

Roof Signs on Harlow Private Hire Vehicles



Report to: Licensing Committee

Date: 16 January 2024

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Recommended that:

- A** The Licensing Committee approve a public consultation via the Council website as recommended in paragraph 29 of the report, seeking views on the use of roof signs on Harlow licensed private hire vehicles.
- B** The Licensing Committee consider the questions, as set out in Appendix B to the report, for approval, including any amendments for the consultation.
- C** A further report be brought back to this committee following the public consultation as recommended in paragraph 31 of the report.

Background

1. Harlow Council licenses private hire vehicles (Section 48) and hackney carriages (Section 47) under the Local Government (Miscellaneous Provisions) Act 1976 (LGMPA1976) which provides for vehicle licence conditions, designed to ensure that licensed vehicles are presentable, safe and maintained to an acceptable standard.
2. For the licensing of private hire vehicles, Section 48(2) LGMPA1976 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.
3. The sub-heading of 'roof signs on vehicle other than taxis', in section 64(1) Transport Act 1980 states: There shall not in any part of England be displayed on or above the roof of 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.
4. Under the Transport Act 1980, a private hire vehicle may display a roof sign, but that the roof sign must meet the requirements of section 64 above.
 5. Many Local Authorities have chosen to prohibit the use of roof signs on private hire vehicles, while there are a few Licensing Authorities that require private hire vehicles to display a roof sign; conditions determine set how the sign will look.
 6. Following the decision of this committee on 11 September 2018 (as set out in Appendix A to the report). From 19 December 2018, a new private hire vehicle condition was introduced that mandated the display of a roof sign on Harlow licensed private hire vehicles:

Roof Signage - The vehicle shall be fitted with a roof sign meeting the following specification:

- a) Be 610mm (24") wide
 - b) Be coloured white with black letters
 - c) Have 'Pre-booked Only' written on both sides
 - d) Contain no other words, images or logos
 - e) Not be illuminated
 - f) No other roof sign shall be displayed on the vehicle
7. A private hire vehicle is driven by a licensed private hire driver and is controlled and operated by a private hire operator, all three licences are required to be held with the same licensing authority.
 8. Section 55A of the LGMPA 1976, inserted by The Deregulation Act 2015, allows for a private hire operator to accept a booking in a controlled district, and to sub-contract that booking to be carried out by another licensed private hire operator, the second operator who accepted the sub-contracted booking must also hold an operator licence with a licensing authority. Furthermore, this allows a person to hold separate Operator licences with more than one licensing district and to sub-contract between their own licences.
 9. Nationally, patterns show an increase in the number of licensed vehicles that are licensed in one district but work predominantly in another licensing district. Therefore, within Harlow vehicles can be seen licensed by other Licensing Authorities, these are controlled under an Operator's licence issued outside of Harlow (the Operator licence will always be

issued with the same Licensing Authority as the vehicle/driver). Furthermore, a Harlow licensed operator may hold an Operator licence with Harlow Council but may choose to hold an Operator licence with another licensing authority as well, allowing a booking to be sub-contracted under section 55A from one operator licence to the other, these 'extra' operator licences act as an extension to one another, and vehicles often display the same/similar signage for the business.

10. A licensed hackney carriage may also receive pre-booked work, hackney carriage proprietors will work on circuits of various sizes while others may use a private hire operator as a platform to receive work and examples of both methods are commonplace in the industry.
11. Nationally, the majority of Licensing Authorities allow saloon or other suitable type vehicles to be licensed as a hackney carriage vehicle, the same vehicle types that Harlow Council will licence as a private hire vehicle.
12. All Licensing Authorities will include in their hackney carriage vehicle licence conditions a requirement to display a roof box/sign containing the word "taxi" or "for hire" which can be illuminated when available for hire within its licensing district. When outside its licensing district, a hackney carriage may not illuminate its roof light as the vehicle may no longer be hailed publicly off the street.
13. Hackney Carriages licensed in Harlow are required to be purpose-built vehicles of the "London Cab" style.
14. In Harlow (as in other Licensing Authority areas) you will find a complexity of licensed vehicles, notably ranging from:
 - a) Harlow licensed private hire vehicles (with a Harlow "prebooked only" roof sign)
 - b) Harlow licensed hackney carriage vehicles (with a purpose-built taxi roof light/sign)
 - c) Licensed private hire vehicles from other Licensing Authorities (with no roof sign)
 - d) Licensed hackney carriage vehicles from other Licensing Authorities, carrying out pre-booked work (with a taxi roof box/sign, but may not be illuminated)
15. Pertinently, on 17 November 2023, the Department for Transport issued "taxi and private hire vehicle licensing best practice guidance for licensing authorities in England" (DfT Guidance), the first update since 2006 to assist local authorities responsible for the regulation of the taxi and private hire vehicle trades. It is important to add that this is guidance, and that Local Authorities should consider all its content with suitable care and attention, however, a local authority are able to make decisions that are best for their local area, providing there has been considered reasoning to deviate from the DfT guidance.
16. The DfT Guidance states in paragraph 1.2: "one of the overarching objectives of this guidance is to provide greater distinction for the public between taxis and PHVs so that the public is increasingly aware of this."

17. The DfT Guidance states under the objective of regulation in paragraph 3.2 “The key message needs to be that, unless you are hailing a locally licensed taxi in the street or at a stand, you should not get in any other vehicle unless you have pre-booked it and have received information from the operator to identify it. This messaging can be supported by a policy that makes taxis look distinct from private hire vehicles.”
18. The DfT Guidance, in Chapter 8 provides more focus on vehicle licensing, paragraph 8.12 specifically discusses ‘vehicle identification and signage.’ It states:
19. “Members of the public can often confuse private hire vehicles with taxis, failing to realise that they are not available for immediate hire and that a private hire vehicle driver can only fulfil pre-booked requests. Greater differentiation in signage will help the public to distinguish between the two elements of the trade. To achieve this, licensing authorities should seek to differentiate the profile of private hire vehicles as these can only be legally engaged through a booking with a licensed operator.”
20. “Licensing authorities should not permit roof signs of any kind on private hire vehicles and should require all taxis to display a ‘taxi’ roof sign/box that can be illuminated when available for hire. Roof signs must comply with the [Road Vehicles Lighting Regulations 1989](#). Permitting any sign/box on a private hire vehicle, regardless of the wording on such a sign, is likely to increase awareness of the vehicle and the likelihood of being mistaken for a taxi.”
21. “This increases the success of those illegally standing or plying for hire and may lead to confrontation when private hire vehicle drivers refuse a request for a journey that has not been pre-booked. Having an illuminated sign on taxis and prohibiting them from private hire vehicles will provide a simple way for the public to differentiate between the two services and we encourage all licensing authorities to promote this difference to raise public awareness.”
22. “Licensing authorities’ private hire vehicle signage requirements should be limited to the authority licence plate or disc and a “pre-booked only” door sign.”
23. “This approach enables passengers to be given the clear and consistent message that you should only get in a vehicle that ‘has a taxi sign on the roof’ unless you have pre-booked a private hire vehicle and have received information from the operator to identify it.”
24. “A private hire vehicle driver and proprietor are free to work with more than one operator and licensing conditions or requirements that effectively tie a vehicle or driver into an exclusive relationship with an operator should not be implemented or should be discontinued where these are currently imposed. Examples of such policies are a requirement for the private hire vehicle to display the name of the operator under which it is operating by means of a permanent or semi-permanent sign, or to require a driver to

advise the licensing authority of the operator who they intend to work for and require notification in advance of any change.”

Issues/Proposals

25. At the Licensing Committee on 4 July 2023, a review of roof signs on private hire vehicles was placed on the Work Plan to consider whether after five years, the signs had achieved a positive outcome and what options are available to the committee regarding the signs.
26. Since inception at Harlow to require a roof sign, the Licensing Team have discussed with a range of stakeholders including the Harlow Licensed Drivers Welfare Association, individual licensees, Harlow’s two larger private hire operators and the Hackney Carriage trade, attracting a mix of positive and negative feedback. The Licensing Team note there has been some non-compliance with the display of roof signs, similar to the introduction of permanent door signs, complaints received for non-compliance from within the trade itself and through enforcement carried out by the licensing team gives opportunity to provide advice to drivers of the requirements to display the correct signage as per their licence conditions, the roof sign is placed on the vehicle before returning to work.
27. In 2018, one argument considered for prohibiting or restricting roof signs on private hire vehicles was they may lead to confusion in the minds of the public between private hire vehicles and hackney carriages. It was argued that confusion is less likely in areas where all hackney carriages have to be purpose built or unified in design for example by colour. In Harlow, hackney carriages are ‘London Cab’ style vehicles, which considerably reduces confusion regarding public perception and subsequently favoured the introduction of a roof sign on private hire vehicles.
28. The Licensing Team is aware that views on roof signs have been a matter of contention prior and after their introduction. Stakeholders had differing views, leading to the Licensing Committee’s decision to introduce a roof sign condition, being subject to an unsuccessful appeal by a private hire vehicle proprietor, whereby the court stated that the Council’s decision to introduce a roof sign was legal and that the Council had acted correctly within their powers to do so.
29. To seek the views of the taxi and private hire trades, and individuals who work in the industry who are required to display a roof sign, as well as any members of the public that may wish to comment. It is proposed that a consultation is run from Friday 19 January 2024 to Friday 9 February 2024 to collate any views and opinions.
30. It is recommended the questions as set out in Appendix B to the report be approved for the consultation with any changes made by the Committee.
31. It is proposed a further report will be brought before the Licensing Committee following the consultation to consider further any views and comments. The options available shall include, to recommend:

- a) To continue with the current vehicle licence condition for private hire vehicles to display a roof sign.
 - b) To continue with the vehicle licence condition for private hire vehicles to display a roof sign, but to amend the condition. Suggested amendments to the roof sign may include:
 - i) The wording on the roof sign
 - ii) The size, colour and profile of the roof sign
 - iii) Include operator details
 - c) To remove the current mandatory condition for private hire vehicles to display a roof sign.
 - d) To prohibit any roof sign from being displayed on the roof, bonnet or boot of a private hire vehicle.
32. All vehicle conditions are subject to appeal. The Committee shall be able to demonstrate clear reasons for decisions to create, remove or amend conditions that are relevant to the legislation and for the safety and protection of the travelling public.

Implications

Equalities and Diversity

Equality Impact Decision Tree has been completed. This is set out in Appendix C to the report.

Climate Change

A roof sign that interferes with a vehicles' aerodynamic design shall be the cause of slight wind drag, causing a reduction in fuel efficiency.

Communities and Environment

Appropriate signage will help with identification as set out in the report.

Author: Simon Freeman, Deputy Chief Executive and Director of Finance

Finance

None.

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Governance and Corporate Services

There are no governance implications for the consultation.

Author: Simon Hill, Director of Governance and Corporate Services

Strategic Growth and Regeneration

None specific.

Author: Andrew Bramidge, Chief Executive

Appendices

Appendix A - Licensing Committee minutes 11 September 2018

Appendix B - Questions for consultation

Appendix C - Equality Impact Decision Tree

Background Papers

[Department for Transport Taxi and Private Hire Vehicle Licensing Best Practice Guidance Nov 2023](#)

[Deregulation Act 2015, Section 11, Private Hire Vehicles Sub-Contracting](#)

[Road Vehicles Lighting Regulations 1989, Part II, Regulations Covering Lamps, Reflectors, Rear Markings and Devices](#)

[Transport Act 1980, Section 64, Roof Signs on Vehicle other than taxis](#)

Glossary of terms/abbreviations used

DfT Guidance - Department for Transport Taxi and Private Hire Vehicle Licensing Best Practice Guidance for Licensing Authorities in England

LGMPA1976 - Local Government (Miscellaneous Provisions) Act 1976