

Roof Signs on Harlow Private Hire Vehicles



Report to: Licensing Committee

Date: 18 June 2024

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Recommended that:

- A** The Licensing Committee consider the options available regarding Roof Signs on Private Hire Vehicles in paragraph 39, regarding whether to continue, amend or remove the private hire vehicle condition regarding the display of a roof sign.
- B** Should the decision in Recommendation A be for the roof sign condition to be removed, the Licensing Committee to also consider a new condition to prohibit future use of any roof sign on private hire vehicles.

Executive Summary

- A** Harlow Council licences private hire vehicles (section 48) under the Local Government Miscellaneous Provisions Act 1976 (LGMPA1976) which makes provision for vehicle licence conditions, designed to ensure that licensed vehicles are presentable, safe, and maintained to an acceptable standard. S48(2) permits such conditions as they may consider reasonably necessary.

Background - adapted from the report on 16 January 2024

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 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) to have a roof sign on private hire vehicles as a safety feature for customers. 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:

- Be 610mm (24") wide
 - Be coloured white with black letters
 - Have 'Pre-booked Only' written on both sides
 - Contain no other words, images, or logos
 - Not be illuminated
 - No other roof sign shall be displayed on the vehicle
7. Harlow Council's roof sign condition met the requirements of the Transport Act 1980, by only requiring the words "Pre-Booked Only".
 8. 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.

9. 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.
10. 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.
11. 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.
12. Nationally, most 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.
13. 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.
14. Hackney Carriages licensed by Harlow Council are required to be purpose-built vehicles of the "London Cab" style. Only hackney carriages licensed by Harlow are allowed to have their roof light on in Harlow.
15. 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)

16. 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 is able to make decisions that are best for their local area, providing there has been considered reasoning to deviate from the DfT guidance.
17. 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.”
18. 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.”
19. The DfT Guidance, in Chapter 8 provides more focus on vehicle licensing, paragraph 8.12 specifically discusses ‘vehicle identification and signage.’ It states:
20. “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.”
21. “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.”
22. “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.”
23. “Licensing authorities’ private hire vehicle signage requirements should be limited to the authority licence plate or disc and a “pre-booked only” door sign.”

24. “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.”
25. “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.”
26. 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 5 years, the signs had achieved a positive outcome and what options are available to the committee regarding the signs.
27. 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 (HLDWA), 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.
28. At the Licensing Committee in 2018, one argument against roof signs on Harlow 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 must be purpose built or unified in design for example by colour. In Harlow, hackney carriages are ‘London Cab’ style vehicles, which reduces confusion regarding public perception and subsequently favoured the introduction of a roof sign on private hire vehicles along with the support from sections of Harlow’s licensed private hire trade.
29. However, 6 years on, the provision of licensed vehicles in Harlow has changed. As stated earlier in the report, the variation of licensed vehicles in Harlow is far greater than it was, all providing a service to the people who live, work or who are visiting the town.
30. The Licensing Team is aware that views on roof signs have been a matter of contention prior to, and since their introduction. Stakeholders had differing views, leading to the Licensing Committees 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.

Issues/Proposals

31. On 16 January 2024, the Licensing Committee agreed to a consultation that would reach both licensees and members of the public, the aim of the consultation was to seek a broad view on the use of roof signs.
32. A survey was available on the Council's Consultations webpage from 8 March 2024 to 19 April 2024. Two separate surveys were available for licensees, and another for members of the public.
33. The Licensing Team provided an email to all licensees with a link to the licensees' survey. Provision was also made for the public survey to reach members of the public. Posters were shared by the licensing team with the HLDWA and the two large operators to hand out to drivers to display in their vehicles, passengers would be able to scan the QR code on the poster to access the survey. The Council's Housing Team also displayed the posters in common spaces in its 17 Supported Housing Scheme locations, these provide housing for older people to live independently, whilst also providing the security of 24-hour assistance, many residents are likely to not own a car and use public and private hire transport services. The Council's Communications Team also used social media platform X to promote the public survey.
34. Both surveys generated good interest with a total of 166 surveys completed, there were 89 responses to the licensee's survey (as set out in Appendix B to the report), and 77 responses to the public survey (as set out in Appendix E to the report). There was also an additional email from one respondent to the licensee survey (as set out in Appendix C to the report) and licensees were able to attach up to 2 photos to their submission (as set out in Appendix D to the report).
35. Officers have reviewed the licensee survey, and refer members to the following main points, licensees completing the survey were requested to answer honestly and that no enforcement action would be taken directly from any answers provided:
 - a) Q3. It was largely completed by private hire drivers (77), other trade members would be hackney carriage drivers, private hire operators or vehicle proprietors (12).
 - b) Q5. Approximately 50% (38 out of 77 private hire drivers) do not display the roof sign when not working.
 - c) Q7. Most licensees (70) voted for "Harlow licensed private hire vehicles not to display a roof sign (the same as other authorities)". There were (11) votes to keep the roof sign while (8) had no preference.

36. Q8. Was a free text box on the licensee survey for any other comments, some of the main points raised are listed below:
- a) Vandalism, being stolen, vehicles have been broken into.
 - b) Concerns of falling off on motorways.
 - c) Increase to vehicle drag/decrease in fuel efficiency.
 - d) Multiple reasons for scratched roof - deterioration of protective rubbers for magnets especially in hot weather, remove sign at night to reduce risk of vehicle damage, remove sign when not working to reduce public perception it is a working vehicle, remove for car washing, scratches depreciate the value of the car.
 - e) Problems attaching sign to some vehicles with panoramic roof, vehicles with a higher roof (sign also must be removed to enter height restricted carpark at Watergardens).
 - f) Confused customers – presume they can hail in the street, presume a taxi, do not read the words, do not understand the words.
 - g) Private hire vehicles being operated in Harlow that are licensed in Wolverhampton do not require a roof sign.
37. Officers have also reviewed the public survey, and refer members to the following main points:
- a) Q1. Nearly all surveys were completed by people who live in Harlow or within a 3-mile radius (76 out of 77). Q2. With nearly all respondents (75) having booked a journey in the last 5 years. Q3. With most of these booking a private hire vehicle more than once a week (25) or once a month (23).
 - b) Q4. Indicates that private hire operators make particularly effective use of technology to confirm bookings. With (71) responses saying they receive an SMS text, email, or other communication with the vehicle details. The number who said they do not receive these details was (0).
 - c) Q5. 46% of respondents stated they check the vehicle registration all the time before getting into a licensed vehicle (36 out of 77).
 - d) Q6. Stated that 59% of respondents felt that a roof sign did not make them feel safer getting into a licensed private hire vehicle (46 out of 77).
 - e) Q7. Whilst 65% of respondents (50) felt that it is confusing that only some private hire vehicles display a roof sign, the other respondents (27) felt it was not confusing.
 - f) Q8. Was whether a roof sign helps to identify the vehicle when booked through an operator, of which 57% (44) felt it makes no difference, while 43% (33) said it does help to locate the vehicle.
 - g) Q9. Slightly less than half of the respondents, 47% (36) felt it was confusing that some vehicles display a roof sign and can be booked immediately on the street (taxi), whilst others that display a roof sign must be pre-booked through an operator (private hire). (41) respondents said it was not confusing.

- h) Q10. The highest public response (39) voted for “Harlow licensed private hire vehicles not to display a roof sign (the same as other nearby authorities)”. There were (30) votes to keep the roof sign while (8) had no preference.

38. Q11. Was a free text box on the public survey for any other comments, some of the main points raised are listed below:

- a) Roof signs are a good idea.
- b) helpful at the train station at busy times.
- c) rogue vehicles are less likely to have a roof sign.
- d) safer with a sign.
- e) give the roof signs a light.
- f) roof signs should be compulsory [on all private hire vehicles].
- g) instead of a roof sign have operator details.
- h) safer – particularly for vulnerable people or late at night.
- i) do not understand why they cannot all just have a roof sign.
- j) helps for identification but reduces passengers checking they have the correct vehicle as they just jump in.
- k) Confusion with taxis.
- l) confusion with nearby authorities having roof signs on their hackney carriages.
- m) a roof sign means they are less distinguishable from other councils [hackney carriage vehicles].
- n) not necessary.
- o) makes no difference.
- p) its ugly.
- q) it is pointless - all private hire vehicles should be the same.
- r) As a disabled passenger the sign on top lets me know it is the cab I booked.
- s) Helps other road users to identify it is a licensed vehicle.

39. It is proposed, that following the consultation, members of the committee consider the following options on roof signs:

- 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. Options to amend 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 (Best Practice Guidance recommends against mandating this in any form on the vehicle)
- c) To remove the current mandatory condition for private hire vehicles to display a roof sign.

- d) To insert a new condition, to prohibit any roof sign or other signage with a raised profile from being displayed on the roof, bonnet, or boot of a private hire vehicle.
40. Conditions can be attached to a vehicle licence if reasonably necessary and are subject to appeal. Therefore, the Licensing Committee shall be able to demonstrate clear reasons for its decisions to create, remove or amend vehicle conditions, considering any relevance to any legislation and guidance and for the safety and protection of the travelling public.
41. The Best Practice Guidance states “Individual licensing authorities are still responsible for deciding their own policies and making decisions on individual licensing matters applying the relevant law and any other relevant considerations. This guidance is primarily intended to assist licensing authorities, but it is only guidance and does not intend to give a definitive statement of the law; any decisions made by an authority remain a matter for that authority.

Implications

Equalities and Diversity

An Equality Impact Assessment has been completed. See Appendix F.

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.

Finance

There are no direct financial implications arising from this report.

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Governance

The contents of the report records the findings of a completed consultation, and lists all options open to the committee.

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Appendices

Appendix A - Licensing Committee minutes 11 September 2018

Appendix B - Survey results – Licensees

Appendix C - Additional email response to survey

Appendix D - Photographs provided with the licensee survey

Appendix E - Survey results – Members of Public

Appendix F - Equality Impact Assessment

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

HLDWA - Harlow Licensed Drivers Welfare Association

LGMPA1976 - Local Government (Miscellaneous Provisions) Act 1976