

REPORT TO: LICENSING COMMITTEE

DATE: 11 SEPTEMBER 2018

TITLE: USE OF ROOF SIGNS ON PRIVATE HIRE VEHICLES

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RECOMMENDED that:

- A** Members of the Licensing Committee consider this report and the public consultation and recommend to Full Council whether Private Hire Vehicle licencing conditions should be amended to allow Private Hire Vehicles to display roof signs in accordance with one of the options set out in this report at paragraph 10 and Appendix B.
- B** Should the Committee determine to recommend a specification for roof lights or signs to be displayed by Licensed Private Hire Vehicles, authority be delegated to the Chair of Licensing Committee in consultation with the Environment and Licensing Manager to approve the specification to be recommended.

BACKGROUND

- 1 A special meeting of the Licensing Committee held on 15 March 2018 resolved that consultation should take place to inform a decision as to whether to further modify the Council's Vehicle Standards Condition regarding roof signage on private hire vehicles and that any complaints made about signs on private hire vehicles be collated.
- 2 Harlow Council licenses private hire vehicles through a licensing system established by the Local Government (Miscellaneous Provisions) Act 1976. The system allows the licensing authority to attach conditions to vehicle licences.
- 3 Section 48 (2) of the Local Government (Miscellaneous Provisions) Act 1976 states:
"A district Council may attach to the grant of a licence under this section such conditions as they may consider reasonably necessary including, without prejudice to the generality of the foregoing provisions of this subsection, conditions requiring or prohibiting the display of signs on or from the vehicle to which the licence relates".

- 4 Section 64 (1) Transport Act 1980 states: *“There shall not in any part of England be displayed on or above any vehicle which is used for carrying passengers for hire or reward but which is not a taxi;*
(a) any sign which consists of or includes the word ‘taxi’ or ‘cab’ whether singular or plural or ‘hire’ or any words of similar meaning or appearance to any of those words, whether alone or part of another word; or
(b) any sign, notice, mark, illumination or other feature which may suggest that the vehicle is a taxi.”

In this legislation, “taxi” means Hackney Carriage.

It is clear from the wording of the law that roof signs on private hire vehicles are not in themselves illegal, but that certain words are prohibited.

- 5 The Courts have held that a roof sign bearing a telephone number did not contravene s64 of the 1980 Act in that the roof sign did not suggest that the vehicle was a taxi.¹ The Court preferred the view that the sign on the vehicle suggested that it was available for hire on a telephone call or that the sign was a means of identifying the vehicle to a caller. The case may be expected to have some influence on future judgements about the reasonableness of conditions prohibiting the display of any roof signs. James Button, a solicitor who writes works and extensively in this field states: “the argument against roof signs is usually that they will lead to confusion in the minds of the public between private hire vehicles and hackney carriages, but, in certain areas, the argument is weakened. In districts where all hackney carriages have to be purpose built, whereas private hire vehicles are saloon cars, estate cars and people carriers, the distinction will be reasonably obvious. It is acknowledged that this argument about confusion would be much more apparent in an area where saloon type vehicles were licensed as hackney carriages”.
- 6 The most frequently-made argument for prohibiting or restricting roof signs on Private Hire Vehicles is that they will lead to confusion in the minds of the public between private hire vehicles and Hackney Carriages. It is important to avoid such confusion. However it may be argued that confusion is less likely in areas where all Hackney Carriages have to be purpose built. In Harlow, Hackney Carriages are required to be purpose built vehicles of the “London Cab” style.
- 7 Many local authorities have chosen to prohibit the use of roof signs on private hire vehicles, while a minority require that private hire vehicles display a roof sign; and some set out in conditions the information that must be shown on the sign. Current Harlow Council Private Hire Vehicle licensing conditions prohibit roof lights on private hire vehicles but say nothing about roof signs.
- 8 Further to the Committee’s resolution mentioned above, a consultation on roof signs was held between July 20 and August 24 2018.

A total of 35 responses were received. Abridged comments received during the consultation are reported below. Responses are available in full at Appendix A.

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?*

- Persons from outside Harlow may be confused when PHV's display signs.
- PH vehicles should not display roof signs because they have door signs.
- Hackney Carriages licensed elsewhere are working in Harlow.
- It is impossible for a PH vehicle to be mistaken for a HC because Harlow has adopted 'mandatory orders'.
- HDC allows Operators licensed by Harlow to operate vehicles from other areas.
- The operation in Harlow of HC vehicles licensed elsewhere means that HC vehicles are not clearly distinguishable from PH vehicles.
- The display of roof signs on PH vehicles is in direct contravention of the Transport Act S64.
- Roof signs confuse and mislead.
- Advertisements on chauffeured vehicles would damage business.
- Signs on chauffeured vehicles would damage their image.
- The law requires that taxis and PH vehicles be distinguishable.
- Roof signs are synonymous with taxis.
- Roof signs are a global symbol of a vehicle available for immediate hire.
- PH vehicles licensed by Harlow are indistinguishable from taxis licensed elsewhere.
- In busy areas, customers may approach a PH vehicle displaying a roof sign.
- Harlow PH vehicles are unmistakable from London style HC vehicles.
- Yellow roof signs with the words 'pre-booked only' would avoid confusion.
- Putting this issue out to public consultation is unhelpful.
- Best practice guidance (published by DfT) should be considered.
- Roof signs are not seen as best practice.
- Even a blank roof sign may cause a person to believe that the vehicle is a taxi.
- The two trades are different.
- Roof signs are pointless.
- Customers going out of the station may see PH vehicles with roof signs and assume they are taxis.
- It is the responsibility of Harlow Council to avoid confusion.
- Roof signs should be side facing.
- Signs should not be illuminated.
- Signs should be large enough to allow them to be read from distance.
- There should be a clear difference in appearance between HC and PH vehicles.
- Roof signs are associated with vehicles for immediate hire.
- Metro roof signs make the vehicle look like a taxi.
- Members of the public may be confused because they do not know the

difference between PH and taxis.

- Some seven-seat PH vehicles may be mistaken for a HC vehicle.
- Customers have been seen to approach PH vehicles fitted with Metro roof signs.
- The matter has already been decided in the Magistrates Court.
- Roof signs make private hire vehicles look like taxis.
- Harlow Council does not appear to have the resources to deal with touting.
- There should be no confusion between a PHV and HC.
- No enforcement of (conditions) for vehicles licensed by other authorities.
- Roof signs had height which will make it difficult to enter car parks (minibuses).
- Roof signs (on PHV's) are completely pointless.
- Other towns have a mixed fleet.
- There should be a clear difference between taxi and PHVs.
- The public need to know what they are getting into.
- A roof sign means I'm for hire which they are not.
- Metro signs make (a PHV) look like a taxi.
- Customers have approached PHV's with roof signs and asked whether they were for hire.
- Local towns that have salon cars as HCs have roof signs but PHVs do not
- The introduction of signs on PHVs has led to touting and a loss of income to the HC trade.
- Drivers with roof signs have been seen touting in Harlow.
- Customers believe that PHV's may be hailed.
- Customers are at risk (when entering a PHV) from drivers who feel that they can take a fare.
- Roof signs could be removed and placed on non-licensed vehicles thus placing potential customers at risk of assault, taxis have purpose built (integrated) signs.
- Roof signs should only be put on Hackney Carriages.
- The only reason for a roof sign is when plying for hire.
- PH customers receive a text when their pre-booked vehicle arrives at their address.
- Historically roof signs were introduced for HC so that they could be seen by the public and 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?

- Roof signs should be uniform.
- Roof signs should not use the word 'Taxi' (this would be illegal).
- Roof signs should not be illuminated.
- Roof signs should be same size and colour.
- The trade were informed that the signs would be free and voluntary.

- In would be unreasonable and inequitable for signs to be mandatory.
- There has been a previous court judgement on this matter.
- Advertisement would damage business (chauffeur).
- Roof signs would damage our image.
- If roof signs are introduced then they should be mandatory and provide clear uniform identification.
- At present the PH trade is muddled and confusing.
- Roof signs have increased safety, efficiency and recognition.
- The authority should be proud of a service that the community can easily notice.
- If mandatory the condition should be placed on the operator and not the driver.
- Operators should be permitted to brand with their colours and absorb the cost.
- The driver should display a sign provided by their operator.
- All conditions by definition are mandatory.
- In law you cannot make this mandatory and should remain voluntary.
- Lettering and consistent standards should be adopted.
- Drivers have stated that they are doing more illegal work with signs.
- The present situation is confusing.
- Logic dictates that the Council should decide on the form of signage.
- Roof signs are the wrong course of action and will endanger public safety.
- Mini busses are tall and may be unable to enter certain car parks due to height restrictions.
- Private hire vehicles should not have roof signs.
- If introduced, they should be mandatory.
- At present we have Hackney Carriages, PHVs with roof signs and PHVs without roof signs. Some PHVs with signs and some without causes confusion.
- Roof signs should not be introduced on PHVs.
- Signs on PHVs make them a target for thieves.

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?

- If permitted PHVs should display 'pre-booked only' no telephone number and not illuminated.
- Other authorities that permit roof signs do not usually have a mixed fleet.
- If permitted, councillors should decide the wording and not officers or operators.
- References are made to court decisions.
- Advertisement would damage our business and potential earnings (chauffeur).
- Irrelevant; if made a condition you (the Council) you decide type, size and condition.
- Yes, that's the responsibility of the licensing department.
- Yes, signs displayed by (a Harlow Licensed Operator) are deliberately similar

to signs displayed on Hackney Carriages licensed by other authorities.

- Roof signs should not be coloured orange or yellow.
- All roof signs should be same type and colour.
- Signs now being used make a PHV look like a taxi.
- The position of all signs should be uniform.
- Signs should be large enough to be read at distance and not be illuminated.
- Colour should not allow vehicle to be confused with Hackney Carriage.
- Uniformity is important for ease of identification.
- Signs should have black lettering on white background in the centre of the roof.
- Colour and size is important.
- Uniformity is important , there should be a clear difference between HC and PHVs.
- Roof signs should not be introduced.
- They should be all the same.
- They should be clear to ensure a customer does not take an uninsured journey.

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?

- Roof signs should display 'pre-booked only'.
- Not be illuminated.
- Vehicle licence details should be displayed on the back.
- Sign should display operator, phone number and licence conditions.
- The question is designed to bulk out and confuse.
- Harlow should honour and accept a court recommendation.
- Regards should be had to the Law Commission report regarding national standards (no national standards have been published).
- More details are welcome but (signs) will still create confusion and public risk.
- Be as large as possible and contain the words 'pre-booked'.
- (Signs) blur the lines between PH and HC.
- It would be a mistake to introduce roof signs.
- PHVs are deliberately parking in prominent parts of the town encouraging customers to hire them
- HC have roof signs, PHV's have door signs
- Members of the public won't read signs, they look the same as other towns locally and nationally where saloon cars are used as Hackney Carriages PH vehicles should not have roof signs.
- Don't introduce them, this would be abused and cause confusion.
- The wording is very important and show the public what the vehicle is.

OPTIONS

9. The legislation allows the licensing authority to attach to the grant of a licence such conditions as they consider reasonably necessary including conditions requiring or prohibiting the display of signs on or from the vehicle. All such conditions are subject to appeal. Being able to demonstrate clear reasons for decisions to apply conditions that are relevant to the legislation would be important to the Council should it be required to defend an appeal.
10. The options open to members of the Licensing Committee are set out in Appendix B. If members of the Licensing Committee consider that licensing conditions should be amended to take account of the issues raised in the consultation, they will wish to advise Full Council whether roof signs on private hire vehicles should be
 - prohibited,
 - permitted, or
 - required;

and if roof signs or lights are to be permitted or required, to advise whether the Council should specify how they are to be displayed and the information to be shown on any such signs.

IMPLICATIONS

Place (includes Sustainability)

As contained within the report.

Author: **Michael Pitt on behalf of Graeme Bloomer, Head of Place**

Finance (Includes ICT)

None specific.

Author: **Andrew P Smith, Finance Manager on behalf of Simon Freeman, Head of Finance**

Housing

None specific.

Author: **Andrew Murray, Head of Housing**

Community Wellbeing (includes Equalities and Social Inclusion)

None specific .

Author: **Brian Keane, Managing Director on behalf of Jane Greer, Head of Community Wellbeing**

Governance (includes HR)

As set out in the report.

Author: **Amanda Julian Legal Services Manager on behalf of Colleen O'Boyle, Interim Head of Governance**

Appendices

Appendix A - Responses to public Consultation on Roof Signs

Appendix B - Options for Roof Sign Conditions

Appendix C - Collated Complaints to the Licensing Team Concerning Display of Roof Signs by PHV

Background Papers:

1. *Yakhya v Tee* 1984, referred to in Local Authority Licensing and Registration Encyclopaedia, Sweet and Maxwell

Glossary of terms/abbreviations used

PH	Private Hire
PHV	Private Hire Vehicle
HC	Hackney Carriage
HDC	Harlow District Council