

Body: General Licensing Committee
Date: 10th March 2008
Subject: Taxi and Private Hire Vehicles – Plates
Report Of: Kareen Plympton, Licensing Manager
Ward(s) All
Purpose To advise the Committee of progress in relation to internal and external plates, and to seek a revision of the internal plates.

Recommendations:

- 1) To note the position and progress in relation to the form of both the internal and external plates, as approved by the Full Licensing Committee in October 2006.
- 2) To note and approve a slight revision to the form of the internal identification plate for both private hire and hackney carriage vehicles as detailed in paragraph 7.2
- 3) To make vehicles licensed in the Borough easily identifiable, making enforcement easier and supporting public safety.

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1. Introduction

- 1.1 All Private Hire and Hackney Carriage vehicles must be deemed suitable and undergo a multitude of processes prior to being issued with a vehicle licence by the Licensing Department of Eastbourne Borough Council.
- 1.2 Licensed vehicles must only be driven by licensed drivers. Such records are kept of these drivers by the Licensing Department. In line with a motion approved by the Licensing Committee in March 2006, a Criminal Records Bureau check is carried out against all new drivers, and every 3 years for existing drivers at the time of application for renewal.
- 1.3 This enables the Licensing Department to ensure that drivers are “fit and proper,” and vetted, thereby ensuring that any risk to the public is minimised, and that the Trade maintains a professional image.
- 1.4 Both licensed vehicles and drivers must comply with various conditions, statute and by laws. Included in this is the provision of a rear plate in the form described below.
- 1.5 In respect of Hackney Carriages, such must also display an approved roof sign as stipulated by the Licensing Committee.

2.0 Rear Vehicle Plates – The Current Position

- 2.1 All licensed taxis and the vast majority of private hire vehicles must display a rear identification plate. In respect of Hackney Carriage Taxis, the rear plate is blue, and for Private Hire, the rear plate is yellow. The plate remains the property of Eastbourne Borough Council at all times.
- 2.2 The form of the current rear plate displayed by private hire and hackney carriage vehicles was agreed a number of years ago, is oval in shape for hackney carriages and square in relation to private hire vehicles. It includes the following information:
- The vehicle licence number, “plate number”
 - The number of persons the vehicle is licensed to carry
 - Private Hire or Licensed Taxi depending on the licence sought and approved for the vehicle
 - Eastbourne BC

3.0 Previous Committee Decision

- 3.1 At the Full Licensing Committee in October 2006, members heard how the Licensing Team routinely deal with complaints from customers, primarily about the conduct of drivers. However, identification of such has proved difficult for a variety of reasons including:
- No internal means to identify the vehicle plate number or driver in question.
 - The size of the rear plate and its characters makes it hard to see, and therefore identify
 - Currently whilst not a condition of the licence, many licensed vehicles managed by operators sport a generic door sign without the individual vehicle plate number, making identification difficult.
 - Customers are not aware that the vehicle plate number is at the rear, or feel intimidated if requesting the vehicle licence number, since in many instances, the driver will know where the person lives.
- 3.2 To resolve the above issues, the Committee agreed to revise the form and content of any identification plates, in order to improve visibility and further educate the public about what to look for and how Eastbourne Borough Council licensed vehicles can be identified.

4.0 Historical Consultation

- 4.1 There was extensive consultation with the trade, previous Licensing Councillors, Sussex Police, members of hackney and private hire trade and other “interested parties,” as to the form and content of permanent signage, of both internal and external plates.
- 4.2 It was agreed unanimously at the Taxi and Private Hire Forum that larger, more visible plates at the rear and a smaller, internal plate were of benefit in promoting public safety.

5.0 Approved Form Of Plates

5.1 The plate identifying the vehicle in question as either a hackney carriage or private hire vehicle must be displayed in accordance with the vehicle licence conditions and that contained within the Local Government (Miscellaneous Provisions) Act 1976 and the Town Police Clauses Act 1847.

5.2 The licence conditions in respect of private hire vehicles, identification plates and interior markings included in conditions 5 and 6, reads:

“Identification Plate. The plate identifying the vehicle as a private hire vehicle and required to be exhibited on the vehicle pursuant to Section 48(6) of the Local Government (Miscellaneous Provisions) Act 1976 shall be securely fixed to the rear of the vehicle in a conspicuous position and in such a manner as to be easily removable by an officer of the Council or the Police.”

5.3 Section 51 and 52 of the Town Police Clauses Act 1847, make it a legal requirement for Hackney Carriage vehicle to exhibit the same information.

5.4 Further, that in respect of interior markings for both private hire and hackney carriages,

“ Interior Markings - The proprietor shall cause to be clearly marked and maintained inside the vehicle in such a position as to be visible at all times to persons conveyed therein the number of this licence and the number of passengers prescribed in this licence.”

5.5 Therefore, both private hire and hackney carriage vehicles should already display an internal plate with the above information.

6.0 Form of Signage

6.1 The Full Committee agreed to modify the form of both the internal and external identification plates, sourced only from the Council’s Licensing Team, to ensure conformity, improve visibility and to set a consistent standard, save those that claim exemption under s75(3) of the aforementioned Act.

6.2 It also agreed that the following information must be included on the rear plate, maintaining the blue or yellow colour differential depending on the vehicle in question. It will be of approximately 25cm by 9cm in size and include:

- Eastbourne Borough Council Crest
- Hologram
- Wording Hackney carriage or Private Hire as appropriate
- Plate Number
- Vehicle registration
- Number of passengers the vehicle is permitted to carry

- Wording to indicate that the plate remains the property of Eastbourne Borough Council.

6.3 In respect of the internal plate, it shall be approximately 9cm by 10cm, maintaining the colour differential and shall include:

- Eastbourne Borough Council Crest
- Hologram
- Plate number

7.0 Proposed Revision

7.1 The General Licensing Committee are asked to consider a slight revision to the form of the internal identification plate for both private hire and hackney carriage vehicles.

7.2 The proposed revision includes the following wording to be inserted:

**“Any Complaints? Contact the Council Licensing Team,
quoting the above plate number on 01323 41xxxx.”**

7.3 Experience has shown that many of the travelling public are unaware of where complaints should be directed, and it is hoped that this will ensure that all parties are informed of where any complaints relating to the vehicle and/or driver can be properly dealt with.

8.0 Approved Supplier & Cost

8.1 In accordance with the Council Contracts and Procurement Policy, an advertisement to supply the plates was advertised in December 2007 edition of “Private Hire and Taxi Monthly,” a specialist publication servicing the taxi and private hire trade, albeit that the Licensing Team had already been approached by a number of potential suppliers following the Full Committee decision in October 2006.

8.2 This advertisement invited expressions of interest in relation to the supply of internal and external identification plates in relation to Council licensed taxi and private hire vehicles. Three expressions of interest received, with VIP Systems of the South East Area being awarded the tender having been assessed on the following:

- Ability to meet the specified Council criterion
- Ease of production
- Value for money
- Product longevity and durability

8.3 Contracts and associated documentation is currently being drafted in consultation with Legal Services.

8.4 In respect of cost recovery, proprietors of vehicles currently pay a deposit for a plate, ranging from £5 - £25 depending upon when they made application. The fee levied for the plate will be the overall cost of producing the plate, less the deposit.

9.0 Human Rights Act 1998-Implications

9.1 The provisions of the Human Rights Act, 1998, must be borne in mind by the Committee when taking licensing decisions under the Licensing Act, 2003. Particular regard should be had to Article 1 of the First Protocol, which relates to the protection of property and the peaceful enjoyment of possessions and property. Article 8 - which relates to the right to respect for private and family life, home and correspondence - should also be borne in mind. While the Human Rights Act makes it unlawful for a local authority to act or to fail to act in a way that is incompatible with a Convention right, Article 1 of the First Protocol and Article 8 are both qualified rights which means that interference - to a justifiable extent - may be permitted as long as what is done:

- Has a basis in law;
- Is intended to pursue a legitimate purpose
- Is necessary and proportionate; and
- Is not discriminatory.

10.0 Recommendations

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Background Papers

- *Benson v Boyce* [1997] RTR 226
- *Hawkins v Edwards* [1901] 2 KB 169
- Local Government (Miscellaneous Provisions) Act 1976
- Town Police Clauses Act 1847
- Regulation 100 of the Road Vehicles (Construction and Use) Regulations 1986
- *Yates v Gates* [1970] 1 All ER