in order to introduce a requirement for the exterior bodywork of vehicles to be of certain colours.**
- 1.2 To report the results of the consultation to a future meeting of the Committee with a view to revising the vehicle specifications.**

**2. INTRODUCTION:**

- 2.1 The Chair of the Committee has asked for this issue to be raised at this meeting.
- 2.2 Licensing laws give local authorities a wide range of discretion over the types of vehicle they can license either as taxis (hackney carriages) or private hire vehicles. In addition to the mechanical and design specification of vehicles,

some authorities have resolved to make stipulations on their visual appearance and have liveries for the taxis they licence.

### **3. BACKGROUND:**

- 3.1 The Council has adopted standards that apply to vehicles that are subject of an application for a hackney carriage or private hire vehicle licence. In other words, these represent criteria that are expected to be satisfied before the Council as licensing authority will issue a licence. Furthermore, the vehicle must be maintained in that condition once a licence has been granted.
- 3.2 The specifications seek to establish minimum acceptable standards for suitability in the type, size and design for use. The assessment of a vehicle's suitability is intended to ensure that licensed vehicles are safe and comfortable for their intended purpose.
- 3.3 Thurrock Council has never before tried to control the liveries of the hackney carriages it licenses; instead it has left the choice of colour of the exterior bodywork to the licensed proprietor of the vehicle.
- 3.4 Some authorities that have chosen to adopt a particular livery have insisted on a black colour, especially in the case of purpose-built taxis ('London cabs'), whereas others insist that the paintwork is of a non-standard colour, or have contrasting bonnet and boot lids or doors.
- 3.5 The following is example of a standard licence condition for a livery used by a neighbouring authority:
- a) Hackney carriage vehicles will at all times be coloured white with orange bonnet and boot panels, suitably sprayed to a high quality finish. The orange colour shall be Clementine Glasurit 21 line BS06E51, or such other orange colour as the Council may specify.*
  - b) Where the vehicle is a multi-passenger vehicle or other type of vehicle with rear doors or panels instead of a boot, they may be painted orange up to the level of the lower edge of the rear windscreen(s). In such cases the top parts of the rear door panels should be coloured white.*
  - c) Where rubbing strips are fitted on doors or panels, they should comply with the colour scheme of the relevant door or panel. Unless they consist of black plastic, rubber or other material as normally supplied by the manufacturer.*

### **4. ISSUES AND/OR OPTIONS:**

- 4.1 The justification for conditions of this kind is to assist the travelling public in identifying hackney carriages. Members of the public can often confuse private hire vehicles with taxis, failing to realise that private hire vehicles are not available for immediate hire and that their drivers cannot be hailed.
- 4.2 It is important to distinguish between the two types of vehicle. The following existing features distinguish Thurrock Council hackney carriages:

- A roof-mounted 'TAXI' sign
- Yellow door signs ("*Thurrock Council Licensed Taxi*" "*This vehicle can ply for hire*")
- Yellow taxi licence plates at front and rear
- Internally mounted licence details card in the front windscreen.

These standard features are in addition to any other markings put on the vehicle by the proprietor, such as the name of the taxi firm.

- 4.3 If the principle of introducing a 'Thurrock livery' were accepted, a choice would have to be made on the paint colour(s) to be accepted and the parts of the bodywork that would have to be painted in those colours. A transition period would also probably be required to allow existing non-compliant vehicles to be phased-out.
- 4.4 In October 2006, the Department for Transport published Best Practice Guidance on Taxi and Private Hire Vehicle Licensing. The guidance is silent on the reasonableness of requiring the two classes of licensed vehicle to be painted different colours.
- 4.5 The advice however makes it clear that it is primarily for local licensing authorities to make decisions of this nature, taking into account local circumstances and requirements. Local authorities must reach "the right balance between costs and benefits in determining the licensing policies for their area."
- 4.6 Local licensing authorities should look carefully at the costs - financial or otherwise - imposed by each of their licensing policies. It is suggested they should ask themselves whether those costs are really commensurate with the benefits a policy is meant to achieve?
- 4.7 In this case, there could be additional costs for taxi proprietors in the purchase of vehicles of the chosen colours, or they would be faced with having all or parts of the bodywork re-sprayed. It is also possible that the effect of re-spraying the vehicle in unusual colours would affect the resale value of the vehicle if it were no longer to be used as a hackney carriage in the borough.
- 4.8 It is good practice for local authorities to consult on any significant proposed changes in licensing rules. Such consultation should include not only the taxi trade but also groups likely to be the trades' customers.

## **5. IMPACT ON CORPORATE PRIORITIES:**

- 5.1 Licensing of hackney carriages promotes public safety. Any measure that encourages the lawful use of licensed vehicles will further this objective. Securing a safer environment is one of the Council's key priorities that focus on service delivery. Reducing crime and the fear of crime also accords with the aims and objectives of the Safer Thurrock Partnership, of which the Council is a partner.

**6. OVERVIEW AND SCRUTINY:**

6.1 This item has not previously been referred to the Overview and Scrutiny Committee.

<p><b>RELEVANT POLICIES</b></p> <p>Local Government (Miscellaneous Provisions) Act 1976 / Town Police Clauses Act 1847: Thurrock Council Vehicle Specifications for Hackney Carriages and Private Hire Vehicles</p>	
<p><b>FINANCIAL IMPLICATIONS</b>                  (Prepared by: <b>Astra Olinski</b> <b>01375 652009</b>  <b>e-mail: aolinski@thurrock.gov.uk</b></p> <p>There are no financial implications to the council in making this change of policy, save that it would bear the costs of any successful legal challenge.</p>	
<p><b>LEGAL IMPLICATIONS</b>                  (Prepared by: <b>David Lawson</b> <b>01375 652834</b>  <b>e-mail: dlawson@thurrock.gov.uk</b></p> <p>Section 47 of the Local Government (Miscellaneous Provisions) Act 1976 gives the local authority discretionary powers in relation to hackney carriage proprietors' licences. It can attach conditions that it deems 'reasonably necessary'. It "may require any hackney carriage licensed by them ...to be of such design or appearance or bear such distinguishing marks as shall clearly identify it as a hackney carriage". Any person aggrieved by any conditions may appeal to a magistrates' court. There are no particular human rights issues arising from the report. It will be necessary to undertake an appropriate consultation.</p>	
<p><b>OTHER IMPLICATIONS</b></p> <p>There are no specific diversity issues relating to this issue.</p>	
<p><b>BACKGROUND PAPERS</b></p> <ul style="list-style-type: none"> <li>• Thurrock Council Vehicle Specifications for Hackney Carriages and Private Hire Vehicles</li> <li>• Department for Transport: Taxi and Private Hire Vehicle Licensing: Best Practice Guidance Oct 2006</li> </ul> <p>Held by Environmental Health &amp; Trading Standards Service</p>	<p><b>Report Author Contact Details:</b>  <b>Name: Phil Eastal</b>  <b>Telephone: 01375 652104</b>  <b>E-mail: peasteal@thgurrock.gov.uk</b></p>