



**WATFORD
BOROUGH
COUNCIL**

LICENSING COMMITTEE

15 March 2017

7.30 pm

Town Hall, Watford

Publication date: 7 March 2017

Contact

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Committee Membership

Councillor K Crout (Chair)

Councillor J Fahmy (Vice-Chair)

Councillors S Bolton, J Connal, A Dychton, K Hastrick, M Hofman, Ahsan Khan, R Laird, B Mauthoor, M Mills, A Rindl, G Saffery, D Scudder and M Turmaine

Agenda

Part A - Open to the Public

1. Apologies for absence/ committee membership

2. Disclosure of interests (if any)

3. Minutes

The minutes of the meeting held on 11 January 2017 to be submitted and signed.

Copies of the minutes of this meeting are usually available seven working days following the meeting.

(All minutes are available on the Council's [website](#).)

4. Discussion on use of magnetic door signs for hackney carriages (Pages 5 - 22)

Report of the Head of Community and Customer Services

PART A

Report to: Licensing Committee
Date of meeting: 15th March 2016
Report of: Head of Community and Customer Services
Title: Discussion on use of magnetic door signs for hackney carriages

1.0 SUMMARY

- 1.1 Watford Borough Council is responsible for licensing hackney carriages (taxis). This includes setting the specific standards or conditions under which such vehicles may be licensed.
- 1.2 There is a requirement for all hackney carriages to have door signs of a design approved by the council.
- 1.3 Door signs may be magnetic providing drivers display them at all times whilst working.
- 1.4 Representations have been made by representatives of the taxi trade to officers and the chair of the committee that the requirement for door signs be removed. The chair has asked that members of the committee be given the opportunity to hear from both a representative from the trade and also from Disability Watford who have also made representations that the signs should remain.
- 1.5 This report seeks to raise Members' awareness of this issue and the views of stakeholders.

2.0 Recommendation

That the views of both the Taxi Trade and Disability Watford be noted and officers be requested to come back to a future committee having undertaken further consultation with stakeholders and an equality impact analysis with recommendations on whether or not the Vehicle conditions should be altered.

Contact Officer:

For further information on this report please contact: Jamie Mackenzie,
(Business Compliance Officer), tel: 01923 278476 email:
jamie.mackenzie@watford.gov.uk

Report approved by: Alan Gough, Head of Community and Customer Services

3.0 Background Detail

- 3.1 Until July 2010 hackney carriages licensed by Watford Borough Council were required to display a livery of white vehicle with black bonnet and black boot.
- 3.2 In July 2010 the requirement for a hackney carriage vehicle livery was removed. There were a number of reasons for this and the report to committee of July is attached at Appendix 1
- 3.3 In light of the removal of the livery, it was agreed that drivers should continue to use permanently affixed door signs in order to allow for some level of identification other than roof light and rear identification plate. An example of these door signs is shown at appendix 2.
- 3.4 In 2014 the requirement for permanently affixed door signs was relaxed in favour of magnetic door signs. This decision was dependent upon drivers ensuring that whilst a vehicle was working the door signs would be attached. An addendum to licensing conditions was approved at committee on 14 July 2014. See Appendix 3.
- 3.5 Requests have been received from trade members to remove the requirement for door signs altogether. The Chair of the Hackney Carriage Association has reported an increase in crimes where vehicles are targeted due to identification as a taxi.
- 3.6 In November 2016 the licensing department received a request from local police for assistance in setting up a 'decoy car' as a result of three 'theft from vehicle' crimes involving taxis. These took place in North Watford within a few nights of one another.

3.7 Total crimes recorded against drivers are as follows:

Table showing offence category + crime count

| Offence Category | 13/14 | 14/15 | 15/16 | Total |
|----------------------------|--------------|--------------|--------------|--------------|
| TFMV | 13 | 9 | 33 | 55 |
| Criminal Damage | 19 | 17 | 13 | 49 |
| Assault/ABH | 13 | 15 | 13 | 41 |
| Theft make off w/o payment | 10 | 12 | 18 | 40 |
| Public Order/Racial | 5 | 2 | 4 | 11 |
| Interfere with MV | | | 3 | 3 |
| Racist Incident | 2 | 1 | | 3 |
| Theft not otherwise coded | | | 2 | 2 |
| Robbery | 1 | | | 1 |
| Total | 63 | 56 | 86 | 205 |

There is not a complete figure for 2016/2017 as of the date of this report as figures will not be compiled until after year end, 31st March 2017.

TFMV is Theft from Motor Vehicle and is the crime specific to this discussion paper.

- 3.8 There are substantial verbal reports of breach of condition by drivers who do not use door signs when required to do so. Most notably, drivers are frequently seen parked on taxi ranks not displaying door signs. Often when spoken to a driver will explain that the signs have been lost, regularly either on the motorway or in a car wash, or that they are in the boot of the vehicle. It is not clear why drivers who are working would fail to display the door signs.
- 3.9 There are three main implications to removing door signs: general public safety, disability access and crime (identification).
- 3.10 The primary purpose of the licensing regime is to ensure public safety. Members of the public who take taxis may be tired, intoxicated or distracted and an ability to clearly identify a vehicle is essential to prevent harm. London taxis are often mentioned as being 'iconic' and therefore unlikely to be mistaken for any other type of vehicle. This is a good example of why a particular design or livery may be chosen.
- 3.11 Disability Watford state that some members may struggle to identify taxis on ranks and when vehicles stop to pick up if such signage is not displayed. Given that the primary purpose of licensing is the protection of the public and that,

unlike a private hire vehicle, a taxi can attend a rank unsolicited or pick up a passenger without any pre-booking, it is important that all customers can easily and quickly identify a genuine licensed vehicle. A representative from Disability Watford will be at the meeting.

3.12 On some occasions door signs enable police to identify Watford licensed vehicles from CCTV. This is usually not where a driver has committed an offence but where a driver may be an important witness to events. Most recently this happened in Watford over Christmas where drivers were sought as witnesses to a serious sexual assault.

3.13 It is not clear how removing the requirement for the use of magnetic door signs, which can be removed from the vehicle after work, would help to further protect the identity of a licensed vehicle parked in a residential area.

3.14 In order for a vehicle to be unidentifiable, the rear plate would need to be removable. This is not currently allowed under conditions imposed by Watford Borough Council, nor is it within the scope of this report. It is included here as background information.

3.15 It may be considered that the trade may benefit from being more visible given the intense competition for business that now exists.

3.16 Next Steps:

Following the discussion officers intend to undertake further consultation with all stakeholders and produce a report for a future meeting with recommendation.

4.0 **IMPLICATIONS**

4.1 **Financial**

4.1.1 No direct financial implications for the Council's income however, any changes in requirements for livery and identification on taxi's will have a financial impact on the taxi trade themselves.

4.2 **Legal Issues** (Monitoring Officer)

4.2.1 The Council may attach such conditions to the grant of a Hackney carriage licence as it considers to be reasonable, necessary and proportionate. Any person aggrieved by a licence condition has a right to appeal against that condition to the magistrates

court within 21 days.

4.3 Equalities

- 4.3.1 An equality impact analysis has not been undertaken yet to assess the full implications of changing the vehicle conditions as requested by the trade. The discussion generated by this report will be included in the analysis.

4.4 Potential Risks

| 4.4.1 | Potential Risk | Likelihood | Impact | Overall score |
|-------|--|------------|--------|---------------|
| | Customer gets in to unlicensed vehicle | 2 | 4 | 8 |
| | Customer is unable to identify vehicle as being licensed by Watford following incident | 2 | 3 | 6 |
| | Reputational impact from reduced accessibility | 4 | 3 | 12 |
| | Increased enforcement necessary due to continued breach of condition | 4 | 2 | 8 |
| | Continued targeting of vehicles by criminals due to door signs | 1 | 4 | 4 |

Appendices

Appendix 1 - Report of committee 2008

Appendix 2 - Example door sign

Appendix 3 – Amendment to door sign requirement

Background Papers

None used

Report to: Licensing Committee
Date of meeting: 5 July 2010
Report of: Head of Environmental Services
Title: Proposal to change hackney carriage livery requirements

1.0 SUMMARY

- 1.1 The Council is the licensing authority for hackney carriages within the Borough, and is allowed to impose reasonable conditions relating to their use. For many years the Council has required hackney carriages to be painted in a distinctive black and white livery.
- 1.2 As different models of vehicles have been granted licences over the last few years since delimitation, concessions have been given to the timing of the requirement for all vehicles to acquire the livery. A three year lead-in period to 1 January 2011 has been agreed by the Licensing Committee.
- 1.3 Arguments have been made by trade representatives that, not only should the proposed requirements be curtailed but that the livery requirement for all vehicles should be abandoned, primarily on economic grounds.

2.0 RECOMMENDATIONS

- 2.1 That the Licensing Committee decides whether to delete all of the conditions requiring vehicles to be painted white with a black boot and black bonnet from the Council's standard conditions for hackney carriages with immediate effect, and no longer requires hackney carriages to have such a livery or
- 2.2 All vehicles licensed as hackney carriages, other than multi-purpose vehicles (as stated on the DVLA registration certificate) and purpose-built hackney carriages, shall be required to be painted white with a black boot and black bonnet.

Contact Officer:

For further information on this report please contact: Jeffrey Leib (Licensing Manager) on telephone extension: 278429 email: jeffrey.leib@watford.gov.uk

Report approved by: Alan Gough, Head of Environmental Services

3.0 DETAILED PROPOSAL

- 3.1 The Council is the licensing authority for hackney carriages within the Borough, and is allowed to impose reasonable conditions relating to their use. For many years the Council has required hackney carriages to be painted in a distinctive black and white livery.
- 3.2 In October 2005, the Licensing Committee resolved that no vehicle would be licensed as a hackney carriage unless it was either (a) painted white with a black boot and bonnet or (b) if a London-style hackney carriage, in the original colours in which it was supplied. On 18 February 2008 the Licensing Committee approved two resolutions:

- (1) other than purpose-built hackney carriages, existing hackney carriages (whose licences are renewed after 1 January 2011) be painted white with a black boot and bonnet; and
 - (2) other than purpose-built hackney carriages, hackney carriages after 1 January 2009 not be renewed unless the vehicle displays door signs of a type and style approved by the Council's officers, such sign to contain the Watford Borough Council logo, and the words "Licensed Taxi" in black writing on a yellow background.
- 3.3 The second resolution was extended by the Licensing Committee in December 2008 to include all purpose-built hackney carriages. Justifications and reasons for these resolutions can be found in the reports of the Head of Environmental Services to the Licensing Committee on 18 February 2008, 7 July 2008 and 1 December 2008.
- 3.4 There are presently around 115 saloon models out of 230 hackney carriages painted in the Council livery. All vehicles have roof signs, door signs with the Council crest, and hackney carriage licence plates as identifying features. Many also have a windscreen sticker or door sign indicating for which firm they work.
- 3.5 Representations have been made (as identified in previous reports) by the Watford Hackney Carriage Drivers' Association on the practical and financial implications of painting a vehicle with the livery:
 - (1) the cost can be as much as £2000, which is prohibitively expensive in the current economic climate, particularly when there are fewer passengers and increased competition in the trade because of a greater number of licensed vehicles over the last few years. Vehicles are already identifiable by the roof and door signs, and vehicle plates, which the owners purchase themselves
 - (2) it is more difficult to paint those 75 vehicles in the fleet which are "multi-purpose vehicles" or "people carriers" such as Vauxhall Zafiras or Ford Galaxies
 - (3) it is difficult to sell a vehicle on as an unlicensed vehicle if painted in the Council livery, and the cost of restoring it to a sellable condition outweighs any likely profit
 - (4) there is a legal requirement to notify the Driver and Vehicle Licensing Agency (DVLA) of any change to the vehicle colour.
- 3.6 The logical conclusion to the trade's argument may be that rather than requiring MPV and people carriers to be painted from 1 January 2011 onwards, the long-standing policy is reversed and no hackney carriage carries a livery other than the door signs, roof signs and licence plates.
- 3.7 The counter-arguments to those above are:
 - (1) the cost of repainting a vehicle is a legitimate business expenses, and is therefore tax deductible
 - (2) it is no more difficult to licence MPV and people carriers than other types of vehicle. In Brighton, which has a similar livery scheme to Watford, all hackney carriages – including purpose-built and mini-bus vehicles – conform to the livery. Other councils also have livery requirements – eg Forest Heath, Portsmouth and St Albans to name but a few.
 - (3) it would be possible to repaint the boot and bonnet white to match the rest of the vehicle when it comes to reselling a vehicle formerly used as a hackney carriage
 - (4) the notification to DVLA requires returning the vehicle registration certificate free of

charge, simply writing in the relevant box the new vehicle colour.

- 3.8 The primary purpose of the Council as a licensing authority is to ensure the safety of the public when travelling in licensed vehicles, and economic considerations are in this context of secondary importance.
- 3.9 A clearly identifiable and highly visible livery scheme serves a number of purposes:
- (1) it makes enforcement on taxi ranks and at night (particularly in the town centre) easier
 - (2) it makes it less likely for someone to “dress” up a vehicle as a hackney carriage and impersonate a licensed driver, particularly at night
 - (3) there is less risk of confusion with private hire vehicles, particularly from surrounding districts such as Three Rivers who allow private hire vehicles to display door signs and roof signs
 - (4) it makes hackney carriages easier to see for passengers with disabilities
 - (5) it promotes a sense of corporate and civic identity for the town, particularly compared to surrounding districts;
 - (6) it prevents hackney carriages from plying for hire in outlying districts, which they are prohibited from doing.
- 3.10 Officers have conducted some limited consultation on this proposal, with a press release on the Watford Observer website published on 19 March 2010, and a shorter article in the printed edition the following week. Views were sought from all licensed drivers through a newsletter which was distributed at the end of May 2010.
- 3.11 A small number of responses have been received. Eight comments have been received from drivers on the following points:
- (1) it can cost £1200 to paint a car
 - (2) if the vehicle is damaged in an accident it takes a long time to get a courtesy car which has the livery
 - (3) drivers will sell their cars less frequently if they have to paint and repaint them first, meaning vehicles are used for longer than they would be otherwise
 - (4) it is more costly to maintain an older car than a newer one
 - (5) other councils allow normal saloons to be used
 - (6) there are already door signs and taxi plates to show for which Council the drivers work
 - (7) the existing livery is old and the trade needs a new look
 - (8) drivers already have many overheads and not enough work
 - (9) vehicles are also used by drivers for their own personal cars not just taxis.
- 3.12 The chair of the Watford Disability Forum also responded. He states that removing the livery requirement might be causing people with disabilities another problem for residents who are visually impaired, registered blind or whom have learning disabilities. He suggests it is difficult

enough to hail a vehicle without making them blend in with other vehicles and may make the problem of people posing as a taxi driver worse as well.

- 3.13 He also suggested that the vehicle plate number should be at least eight inches high on a rear panel or rear door post so they can easily be seen to report a driver for not stopping or pulling away from a disabled passenger.
- 3.14 Chief Inspector Dempsey-Brench of Hertfordshire Constabulary has commented that retaining the black-and-white livery is useful as part of the dispersal process for the night-time economy. Not having a separate livery makes it harder to distinguish between private hire vehicles and hackney carriages.
- 3.15 The Department for Transport Best Practise Guide, published in March 2010, does not make any reference to hackney carriage vehicle livery schemes but states more generally:

THE ROLE OF LICENSING: POLICY JUSTIFICATION

8. The aim of local authority licensing of the taxi and PHV trades is to protect the public. Local licensing authorities will also be aware that the public should have reasonable access to taxi and PHV services, because of the part they play in local transport provision. Licensing requirements which are unduly stringent will tend unreasonably to restrict the supply of taxi and PHV services, by putting up the cost of operation or otherwise restricting entry to the trade. Local licensing authorities should recognise that too restrictive an approach can work against the public interest – and can, indeed, have safety implications.

9. For example, it is clearly important that somebody using a taxi or PHV to go home alone late at night should be confident that the driver does not have a criminal record for assault and that the vehicle is safe. But on the other hand, if the supply of taxis or PHVs has been unduly constrained by onerous licensing conditions, then that person's safety might be put at risk by having to wait on late-night streets for a taxi or PHV to arrive; he or she might even be tempted to enter an unlicensed vehicle with an unlicensed driver illegally plying for hire.

10. Local licensing authorities will, therefore, want to be sure that each of their various licensing requirements is in proportion to the risk it aims to address; or, to put it another way, whether the cost of a requirement in terms of its effect on the availability of transport to the public is at least matched by the benefit to the public, for example through increased safety. This is not to propose that a detailed, quantitative, cost-benefit assessment should be made in each case; but it is to urge local licensing authorities to look carefully at the costs – financial or otherwise – imposed by each of their licensing policies. It is suggested they should ask themselves whether those costs are really commensurate with the benefits a policy is meant to achieve.

- 3.16 The statutory Regulators' Compliance Code under the Legislative and Regulatory Reform Act 2006 places a duty on the council in relation to encouraging economic progress when determining any general policy or principles as follows:

“Good regulation and its enforcement act as an enabler to economic activity. However, regulation that imposes unnecessary burdens can stifle enterprise and undermine economic progress. To allow or encourage economic progress, regulators must have regard to the following provisions when determining general policies or principles or when setting standards or giving general guidance about the exercise of regulatory functions.

3.1 Regulators should consider the impact that their regulatory interventions may have on economic progress, including through consideration of the costs, effectiveness and

perceptions of fairness of regulation. They should only adopt a particular approach if the benefits justify the costs and it entails the minimum burden compatible with achieving their objectives.

3.2 Regulators should keep under review their regulatory activities and interventions with a view to considering the extent to which it would be appropriate to remove or reduce the regulatory burdens they impose.

3.3 Regulators should consider the impact that their regulatory interventions may have on small regulated entities, using reasonable endeavours to ensure that the burdens of their interventions fall fairly and proportionately on such entities, by giving consideration to the size of the regulated entities and the nature of their activities.

3.4 When regulators set standards or give guidance in relation to the exercise of their own or other regulatory functions (including the functions of local authorities), they should allow for reasonable variations to meet local government priorities, as well as those of the devolved administrations.”

4.0 **IMPLICATIONS**

4.1 **Financial**

4.1.1 There are no financial implications to the Council arising from this report.

4.2 **Legal Issues** (Monitoring Officer)

4.2.1 This report concerns a change in the licensing conditions for hackney carriage vehicles. A party aggrieved by a licence condition has the right to appeal against that condition to the magistrates' court within 21 days of the grant of that particular licence. The Council is entitled to adopt conditions that are clear, reasonable and proportionate.

4.3 **Equalities**

4.3.1 Changing the standards for the livery may be to the detriment of some sections of the community such as the registered blind or visually impaired, as reported at paragraph 3.12.

4.4 **Potential Risks**

| | | | | |
|-------|--|-------------------|---------------|----------------------|
| 4.4.1 | Potential Risk | Likelihood | Impact | Overall score |
| | Legal challenge | 2 | 2 | 6 |
| | Hackney carriages being confused with private hire vehicles/vehicles from other districts | 3 | 2 | 6 |
| | Unlicensed vehicles posing as licensed vehicles | 2 | 4 | 8 |
| | <i>Those risks scoring 9 or above are considered significant and will need specific attention in project management. They will also be added to the service's Risk Register.</i> | | | |
| | Risks are to be scored 1 - 4 for both Likelihood and Impact Likelihood 1=unlikely 2=possible 3= highly likely 4= virtually certain Impact 1= very little 2=not very serious 3= serious 4= catastrophic So overall maximum score is 16 | | | |

Appendices

None

Background Papers

The following background papers were used in the preparation of this report. If you wish to inspect or take copies of the background papers, please contact the officer named on the front page of the report:

File Reference

None



**WATFORD
BOROUGH
COUNCIL**

LICENSED TAXI

LICENSING COMMITTEE

Monday 14 July 2014

ADDENDUM TO DRIVER AND VEHICLE IMPLEMENTATION PLAN

With the introduction of magnetic door signs on hackney carriages officers recommend that the amended condition set out below is placed on hackney carriage vehicle licences to ensure that they are displayed at the appropriate times, and that allowances are made for when they are lost, stolen or damaged:

“No advertisement sign of any nature shall be displayed on the vehicle other than an advertisement of a type to be authorised by the Council. *[Existing wording]*”

Door signs of a type and style approved by the Council’s officers, such sign to contain the Watford Borough Council logo, and the words “Licensed Taxi” [in black writing on a white background - to be omitted], shall be displayed on the front doors of the vehicle. *[Existing wording]*

The licence holder must not, without reasonable excuse, fail to display such door signs at all times that the vehicle is hired, plying for hire (including waiting on a rank), on the way to collect a passenger or otherwise used as a hackney carriage”.
[Additional wording]

