

# REPORT FOR DECISION

<b>DECISION OF:</b>	<b>LICENSING &amp; SAFETY PANEL</b>
<b>DATE:</b>	<b>28<sup>th</sup> NOVEMBER 2019</b>
<b>SUBJECT:</b>	<b>REVIEW OF VEHICLE SIGNAGE</b>
<b>REPORT FROM:</b>	<b>ASSISTANT DIRECTOR (LEGAL AND DEMOCRATIC SERVICES)</b>
<b>CONTACT OFFICER:</b>	<b>MR M BRIDGE</b>
<b>TYPE OF DECISION:</b>	<b>COUNCIL</b>
<b>FREEDOM OF INFORMATION/STATUS:</b>	This paper is within the public domain
<b>SUMMARY:</b>	Following a request from the Private Hire Drivers Association and the Hackney Carriage Drivers Association to remove the requirement for a front licence plate from a licensed Hackney Carriage or Private Hire Vehicle, this report considers the options.
<b>OPTIONS &amp; RECOMMENDED OPTION</b>	<ul style="list-style-type: none"> <li>• To agree the request from the Hackney Carriage Drivers Association and Private Hire Drivers Association. To remove the requirement for a front licence plate</li> <li>• To implement an alternative decision following consideration of the report</li> <li>• To refuse the request from the Hackney Carriage Drivers Association and Private Hire Drivers Association to remove the requirement for a front vehicle licence plate.</li> </ul>
<b>IMPLICATIONS:</b>	
<b>Corporate Aims/Policy Framework:</b>	Do the proposals accord with the Policy Framework? <b>Yes</b> No
<b>Statement by the S151 Officer: Financial Implications and Risk Considerations:</b>	There are no specific issues from the report other than potential costs/risks associated with legal appeals including a Judicial Review
<b>Statement by Executive Director of Resources:</b>	The cost of the licensing function are funded through the fees and charges levied by the

	Council. There may be additional costs to the service if appeals are lodged by licence holders with the Magistrates and Crown Courts.
<b>Equality/Diversity implications:</b>	Yes <b>No</b> (see paragraph below)
<b>Considered by Monitoring Officer:</b>	Members are advised that Licences are regarded as possessions within the terms of the Human Rights Act 1998. Under the Act everyone is entitled to the peaceful enjoyment of one's possessions and so actions interfering with those possessions must be lawful, reasonable and proportionate. It is lawful to impose reasonable conditions as a way of protecting the safety of the travelling public, so long as it is not out of proportion. It is a balancing act between the public interest and the individual's rights.
<b>Wards Affected:</b>	All
<b>Scrutiny Interest:</b>	Overview and Scrutiny Panel

## TRACKING/PROCESS

## DIRECTOR:

Chief Executive/ Strategic Leadership Team	Executive Member/Chair	Ward Members	Partners
Scrutiny Committee	Committee	Council	

## 1.0 BACKGROUND

1.1 The Local Government (Miscellaneous Provisions) Act 1976 (LGMPA) and the Town Police Clauses Act 1847 (TPCA) make provisions for a Local Authority (district council) to issue a plate or disc for a private hire and a hackney carriage vehicle, in pursuance of a licence. This must be fixed to or 'exhibited' on the vehicle. In addition, the Local Authority can attach such conditions as it may consider reasonably necessary to the licence.

1.2 Bury's current licensing conditions state as follows:

### Hackney Carriage

#### 1 Identification Plates and Cards and Test Certificates

- a. The external identification plates when issued by the Council shall be affixed to the front and rear of the Hackney Carriage by the proprietor in accordance with the reasonable instructions of an authorised officer at the cost of the proprietor.
- b. The proprietor of the Hackney Carriage shall ensure the identification plates are maintained and kept in such condition that the information contained on the identification plates is clearly visible to the public's view at all times.
- c. The identification plates shall be securely fixed to the vehicle in accordance with the instructions of an authorised officer but in such a manner as to be easily removed by an authorised officer or constable.
- d. The interim test vehicle certificates, when issued by the Council, shall at all times be kept and maintained inside the vehicle windscreen wallet in such a position that the details are clearly visible from the exterior of the vehicle. The drivers identification card issued by the Council shall be placed in the vehicle windscreen wallet with the details clearly visible from the interior of the vehicle.

## **Private Hire**

### **Identification Plates and Cards and Test Certificates**

- a. When we issue your identification plates, you must fix them to the front and back of the vehicle.
  - b. You must make sure your identification plates can be seen all times.
  - c. Your identification plates must be fixed to the vehicle securely. You must be able to remove them if we or the police ask you.
  - d. You must keep your interim test certificate inside your windscreen wallet so it can be seen from the outside of the vehicle. You should also put your driver's identification card inside the windscreen wallet so that people who are in your vehicle can clearly see your photograph and ID number.
- 1.2 Bury currently requires vehicle licence plates to be attached to both the front and rear of the vehicle. The existing plates are approximately 9.5ins by 7ins. They are white for hackney carriages and yellow for private hire vehicles. They contain the following information:-
- A licence number;
  - The vehicle registration number;
  - A description of the make/colour of the vehicle;
  - The number of passengers to be carried;
  - The licence expiry date.
- 1.3 The Council Constitution reserves the determination of the design of plates and badges to the Licensing and Safety Panel.
- 1.4 On the 13<sup>th</sup> December 2007, members of this panel considered a report following requests from both the Hackney Carriage and Private Hire Trade for minor modifications in respect of certain of the existing vehicle and driver signs. Members resolved:
- That a mock-up be prepared of the ID badges and presented to the next Licensing and Safety Panel Meeting.
  - That the vehicle plates remain the same size
- 1.5 On the 31<sup>st</sup> January 2008, a further report was considered by the Licensing and Safety Panel and the members resolved:

- That the current ID badges presented to the Licensing and Safety Panel remain the same size.

1.6 The detailed amount of information contained on a plate provides information to assist the licensing authority and the police to be able to identify the vehicle for enforcement, as well as enable the travelling public to easily identify licensed vehicles more readily.

## **2.0 ISSUE**

2.1 The Private Hire Drivers Association and the Hackney Carriage Drivers Association have requested that the Council consider the removal of the front plate from licensed Hackney Carriages and Private Hire Vehicles due to vehicles being subject to attacks whilst driving on the road. Appendix 1 contains a log of complaints received this year.

## **3.0 RESEARCH FINDINGS**

3.1 The licensing service have contacted Greater Manchester Police requesting statistics regarding matters that involved damage to vehicles belonging to taxi drivers over the last three years. These are provided at Appendix 2.

3.2 Following information supplied by the Private Hire Drivers Association, Appendix 3 details the other 9 Greater Manchester Authorities requirements for vehicle licence plates,

3.3 In 2018 Transport for Greater Manchester (TfGM) undertook a conversation in relation to taxis and private hire vehicles. The survey asked whether "respondents would support a common way to identify Private hire Vehicles in Greater Manchester".

"85% of those who expressed an opinion agreed or strongly agreed that common identification for private hire vehicles licensed in Greater Manchester would help people recognise private hire vehicles" Respondents aged 65-74 were most likely to strongly agree with the proposition.

The survey reported 85% (of 1932 responses) overall support for common identification for PHVs in Greater Manchester. 89% of (100 responses) from Bury residents expressed support.

3.4 The Proposed Greater Manchester Common Minimum Licensing Standards does make reference to the display of vehicle licence plates as follows:  
"All vehicles will display licence plates on the front and back of the vehicle. These will be permanently affixed and must not be magnetic to safeguard against unlicensed vehicles being able to pose a licensed vehicle. "

These draft proposals are currently on hold and have yet to be consulted on.

3.5 The licensing service have contacted the company that provides the Councils with the peripherals to create vehicle plates. They have advised that they can provide other alternatives plate sizes if required.

3.6 The Department for Transport - TAXI AND PRIVATE HIRE VEHICLE LICENSING: BEST PRACTICE GUIDANCE 2010 makes reference to vehicle identification as follows:

3.7

"Members of the public can often confuse PHVs with taxis, failing to realise that PHVs are not available for immediate hire and that a PHV driver cannot be hailed. So it is important to distinguish between the two types of vehicle. Possible approaches might be:

a licence condition that prohibits PHVs from displaying any identification at all apart from the local authority licence plate or disc. The licence plate is a helpful indicator of licensed status and, as such, it helps identification if licence plates are displayed on the front as well as the rear of vehicles. However, requiring some additional clearer form of identification can be seen as best practice. This is for two reasons: firstly, to ensure a more positive statement that the vehicle cannot be hired immediately through the driver; and secondly because it is quite reasonable, and in the interests of the travelling public, for a PHV operator to be able to state on the vehicle the contact details for hiring.

3.8 On the 5<sup>th</sup> September 2019, TfGM Disability Design Reference Group (DDRG), met with GM Licensing Manager's representative, TfGM staff. DDRG have wide ranging disabilities and impairments. There were a number of concerns relating to licensed vehicles and of particular relevance to this report was as follows:-

- All taxi and PHVs should display (at least A4 size) a photo (recent!), name and badge number of the driver in the vehicle so all passengers can identify the driver and ensure they're getting into the right vehicle. Many drivers don't wear badges – and the font on the badges is often too small to read for partially sighted passengers.
- Vehicle livery needs to meet a consistent standard across GM. All stickers should be easily readable and reasonably large in size to accommodate for those who are partially sighted.

## 4.0 CONCLUSIONS

4.1 Members are requested to consider the report. The options are as follows:

- To agree the request from the Hackney Carriage Drivers Association and Private Hire Drivers Association. To remove the requirement for a front licence plate
- To implement an alternative decision following consideration of the report
- To refuse the request from the Hackney Carriage Drivers Association and Private Hire Drivers Association to remove the requirement for a front vehicle licence plate.

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### List of Background Papers:-

Previous Minutes of the Licensing and Safety Panel

### Contact Details:-

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## Appendix 1

<b>Date Received</b>	<b>Complaint Made By</b>	<b>Nature of Complaint</b>	<b>Action Requested / Taken</b>
<b>4/11/19</b>	<b>PHDA</b>	<b>Attack of PH Driver at Bell Lane/Aldi caused minor damage to the vehicle. This incident logged with the Police</b>	
<b>28/10/19</b>	<b>PHDA</b>	<b>Image of unidentified Elton Bullet vehicle</b>	<b>Urges licensing to take front licence plate off vehicles to help reduce attacks</b>
<b>21/10/19</b>	<b>PHDA</b>	<b>Images of two private hire vehicles damaged.  "everybody have a right to work in a safe working environment"  "please address the issues we got 11 stickers, 2 licence plates on our PHV  taking the front plate off will make a big difference its safety of drivers and  the public"</b>	
<b>5/9/19</b>	<b>Accompanied Driver</b>	<b>Attended Panel Attacked in Heywood – article appeared in the Bury Times.</b>	







## **Crimes Affecting Taxi Drivers**

## **Appendix 2**

<b>01/01/2016 - 31/12/2016</b>	
Criminal Damage*	<b><u>42</u></b>
<i>*of which items thrown towards taxis</i>	<b><u>18</u></b>
<b>01/01/2017 - 01/01/2018</b>	
Criminal Damage*	<b><u>27</u></b>
<i>*of which items thrown towards taxis</i>	<b><u>5</u></b>
<b>02/01/2018 - 01/01/2019</b>	
Criminal Damage*	<b><u>25</u></b>
<i>*of which items thrown towards taxis</i>	<b><u>0</u></b>
<b>02/01/2019 - 08/07/2019</b>	
Criminal Damage*	<b><u>7</u></b>
<i>*of which items thrown towards taxis</i>	<b><u>0</u></b>

**Licence Requirements for Other Greater Manchester Authorities**

<b>Authority</b>	<b>Front Plate</b>	<b>Rear Plate</b>	<b>Other Information</b>
Bolton	Yes - Small	Yes	
Bury	Yes	Yes	
Manchester	Yes – Small	Yes	
Oldham	No	Yes	Due to be reviewed asking members to consider going back to two plates
Rochdale	Yes	Yes	
Salford	Yes	Yes	
Stockport	No	Yes	Planning to change to two plates
Tameside	Yes	Yes	
Trafford	No	Yes	
Wigan	No	Yes	

**Licence requirements for other North West Authorities**

<b>Authority</b>	<b>Front Plate</b>	<b>Rear Plate</b>	<b>Other Information</b>
Cheshire West and Chester Council	<b>Small plate</b>	<b>Normal size</b>	