

Cabinet report



7 June 2022

PRIVATE HIRE VEHICLE DOOR SIGNAGE

Name of Cabinet Member	Councillor Paul Trendall Customer Services
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Exempt / confidential / not for publication	No
Council Plan reference	Not in Council Plan
Wards affected	All wards

Executive summary

Council taxi policy currently states that private hire operators ('operators') must provide and display Council approved door signage on private hire vehicles they operate. However, in recent years it has become clear to Council officers that this system has broken down with some private hire vehicles either not displaying any door signage at all due to supply problems, or alternatively displaying inappropriately modified door signage with key information missing. The result of this unfortunate situation is that it reduce the public's ability to identify the vehicle that has been booked and this increases the risk of either the public missing their booked vehicle or getting into the wrong vehicle. Council officers therefore propose to remove this policy on operators and replace it with a new policy on private hire vehicle proprietors. The new policy will state that a private hire vehicle proprietor (and his/her driver) must display two door signs provided by the Council (in-house) on their licensed vehicle. This will allow vehicle inspections to be completed quicker, and therefore be more effective, during late night enforcement operations. The additional cost of two doors signs will be added to the compulsory annual vehicle fee for a private hire vehicle licence. Operators will still be able to display their own door

signage but it must be in addition to Council provided door signage. On 9 February 2022 the Regulatory Committee recommended that Cabinet support this policy change.

1. Decision/s to be made

1.1 That the Cabinet approve an amendment to the Council's taxi policy (Part 1) to state the following:

- a) Vehicle licence holders and drivers must display Council supplied private hire door signage. The signage will state:
 - i. MKC Logo
 - ii. It is a licensed private hire vehicle
 - iii. If the vehicle is not pre-booked it is not insured (Advanced Booking Only)
 - iv. Council complaint/contact information

Council door signs will be magnetic however should a vehicle be unable to display a magnetic door sign then an adhesive must be used to secure the door sign to the vehicle.

- b) Private hire operators may, in addition to Council approved door signage, display their own door signs. The door signs must be approved by the Council and meet the guidelines and procedures set out by the Regulatory Committee in the Hackney Carriage and Private Hire Licensing Procedures & Conditions (Part 2) document.

1.2 That the Cabinet approve new private hire vehicle fees as set out in **Annex A** to take effect from 29 June 2022 under Section 70 of the Local Government (Miscellaneous Provisions) Act 1976. Each fee has increased by £7.00 to cover the cost of two new vehicle door signs per year.

2. Why is the decision needed?

2.1 Current taxi policy states that private hire operators must display council approved door signage on private hire vehicles they operate. The door signage must state:

- It is a private hire vehicle
- The name of the operator
- The vehicle must be pre-booked

2.2 The signage is acquired/purchased from the operator by a private hire vehicle proprietor or driver. When the signage is not displayed the Council takes enforcement action against the proprietor and/or driver of the vehicle. However, in recent years it has become clear to Council officers that private

hire operators have, at times, been unable to meet the demand for private hire door signage. This has resulted in some private hire vehicles having:

- No doors signs
- Only 1 door sign
- Modified door sign(s) with certain criteria removed - in an attempt to either meet council requirement(s) or to fit on the vehicle **(See Annex B)**

2.3 Council officers have concluded that the current situation is undermining the public's ability to identify the vehicle and this could result in the public either missing their booked fare or getting into the wrong vehicle. Either situation is a risk to public safety. This situation is also restricting the ability of enforcement officers to take action as proprietors/drivers have a reasonable excuse should they be unable to acquire/purchase door signs from operators.

2.4 Council officers therefore propose to remove the policy that operators must display door signage. This is to be replaced by a policy that private hire vehicle proprietors (and their drivers) must display two door signs provided by the Council (in-house). The door signs **(see Annex C)** will provide the following information:

- v. MKC Logo
- vi. It is a licensed private hire vehicle
- vii. If the vehicle is not pre-booked it is not insured (Advanced Booking Only)
- viii. Council complaint/contact information

2.5 The door signs will be produced by the Council's print services team who have advised that they can meet the demand of the licensed private hire fleet (700-800 vehicles). The door signs will be posted annually to each vehicle proprietor along with the licence plate, paper licence and no smoking stickers. Enforcement officers will also carry spare door signs whilst on patrol duties and private hire vehicles without door signage will be rectified at the roadside to promote public safety. Compliance/disciplinary action will also be taken against vehicle proprietors and drivers should they fail to display Council door signage without a reasonable excuse. Council door signs will be magnetic however should a vehicle be unable to display a magnetic door sign then an adhesive must be used to secure the door sign to the vehicle. Failure to do so will result in the vehicle licence being suspended until the door sign(s) is secured.

2.7 Private hire operators will still be able to display their own door signage however this must be in addition to Council approved signage. Operator signs must be approved by Council officers and are limited to:

- Operator name
- Business contact information

- Highlighting that it is an environmentally friendly vehicle but cannot form a commercial advertisement

Consultation - Private hire vehicle fee increase

2.6 Two Council door signs will cost an additional £7.00 per licence holder which will be added to the annual vehicle fee for a private hire vehicle licence. The Council is permitted under current law to recover reasonable costs associated with taxi licensing which, in regard to door signage, includes magnetic material, print charges, and additional administration (postage) costs. New private hire vehicle fees of £288.00 (new) and £283.00 (renewal) were advertised under Section 70 of the Local Government (Miscellaneous Provisions) Act 1976 on 3 March 2022 (**Annex A**). The Council received three responses supporting the change and one objection which are enclosed (**Annex D**). The one objection stated:

'I hereby give you notice, that I am objecting to the increase for private hire charges. I do not accept that additional door signage is necessary, or in the interest of public safety. Rather you should target those who, for whatever reason do not have any signage at all. Council identification is already on display at the front and rear of our vehicle. Therefore I can only assume that this is an exercise to extract more revenue from hard pressed drivers. I would also like you to be aware that many modern cars are made from aluminium, and may only have limited space to place additional Council door signage. I for one will not allow you to provide adhesive door signage to put on my vehicle, at my expense, as this will damage my paint work. You really should be supporting Milton Keynes registered plated drivers. Do something more positive, and stop cross boarder drivers coming to Milton Keynes. The standard of many of those non MK registered cars, & drivers, is very often below the required standard. Many customers have told me of some horrendous experiences they have had. It is important that your inspectors exercise their obligations to enforce the council own policy. In this regard.'

Council officers met with licence holders on 28 April 2022 at the civic offices to discuss private hire vehicle door signage. A number of licence holders expressed a view that door signage was no longer needed due to mobile phone technological improvements that allowed customers to identify their booked vehicle. Licence holders were also concerned that they would now have to display two sets of door signs instead of one. Council officers stated that the proposal was to de-regulate operator door signage and therefore it would only be compulsory to display Council door signage.

The Regulatory Committee received 15 separate objections (supported by 45 drivers) to its report dated 9 February 2022 and they are enclosed (**Annex E**). The Regulatory Committee considered these objections, including oral presentations at the hearing, prior to making its decision. Many of the objections were concerned that:

1. The proposed door signs were permanently stuck on the vehicle and not magnetic.
2. Operator door signs would remain compulsory.

3. Implications of the decision

Financial	Y	Human rights, equalities, diversity	N
Legal	Y	Policies or Council Plan	Y
Communication	N	Procurement	N
Energy Efficiency	N	Workforce	N

a) Financial

The door signage policy change will bring additional income into the Council. Currently there are 790 private hire vehicles licensed by MKC which will bring in additional income of £5,530 per year.

b) Legal

Section 48(2) of the Local Government (Miscellaneous Provisions) Act 1976 allows the Council to attach a door sign condition to a private hire vehicle licence. Council officers believe that a new condition requiring vehicle proprietors and drivers to display Council provided door signage is reasonably necessary as it will help the public identify a vehicle that has been booked. This will reduce the risk of the public either missing their booked vehicle or getting into the wrong vehicle.

Each vehicle licence holder will have 21 days to appeal this new condition to the Magistrates' Court. Once the appeal period has lapsed and a licence holder is found to be in breach of the condition, enforcement action will be taken in accordance with Council policy and the Local Government (Miscellaneous Provisions) Act 1976.

Interested parties have three months to challenge Council policy and procedure and this can be done via a judicial review application to the High Court. If an interested party wants to challenge the Council's policy and procedure after three months they would need to ask the Council to amend the policy (and set out reasons why they think it should be amended) and if the Council refuses then they (interested party) would have three months to make a judicial review application challenging the Council's decision.

c) Policy

The Council's taxi policy, procedure & conditions documents (Parts 1 & 2) will need to be updated as follows:

- Section 11.6: Signage; Advertising and Livery (page 19)
- Section A6.1: Private Hire vehicles (pages 59-60)
- Condition C22: Door Signage (Page 68)
- Sections H1.7, 7.2, 7.3: Advertising on licensed vehicles (pages 88-92)
- Section J19: Operator Conditions (page 98)
- Section K: Penalty Point Warning and Education System (pages 106/107):

Drivers

D49	Failure to display 1 council provided door sign on PH vehicle (magnetically or adhesively)	C	3
D50	Failure to display 2 council provided door signs on PH vehicle (magnetically or adhesively)	C	6
D51	Modifying a council approved door sign	C	6

Vehicle Proprietors

P27	Failure to display 1 council provided door sign on PH vehicle (magnetically or adhesively)	C	3
P28	Failure to display 2 council provided door signs on PH vehicle (magnetically or adhesively)	C	6
P29	Modifying a council approved door sign	C	6

4. Alternatives

The Cabinet can:

- a) Support the policy change (Recommended option)
- b) Reject the policy change and maintain the current policy of operator door signage
- c) Reject the objection(s) and support the proposed new fee increase for vehicles as set out in **Annex A** (Recommended option)
- d) Partially uphold the objection(s) and change the fee increase to a lower amount for vehicles proprietors (e.g. £6)

- e) Fully uphold the objection(s) and reject the fee increase for vehicle proprietors

Option B is not recommended as set out earlier in the report. Options D & E are not recommended as they will result in the service being subsidised further by alternative budgets.

5. Timetable for implementation

It is proposed that the fee increase for private hire vehicles contained in **Annex A** will come into legal effect on 29 June 2022 with the charging of vehicle proprietors commencing on 1 July 2022.

List of Annexes:

- Annex A: Private Hire Fee Advertisement - 3 March 2022
- Annex B: Modified Operator Door Signage
- Annex C: Proposed Council Door Signage
- Annex D: Objection/Responses to Fee Advertisement
- Annex E: Objections/Responses to Regulatory Committee

List of Background Papers:

Council Taxi Policy and Procedure documents (Parts 1 & 2)

<https://www.milton-keynes.gov.uk/environmental-health-and-trading-standards/licensing/hackney-carriage-private-hire/taxi-licensing-policy-annual-report-public-registers>

Taxi and Private Hire vehicle licensing – Councillors Handbook

https://www.local.gov.uk/sites/default/files/documents/5%2013%20%20OpenForBusiness_02_web.pdf