

Regulatory Committee report



9 February 2022

PRIVATE HIRE VEHICLE DOOR SIGNAGE

Report sponsor	Adele Wearing Transport and Taxis
Report author	Jason Agar Taxi Licensing Lead

Exempt / confidential / not for publication	No
Wards Affected	All Wards

Executive Summary

It is currently a condition of a private hire operator licence ('operators') that the operator must display council approved door signage on private hire vehicles that they operate. 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. As a result some private hire vehicles are working in Milton Keynes without appropriate door signage which undermines the public's ability to identify the vehicle that has been booked. Council officers therefore propose to remove this condition on operators and replace it with a new condition on private hire vehicle licences. The new condition 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. 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 produced door signage.

1. Recommendations

- 1.1 That the condition that private hire operators must provide door signage be removed from the Hackney Carriage and Private Hire Licensing Procedures and Conditions (Part 2) document.

1.2 That the following condition be placed on all private hire vehicle licences:

The vehicle proprietor (and driver) must display two door signs provided by Milton Keynes Council on their private hire vehicle at all times whilst the vehicle is licensed. The door signs must be displayed on both sides of the vehicle and must not be modified.

1.3 That an advert be placed in the local newspaper under Section 70 of the Local Government (Miscellaneous Provisions) Act 1976 proposing a new private hire vehicle licence fee of £288 and a renewal private hire vehicle licence fee of £283. Each fee has increased by £7.00 to cover the cost of two new vehicle doors signs per year. An optional charge of £3.50 per door sign will also be advertised should a licence holder request a replacement sign.

1.4 That, following consideration of any objections, Cabinet approve the new fees and charges and recommend the Council's Taxi Policy be amended to state the following:

1.4.1 Vehicle licence holders and drivers must display Council supplied private hire door signage. The signage will state:

- the Council's logo;
- it is a licensed private hire vehicle;
- if the vehicle is not pre-booked it is not insured (Advanced Booking Only); and
- Council complaint/contact information.

1.4.2 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 and Conditions (Part 2) document.

1.5 That the Head of Service or Director be permitted, in consultation with the Chair and Vice-Chairs, to make appropriate changes to the style and delivery of door signage in regard to size, design and colour when appropriate to do so in the interests of public safety.

2. Issues

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:

- (a) it is a private hire vehicle;

- (b) the name of the operator; and
 - (c) 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 one door sign; and
 - modified door sign(s) with certain criteria removed (in an attempt to either meet council requirement(s) or to fit on the vehicle).
- 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 condition that operators must display door signage. This is to be replaced by a condition that private hire vehicle proprietors (and their drivers) must display two door signs provided by the council (in-house). The door signs will provide the following information (see the attached **Annex**):
- the Council's logo.
 - it is a licensed private hire vehicle;
 - if the vehicle is not pre-booked it is not insured (Advanced Booking Only); and
 - 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 licence holder along with his/her plate and paper licence. 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.

2.6 Two Council door signs will cost £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) will be advertised under Section 70 of the Local Government (Miscellaneous Provisions) Act 1976 so they can be lawfully charged. Should a licence holder request a replacement door sign the cost will be £3.50 each and this charge will also be advertised. These new fees and charges, along with all fees and charges, will be reviewed on an annual basis by the Regulatory Committee.

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;
- the Council's logo; and
- highlighting that it is an environmentally friendly vehicle but cannot form a commercial advertisement.

3. Options

3.1 That the Committee:

- (a) removes the condition requiring operators to provide door signage and adds a new condition requiring private hire vehicle proprietors to display council provided door signage (**recommended option**); or
- (b) continues to condition private hire operators to provide their own door signage on their private hire vehicles (**not recommended**).

4. Implications

4.1 Policy

The Council's policy, procedure and conditions documents (Parts 1 and 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	C	3
D50	Failure to display 2 council provided door signs on PH vehicle	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	C	3
P28	Failure to display 2 council provided door signs on PH vehicle	C	6
P29	Modifying a council approved door sign	C	6

4.2 Financial

The £3.50 per sign covers the in-house printing and postage costs. The corporate fees and charges will be updated to reflect the change in the licence fees.

4.3 Resource and Risk

N	Capital	Y	Revenue	N	Accommodation
N	IT	N	Medium Term Plan	N	Asset Management

4.4 Carbon and Energy Management

None.

4.5 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.

5. Other Implications

N	Equalities/Diversity	N	Sustainability	N	Human Rights
N	E-Government	Y	The stakeholders are licence holders	N	Reduction in crime against children and vulnerable adults

List of Annexes

Annex: Proposed Council Private Hire Door Signage

List of Background Papers

Council Taxi Policy

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

Department for Transport - Taxi and Private Hire Vehicle Standards 2020

www.gov.uk/government/publications/statutory-taxi-and-private-hire-vehicle-standards