

REPORT TO: LICENSING COMMITTEE - 1 APRIL 2010

REPORT ON: SIGNS ON TAXIS AND PRIVATE HIRE CARS

REPORT BY: DEPUTE CHIEF EXECUTIVE (SUPPORT SERVICES)

REPORT NO: 197-2010

1.0 PURPOSE OF REPORT

- 1.1 To obtain Committee approval for amendments to the conditions attached to Taxi and Private Hire Car Licences regarding the display of the operators details on the front driver and passenger doors and to introduce a new requirement for private hire cars to display a sign in the prescribed form stating that they are available for advanced booking only.

2.0 RECOMMENDATIONS

- 2.1 That the Committee agrees to the amendment of Condition 10 of Taxi Licences by substituting the words "DUNDEE TAXI" for the words "the name of the operator of every licensed taxi" in the first line of the second paragraph thereof and the substitution of the word "letters" for the word "names" in the final two sentences of the second paragraph thereof;
- 2.2 That the Committee agrees to the amendment of Condition 10 of Private Hire Licences by substituting the words "DUNDEE PHC" for the words "the name of the operator of every licensed private hire car" in the first line of the second paragraph thereof and the substitution of the word "letters" for the word "names" in the final two sentences of the second paragraph thereof and the addition of a third paragraph as follows:- "The holder of a private hire car licence shall display a sign in the prescribed form advertising that the vehicle is for advance booking only. The sign shall be displayed on the outside of the driver's and front passenger's doors below the lettering referred to in the preceding paragraph of this Condition."
- 2.3 That the sign at APPENDIX 1 to this Report be approved as the prescribed form for the purposes of Paragraph 2.2 above.

3.0 FINANCIAL IMPLICATIONS

- 3.1 In terms of Paragraph 15 of Schedule I to the Civic Government (Scotland) Act 1982, the Council is legally obliged to recover its costs in administering the licensing scheme through the fees received. This would include the cost of providing the signs referred to in Paragraph 2.3 above. There should, therefore, be no financial implications for the Council in the introduction of these requirements.

4.0 BACKGROUND

- 4.1 At its meeting on 14 January 2010, the Committee agreed to amend its policy to allow private hire car operators to advertise details of the office from which the vehicle operates, provided the word "taxi" does not appear anywhere in the advertisement and also that the advertisement otherwise complies with Section 14 of the Civic Government (Scotland) Act 1982 (set out at Paragraph 5.2 below). At that time, the Committee requested the submission of a further report as to how this policy would be implemented and also that a style of sign be produced for display on private hire cars to the effect that they must be booked in advance.
- 4.2 Further, at the meeting of the Taxi Liaison Group on 25 February 2010 it was agreed to recommend to the Committee an amendment to the current requirement to display the operator's name on the front doors of taxis and private hire cars. Members of the trade had expressed safety concerns at this requirement since it could lead to disgruntled members of the public being able to use these details to find out where the operator resides.

5.0 MAIN TEXT

- 5.1 The Committee's previous policy on advertising on private hire cars was to allow the operator's own details including a telephone number to be displayed. The policy has now

been extended to allow the details of the office from which the vehicle operates to be advertised as narrated in Paragraph 4.1 above.

- 5.2 Section 14(1) of the Civic Government (Scotland) Act 1982 provides that "there shall not be displayed on or in any private hire car any word, sign, notice, mark, illumination or other feature which may suggest that the vehicle is available for hire as a taxi." Concerns were expressed at the Taxi Liaison Group that to allow this limited form of advertising on private hire cars might breach the terms of Section 14(1) of the said 1982 Act.
- 5.3 In order to address this issue, it is recommended that all private hire cars, whether they carry advertising or not, (excluding special events private hire cars) be required to display the sign shown in APPENDIX 1 to the Report. There is not considered to be any need to extend this requirement to special events vehicles since they are unlikely to be mistaken for taxis due to their distinctive appearance, eg stretched limousines.
- 5.4 It is considered that the above proposals are consistent with the recommendations contained in the Scottish Government's "Taxi and Private Hire Car Licensing Best Practice for Licensing Authorities" issued in 2007 which states,

"In addition to the specified local authority licence plate or disc identifying the vehicle as a private hire car some clearer identification is 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 reasonable, and in the interests of the travelling public, for a PHC operator to be able to state on the vehicle the contact details for hiring. In this regard authorities might consider introduction of a 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."

- 5.5 The current conditions for both taxis and private hire cars require the operator's name to be displayed under the front door windows. Due to the concerns mentioned at paragraph 4.2 above, it is proposed to include in this review of vehicle identification a change to this requirement. Instead of the operator's name the words "DUNDEE TAXI" or "DUNDEE PHC" (as appropriate) should be displayed, followed by the licence number allocated to the vehicle.
- 5.6 The amended conditions will take effect immediately for all new Taxi and Private Hire Car Licences, and upon renewal for existing licences. Any existing private hire car operators who wish to take advantage of the extended advertising policy before their licences are due for renewal can do so by applying for a variation of their licence. It would be a condition of the grant of any such variation that the prescribed sign as shown in APPENDIX I to this Report be displayed on the vehicle. The necessary amendments to the Conditions are set out at Paragraphs 2.1 and 2.2 above.

6.0 POLICY IMPLICATIONS

- 6.1 This Report has been screened for any policy implications in respect of sustainability, Strategic Environmental Assessment, Anti-Poverty, Equality Impact Assessment and Risk Management. There are no major issues.

7.0 CONSULTATIONS

- 7.1 The Chief Executive, the Director of Finance, the Plant and Vehicle Officer and the Chief Constable have been consulted in the preparation of this Report.

8.0 BACKGROUND PAPERS

8.1 Civic Government (Scotland) Act 1982.

8.2 "Taxi and Private Hire Car Licensing Best Practice for Licensing Authorities 2007" - The Scottish Government.

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Date: 23 March 2010

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