

## Public Consultation on Roof Signs fitted on Private Hire Vehicles

### What is the Purpose of the Consultation?

At a special Licensing Committee on the 28 February 2018, it was agreed that a Consultation take place to seek views on roof signage on Private Hire Vehicles. Once the Consultation has closed, the responses will be analysed, and a report prepared for the Licensing Committee.

We would like to receive your views on this by asking that you complete the short consultation below.

### Background:

The Council has a statutory duty to license Private Hire and Hackney Carriage vehicles, both are regulated under statutory schemes.

In order to license vehicles, the Council must have regard to any statutory and best practice guidance when deciding our policies in regard to any conditions that we may set.

One of the main reasons we set conditions is to safeguard the fee paying public when using private hire services.

When making decisions about whether or not to permit roof signage on Private Hire Vehicles we need to ensure any signs are clear and do not confuse the fee paying public into believing that the vehicle is a Hackney Carriage.

The following are the definitions for a Hackney Carriage and a Private Hire Vehicle.

A **'Hackney Carriage'** is a 'Taxi' and may pick up passengers from the street and 'rank-up' for immediate hire by passenger(s). These vehicles may only be driven by a person who holds a Hackney Carriage Driver Licence issued by the Local Authority. Hackney Carriages licensed by Harlow Council are 'London style vehicles' (mainly black cabs) and fitted with a roof sign bearing the words 'taxi'.

A **'Private Hire Vehicle'** has to be pre-booked through an 'Operator' who takes details of the proposed journey from the customer either in person, by telephone or through the internet. A private hire vehicle may not 'rank-up' and may not pick up customers from the street. These vehicles may only be driven by a person who holds a Private Hire Driver Licence issued by the Local Authority. In Harlow, Private Hire Vehicles are saloon, hatchback or estate vehicles. I.E. Skoda Octavia, Ford Focus, Ford Galaxy and similar models.

### Question 1

Please give your views on whether or not you believe a Private Hire Vehicle displaying a roof sign could be confused with a Hackney Carriage?

I do not believe that roof signage on PHV's could be confused with a Hackney carriage vehicle. The signage clearly states the service the vehicle is licensed to provide; i.e. pre-booked journeys only.  
Currently under Harlow Council rules the London style black cab is the only vehicle that can be licensed as Hackney Carriage vehicles. The Black cab trade also have signage advertising the service they provide i.e. "Taxi". One could argue that the black cab trade (hackney carriage) don't clearly define what service they provide i.e. Pick up from designated rank only or Hailed.

### Question 2

If we were to introduce roof signage as a conditions for Private Hire Vehicles should the display of roof signs be mandatory?

Absolutely NO! In law you can not make this Mandatory. This is not necessary and should remain voluntary. Licensing dept role in the licensing of roof signage is only to ensure that roof signage complies to set consistent standards ie size of lettering and wording of service vehicle provided.

### Question 3

If roof signage were to be introduced for Private Hire Vehicles, should we impose conditions relating to the type, size and colour of any proposed roof sign?

**Obsoletely Yes! That's clearly a responsibility of Licensing dept.**

#### **Question 4**

If we were to introduce a condition permitting roof signs should the condition include details such as the vehicle is pre-book only, with the telephone number and name of the operator and, licence holder details?

I don't think you need to much information or to large a sign. Limit the information to  
Pre - book journeys only  
Private Hire Vehicle license number ###

Please send your responses by email or letter to;

Licensing Team  
Harlow Council

The background to the to the consultation as presented by the committee is a misrepresentation of the history of roof signs decisions previously made. A magistrates court decided some time ago that roof signs on PHV would be inappropriate for a variety of reasons. Despite this, Harlow council decided to allow one operator in Harlow to display roof signs without sanction and is now opening up a debate as to whether a roof sign should become a mandatory condition of vehicle licensing, by asking questions of the public, of which the public would have little or no knowledge of the ramifications their opinions would have on the PHV trade.

In answer to the questions posed by the council, which represent a questionnaire designed to elicit answers required by the council, rather than consultation with vested interests, I offer the following response:

1. Please give your views on whether or not you believe a Private Hire Vehicle displaying a roof sign could be confused with a Hackney Carriage?

Yes they would be, which is why the operator currently using roof signs is possibly using them. I quote from the Department of Transport 2010 best practice guidance:

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. It is good practice for vehicle identification for PHVs to include the contact details of the operator.

Another approach, possibly in conjunction with the previous option, is a requirement for a roof-mounted, permanently illuminated sign with words such as 'pre-booked only'. But it can be argued that any roof-mounted sign, however unambiguous its words, is liable to create confusion with a taxi. **So roof-mounted signs on PHVs are not seen as best practice.**

Best practice is quoted in the council's background to this consultation.

2. If we were to introduce roof signage as a conditions for Private Hire Vehicles should the display of roof signs be mandatory?

All Conditions of PHV licensing are by definition mandatory, otherwise they would not be conditions, another point the public would be unaware of.

3. If roof signage were to be introduced for Private Hire Vehicles, should we impose conditions relating to the type, size and colour of any proposed roof sign.

Another irrelevance, as if you made it a condition, you would decide type size and condition.

4. If we were to introduce a condition permitting roof signs should the condition include details such as the vehicle is pre-book only, with the telephone number and name of the operator and, licence holder details?

Is this a suggestion that you would permit roof signs, but not make it a mandatory condition of the licence. If so then you are ultimately agreeing to allowing PHV to pose as "for hire" vehicles, because that would be the only reason for allowing roof signs.

Please give your views on whether or not you believe a Private Hire Vehicle displaying a roof sign could be confused with a Hackney Carriage?

Within this authority the vehicle difference is unmistakable and considerably unlikely that a member of the public would mistake a private hire vehicle with a Yellow Metro roof sign stating "pre booked only" over a London Style Hackney Carriage vehicle as a licenced Hackney Carriage vehicle can only be a London style black cab within Harlow

If we were to introduce roof signage as a conditions for Private Hire Vehicles should the display of roof signs be mandatory?

The introduction of roof signs has enhanced the safety, efficiency, and noticeability of the service to our customers and the authority should be proud of a private hire service that the community can easily notice and depend on.

If the condition was made mandatory I feel it should be made a condition of the operator to provide roof signs and not the driver as the operator can 1 brand the sign to be company specific to colours etc. and 2 absorb the cost as a business

I believe it should be a condition of the operator and driver but in a way that the driver isn't imposed to have another cost.

"A licenced private hire vehicle should mandatorily display a roof sign provided by the operator they are working for"

A Private hire operator should mandatorily provide its operated Private hire Vehicle with a roof sign.

If roof signage were to be introduced for Private Hire Vehicles, should we impose conditions relating to the type, size and colour of any proposed roof sign

Yes however Operators as a business will need to brand them and colour coordinate the roof signs accordingly for public recognition

If we were to introduce a condition permitting roof signs should the condition include details such as the vehicle is pre-book only, with the telephone number and name of the operator and, licence holder details?

Yes its essential for the purpose of the roof sign itself to clearly show the operators name, telephone number and the words "Pre book only"

## Public Consultation on Roof Signs fitted on Private Hire Vehicles

### Question 1

**Please give your views on whether or not you believe a Private Hire Vehicle displaying a roof sign could be confused with a Hackney Carriage?**

*The law states that there should be a clear difference in appearance between taxis and PHV's as there is a clear difference in the services they both provide to the public.*

*Roof signs are synonymous with Taxis and are a globally acknowledged symbol of a vehicle that is for immediate hire, it is the sign that they see and not necessarily what is written on it.*

*Harlow PHV's with roof signs are indistinguishable from other saloon car Taxis that often come into town from other local licensing areas, and therefore the many visitors to the town when met with parked PHV's displaying roof signs outside railway stations and other busy areas will inevitably be confused and may approach them.*

### Question 2

**If we were to introduce roof signage as a conditions for Private Hire Vehicles should the display of roof signs be mandatory?**

*If roof signs were introduced then yes they should be mandatory for all PHV's to provide clear uniform identification to assist the travelling public. At present we have a PHV trade that is muddled and confusing in appearance.*

### Question 3

**If roof signage were introduced for Private Hire Vehicles, should we impose conditions relating to type, size and colour of any proposed sign?**

*Again uniformity is important for ease of identification and if introduced all roof signs should be of the same size, colour, and type.*

### Question 4

**If we were to introduce a condition permitting roof signs should the condition include details such as the vehicle is pre-book only, with the telephone number and name of the operator and, licence holder details?**

*Yes, roof signs should include the word 'pre book only' telephone number, operator and licence details.*

## **Public Consultation on Roof Signs fitted on Private Hire Vehicles**

### **What is the Purpose of the Consultation?**

At a special Licensing Committee on the 15 March 2018, it was agreed that a Consultation take place to seek views on roof signage on Private Hire Vehicles. Once the Consultation has closed, the responses will be analysed and a report prepared for the Licensing Committee.

We would like to receive your views on this by asking that you complete the short consultation below.

### **Background:**

The Council has a statutory duty to license Private Hire and Hackney Carriage vehicles, both are regulated under statutory schemes.

In order to license vehicles, the Council must have regard to any statutory and best practice guidance when deciding our policies in regard to any conditions that we may set.

One of the main reasons we set conditions is to safeguard the fee paying public when using private hire services.

When making decisions about whether or not to permit roof signage on Private Hire Vehicles we need to ensure any signs are clear and do not confuse the fee paying public into believing that the vehicle is a Hackney Carriage.

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A '**Private Hire Vehicle**' has to be pre-booked through an 'Operator' who takes details of the proposed journey from the customer either in person, by telephone or through the internet. A private hire vehicle may not 'rank-up' and may not pick up customers from the street. These vehicles may only be driven by a person who holds a Private Hire Driver Licence issued by the Local Authority. In Harlow, Private Hire Vehicles are saloon, hatchback or estate vehicles. I.E. Skoda Octavia, Ford Focus, Ford Galaxy and similar models.

### Question 1

Please give your views on whether or not you believe a Private Hire Vehicle displaying a roof sign could be confused with a Hackney Carriage?

Any form of advertisement would seriously damage our business, our clients would think twice about paying a premium, to be chauffeur driven in a Mercedes that has a roof sign, this is not the image that is expected from our clients, in turn this would have a devastating impact to our potential earnings. This applies to all 4 questions

### Question 2

If we were to introduce roof signage as a conditions for Private Hire Vehicles should the display of roof signs be mandatory?

Any form of advertisement would seriously damage our business, our clients would think twice about paying a premium, to be chauffeur driven in a Mercedes that has a roof sign, this is not the image that is expected from our clients, in turn this would have a devastating impact to our potential earnings. This applies to all 4 questions

### Question 3

If roof signage were to be introduced for Private Hire Vehicles, should we impose conditions relating to the type, size and colour of any proposed roof sign?

Any form of advertisement would seriously damage our business, our clients would think twice about paying a premium, to be chauffeur driven in a Mercedes that has a roof sign, this is not the image that is expected from our clients, in turn this would have a devastating impact to our potential earnings. This applies to all 4 questions

### Question 4

If we were to introduce a condition permitting roof signs should the condition include details such as the vehicle is pre-book only, with the telephone number and name of the operator and, licence holder details?

Any form of advertisement would seriously damage our business, our clients would think twice about paying a premium, to be chauffeur driven in a Mercedes that has a roof sign, this is not the image that is expected from our clients, in turn this would have a devastating impact to our potential earnings. This applies to all 4 questions

**Question 1**

Please give your views on whether or not you believe a Private Hire Vehicle displaying a roof sign could be confused with a Hackney Carriage?

I BELIEVE THIS QUESTION TO BE MISLEADING AS HARLOW HAS A MANDATORY ORDER THAT STATES ALL HARLOW HACKNEY CARRIAGE (TAXIS) HAVE TO BE A "LONDON TYPE VEHICLE" THEREFORE IT IS IMPOSSIBLE FOR A HARLOW PRIVATE HIRE VEHICLE TO BE MISTAKEN FOR A HARLOW HACKNEY CARRIAGE VEHICLE.

THE ISSUE IS THAT HARLOW COUNCIL PERMITS HACKNEY CARRIAGE VEHICLES THAT IN APPEARANCE LOOK SIMILAR TO A HARLOW PRIVATE HIRE VEHICLE ,ESPECIALLY BY THE OPERATOR BEING PERMITTED TO USE ROOF SIGNS, AS PHOTOGRAPHS SUBMITTED TO THE COMMITTEE IN JULY 2017 SHOW THEY CAN BE MISTAKEN FOR A HACKNEY CARRIAGE VEHICLE (TAXI) OPERATING WITHIN HARLOW BUT LICENSED BY ANOTHER AUTHORITY.

THEREFORE THEY ARE NOT " CLEARLY DISTINGUISHABLE" AND A BREACH OF THEIR CURRENT LICENSING CONDITIONS, BUT STILL BEING ALLOWED TO OPERATE IN THE HARLOW DISTRICT. DESPITE ALSO BEING IN BREACH OF SEC 64 (1)(ii) THE TRANSPORT ACT 1980 WHICH STATES CLEARLY "ANY SIGN,MARK,ILLUMINATION OR OTHER FEATURE, WHICH MAY SUGGEST THAT THE VEHICLE IS A TAXI THERE SHALL NOT BE DISPLAYED ON THE ROOF OF ANY VEHICLE WHICH IS USED TO CARRY FARE PAYING PASSENGERS FOR HIRE AND REWARD WHICH IS NOT A TAXI "

FOR THESE REASONS I NOT ONLY BELIEVE THEY ARE CONFUSING BUT MISLEAD THE VULNERABLE AND GENERAL PUBLIC IN HARLOW.

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**Question 2**

If we were to introduce roof signage as a conditions for Private Hire Vehicles should the display of roof signs be mandatory?

THERE HAS BEEN NO MENTION AT ANY COMMITTEE MEEETINGS ON THESE SIGNS BEING A CONDITION OF LICENCE OR BEING MANDATORY

IT IS A FACT THAT THE TRADE WERE INFORMED THAT THE SIGNS WOULD BE FREE AND VOLUNTARY THIS WAS IN THE SUBMISSIONS GIVEN AND ACCEPTED BY COMMITTEE IN JULY 2017

I ALSO BELIEVE IF ROOF SIGNS WERE MADE A CONDITION OF LICENCE OR MANDATORY THIS WOULD BE UNREASONABLE AND INEQUITABLE BASED ON A JUDGEMENT MADE BY HARLOW MAGISTRATES COURT 09/11/2009 CASE NUMBER O900480327

IT SHOULD BE NOTED THAT HARLOW COUNCIL DID NOT CHALLENGE THIS DECISION

**Question 3**

If roof signage were to be introduced for Private Hire Vehicles, should we impose conditions relating to the type, size and colour of any proposed roof sign?

THERE ARE AUTHORITIES THAT PERMIT ROOF SIGNAGE THESE ARE USUALLY ONES THAT DO NOT OPERATE A MIXED LICENSED FLEET OR A COURT DECISION " MADE IN THAT COURT ON THAT DAY" THE CASES SET OUT DESIGN AND WORDING ON ROOF SIGNS AND SHOULD HARLOW COUNCILLORS VOTE THAT ROOF SIGNS ARE ACCEPTABLE THEN THEY SHOULD FOLLOW THE GUIDELINES ESTABLISHED IN COURTS OF LAW NOT BY LOCAL OFFICERS AND/OR OPERATORS

#### Question 4

If we were to introduce a condition permitting roof signs should the condition include details such as the vehicle is pre-book only, with the telephone number and name of the operator and, licence holder details?

THIS IS A SLIGHT VARIATION ON THE PREVIOUS QUESTION I BELIEVE TO BULK OUT AND CONFUSE BUT MY RESPONSE IS THE SAME  
THERE HAVE BEEN COURTS OF LAW ON THIS ISSUE AND I FEEL THAT HARLOW COUNCIL SHOULD HONOUR AND ACCEPT A COURTS RECOMMENDATION  
I WOULD ALSO BRING TO HARLOW COUNCIL ATTENTION THE LAW COMMISSION RECOMMENDATION 43  
SIGNAGE REQUIREMENTS FOR PRIVATE HIRE VEHICLES SHOULD FORM PART OF THE NATIONAL STANDARDS DETERMINED BY THE SECRETARY OF STATE. THE SECRETARY OF STATE SHOULD IMPOSE REQUIREMENTS THAT AIM TO ENSURE THE PUBLIC ARE ABLE TO DISTINGUISH BETWEEN TAXI AND PRIVATE HIRE VEHICLES

CLOSING DATE 24/08/2018

## Public Consultation on Roof Signs fitted on Private Hire Vehicles

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### Question 1

Please give your views on whether or not you believe a Private Hire Vehicle displaying a roof sign could be confused with a Hackney Carriage?

YES IT IS CONFUSING AND NO I DO NOT THINK THEY SHOULD ~~DISPLAY~~ DISPLAY ROOF SIGNS AS THEY ALREADY DISPLAY SIGNS ON THE SIDE OF THEIR VEHICLES

THEY HAVE ALREADY ALLOWED VEHICLES WHICH ARE REGISTERED IN OTHER AREAS AND ARE TAXIS IN THEIR OWN RIGHT FOR THAT AREA BUT ARE WORKING THE HARLOW PRIVATE HIRE CIRCUITS

### Question 2

If we were to introduce roof signage as a conditions for Private Hire Vehicles should the display of roof signs be mandatory?

YES IT SHOULD BE UNIFORMED AND NOT HAVE THE WORD "TAXI" DISPLAYED

IT SHOULD BE OF ONE SIZE AND COLOUR DISPLAYING "PRE BOOK ONLY" AND THEIR TELEPHONE NUMBER.

ALSO IT SHOULD NOT HAVE A SWITCH TO LIGHT THE SIGN UP.

### Question 3

If roof signage were to be introduced for Private Hire Vehicles, should we impose conditions relating to the type, size and colour of any proposed roof sign?

TMAAG  
PLEASE SEE NOTES ON QUESTION 2  
PARAGRAPH 2 x 3

### Question 4

If we were to introduce a condition permitting roof signs should the condition include details such as the vehicle is pre-book only, with the telephone number and name of the operator and, licence holder details?

I REITERATE AN ROOF SIGNS ON  
"PRIVATE HIRE VEHICLES" SHOULD DISPLAY  
"PRE BOOK ONLY" AND TELEPHONE NUMBER  
AND NOT BE ALLOWED TO BE LIT UP.  
THE COMPANY THEY WORK FOR SHOULD  
BE DISPLAYED ON THE SIDES OF THERE  
VEHICLES. THERE LICENCE DETAILS  
ARE ON THE PLATE AT THE BACK AND ON  
THERE DRIVERS LICENCE BADGE.

Please submit your responses before 24 August 2018. Send your responses by email or letter to:

Licensing Team  
Harlow Council  
The Water Gardens  
Harlow, Essex.  
CM20 1WG  

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licensing@harlow.gov.uk  
01279 446005

Please include your name and address with your response

**Privacy Notice**

**What information is the Council collecting?**

*The council is collecting comments on the use of roof signs on private hire vehicles from organisations and individuals. We ask that any respondent provide their name and address to validate their contribution.*

**How will this information be used?**

*The information will be used to enable the Council to gather public views and assist us to make a reasoned decision on our policies and procedures.*

**How long will your information be kept?**

*The Council will keep your information for not more than 6 months after the end of the Consultation.*

**Who will you share it with?**

*All personal information will be redacted from responses by the Licensing Team and responses will be presented to the Licensing Committee. Names and addresses will be redacted from the information placed in the public arena unless the person making representations expressly requests their details be made public.*

*Information will be lawfully processed in accordance with Article 6(1)(e) GDPR. The Council is not collecting sensitive personal information; if any is received it will be redacted and ~~not shared with anyone before being~~ destroyed. To view the Council's overarching privacy notice please visit <http://www.harlow.gov.uk/privacy-notice>*

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**Question 1**

Please give your views on whether or not you believe a Private Hire Vehicle displaying a roof sign could be confused with a Hackney Carriage?

YES  
people not from Harlow  
at the station could be  
confused.

**Question 2**

If we were to introduce roof signage as a conditions for Private Hire Vehicles should the display of roof signs be mandatory?

NO

**Question 3**

If roof signage were to be introduced for Private Hire Vehicles, should we impose conditions relating to the type, size and colour of any proposed roof sign?

YES!  
as in question 4.

**Question 4**

If we were to introduce a condition permitting roof signs should the condition include details such as the vehicle is pre-book only, with the telephone number and name of the operator and, licence holder details?

YES  
✓

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Licensing Team  
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The Water Gardens  
Harlow, Essex.  
CM20 1WG  

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