

**Body:** General Licensing Committee  
**Date:** 13 March 2006  
**Subject:** Taxi Vehicles - Livery  
**Report Of:** Kareen Plympton, Licensing Manager  
**Ward(s)** All  
**Purpose** To instate permanent door livery and rear identification plates that are sourced by the council and are subsequently difficult to forge thereby making it harder for vehicles that are not licensed to pose as taxis  
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**Recommendation** To agree in principal to permanent livery for both Taxi and Private Hire vehicles of a design to be agreed by committee at a later date.

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## **1. Introduction**

- 1.1 Currently all licensed taxis and the vast majority of private hire vehicles must display door signs as part of their licence conditions. These door signs can be either magnetic (and therefore easy to remove) or permanent (removed with a heat source i.e. hairdryer)
- 1.2 All licensed taxis and the vast majority of private hire vehicles must display a rear identification plate.
- 1.3 Taxis must also display an approved roof sign as stipulated by members.
- 1.4 Licensed vehicles should only be driven by licensed drivers and therefore records are kept of these drivers (it is envisaged that a CRB check will be carried out against drivers every 3 years). This ensures that drivers are vetted and that risk is minimised to members of the public and that the trade maintains a professional image.

## **2. Issues**

- 2.1 Presently the standard magnetic door signs previously agreed by committee have resulted in a whole suite of variations of design and size especially within the taxi trade.
- 2.2 The current designs employed by members of the trade who work on a circuit do not adequately distinguish the difference between a taxi and a private hire vehicle. They are of a similar design which, it can be argued, is in contravention of s48(a)(ii) of the Local Government (Miscellaneous Provisions) Act 1976 that provides that a private hire vehicle is "not of such design and appearance as to lead any person to believe that the vehicle is a hackney carriage"

- 2.3 Clearly members of the **public can be confused** by the array of door signs that are presented to them. It should be made clear exactly what is an Eastbourne licensed taxi and therefore able to legally ply for hire and what is a private hire vehicle and therefore only available via "**prior booking only**".
- 2.4 The only practical way to ensure conformity and to set a consistent standard is for committee to agree to a permanent door sign design that will be applied to all taxis and the vast majority of private hire cars (save those that claim exemption under s75(3) of the aforementioned Act).
- 2.4 Furthermore the door signs should be **sourced only from the Licensing Team**. This ensures that all vehicles comply with the rules.
- 2.5 Also the design must be suitably complex to avoid individuals making forgeries. A press release and occasional advertising can then be made advising the public only to hail and utilise licensed taxis from ranks and pre-book private hire cars from a list of Eastbourne licensed operators. This will ensure **public safety** and make it more difficult for non-taxis to illegally ply for hire.
- 2.6 At present the rear plate is of such a simple design that it can easily be forged. Indeed the Licensing Team have been made aware that certain individuals have sourced rear plates from other suppliers who provide a plate at a reduced rate. The most worrying aspect of this is that if licensed drivers can obtain rear plates and door signs then so can drivers of unlicensed vehicles.
- 2.7 Therefore it is envisaged by the Licensing Team that more complex external and internal plates be sourced from a reputable manufacturer who supplies suitable plates only to Eastbourne Borough Council's Licensing Team. This will ensure all licensed vehicles comply and that forged copies are far more difficult to source.
- 2.8 Certain individuals within the trade persist in not sporting the magnetic door signs at all times when working.
- 2.9 It is often claimed that the magnetic door signs have slipped off when driving at speed or have been stolen.
- 2.10 Regulation 100 of the Road Vehicles (Construction and Use) Regulations 1986 refers to dangerous parts and accessories on motor vehicles and states that if anything forming part of or attached to the vehicle is likely to cause danger to a passenger or other road user an offence is committed.
- 2.11 Where a magnetic sign is likely to become detached from the vehicle whilst it is moving, then an offence would almost certainly be committed as it is likely that injury could be caused to someone. There are a number of other offences that could also be considered, such as dangerous condition and possibly criminal damage if the sign was to hit something.

- 2.12 Furthermore it is alleged that on the 1<sup>st</sup> of January 2006 a driver of an unlicensed vehicle fitted Eastbourne & Country magnetic door signs to his car and picked up two female passengers. This was reported by two Eastbourne licensed drivers to the police and the incident was allocated serial number 810 for that day. There was no rear identification plate. The Eastbourne licensed drivers managed to stop the vehicle and found that the female occupants *believed* the vehicle to be an Eastbourne licensed taxi. This was clearly not the case. So far the offending driver has not been tracked down by the police.
- 2.13 Clearly as the female occupants failed to correctly identify an Eastbourne licensed taxi they could have found themselves in a potentially dangerous situation. At the very least the driver of the vehicle was not insured and was committing an offence under s45 of the Town Police Clauses Act 1847 for illegally plying for hire.
- 2.14 It is of the highest priority that incidents of this nature should be avoided and that members are urged to take all reasonable steps to avoid confusion on the part of members of the public. Often it is vulnerable members of the public that are at the most risk.
- 2.15 Permanent, clear and distinctive door signs within a standard format sourced from the Licensing Team (including the individual number of the licensed vehicle concerned) will minimise any confusion members of the public may have in correctly identifying a taxi or private hire vehicle.
- 2.16 Similarly a rear external and internal plate sourced only from the Licensing Team (that is difficult to forge) will also aid recognition by members of the public and minimise risk.
- 2.17 Furthermore clear identification will also aid with investigation of licensed drivers who may have committed another offence or provided poor service.
- 2.18 A clear image can only improve the already professional image of the trade in the town.

### **3. Arguments presented from certain members of the trade**

- 3.1 There are three main arguments presented by some members of the trade as to why permanent door signs are not acceptable to them. The counterarguments are also presented as follows:
- *The door signs make the car more visible when not working, therefore thieves are more likely to break in.* Clearly other commercial vehicles (i.e. an electrician's van) are also clear targets to potential thieves. A sign is often found on these vehicles stating something along the lines of "No money or valuable property is left in this vehicle when it is unattended". Clearly a prospective thief can already ascertain that a vehicle is licensed as it sports a permanent rear identification plate. Vandals damage property for fun regardless whether the vehicle is of

a commercial type or not. The argument is as far as the Licensing Team are concerned very weak.

- *Permanent door signs reduce the value of the car.* Permanent door signs are to some extent a misnomer. The signs themselves when affixed can be removed by a hairdryer or similar device. Once removed the sign is rendered useless. The removal of the sign does not damage the paintwork and therefore does not cause the value of the car to depreciate. Magnetic door signs on the other hand rub against the paintwork and if material is lodged under the sign then attrition can occur, thereby scratching the paintwork.
- *I use the car for my own private use and my wife drives it at weekends.* The case of *Hawkins v Edwards [1901] 2 KB 169* and *Yates v Gates [1970] 1 All ER* held that once a vehicle is licensed as a Taxi it remains a Taxi even when it is not plying for hire. The Town Police Clauses Act 1847, section 46 states that "No person shall act as a driver of any Hackney Carriage licensed in pursuance of this or the special Act to ply for hire....without first obtaining a licence from the commissioners". *Therefore only licensed Hackney Carriage drivers are allowed to drive Hackney Carriages.* Similarly a private hire vehicle is by virtue of case law always a private hire vehicle. This is stated in *Benson v Boyce [1997] RTR 226*. The Justice presiding inferred that a private hire vehicle is at all times a private hire vehicle and must only be driven by someone who holds a private hire drivers licence issued by the same authority as the vehicle licence. Therefore both taxis and private hire vehicles are, once licensed, by virtue of the law always that type of vehicle. It is irrelevant whether the car is used for non occupational purposes.

#### **4. Human Rights Act 1998-Implications**

- 4.1 Article 1 of the First Protocol is concerned with the protection of property and provides that every person is entitled to peaceful enjoyment of his possessions. The term 'possessions' is given a broad definition and includes a licence.

Committee must consider the following if they wish to interfere with a right as established in the Human Rights Act 1998:

- The interference must be in pursuit of a legitimate aim
- The interference must be "prescribed by law"
- The interference must be "necessary in a democratic society"

- 4.2 The introduction of permanent door signs is to aimed to increase public awareness and safety, is prescribed by the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976 and is necessary to deter and prevent further incidences as described in 2.11.

#### **5. Suggested design for permanent door signs and plate**

- 5.1 Members of the Licensing Team suggest that the permanent taxi door signs encompass the words: "**Eastbourne Licensed TAXI**" along with

the number of the vehicle licence and the Councils new logo. The word **TAXI** should be large so that visually impaired individuals can correctly identify the vehicle. Suggested colours include: blue, yellow or red to contrast with the white paintwork of the taxi. The telephone number only of an appropriate association could also be displayed.

- 5.2 It is suggested that private hire vehicles could have the words "**Eastbourne Licensed PRIOR BOOKING ONLY**" along with the number of the vehicle licence and the Councils new logo. The word **PRIOR BOOKING** should be large so that visually impaired individuals can correctly identify the vehicle. It is suggested that the colours should be black or white to appropriately contrast with the colour of the vehicle.
- 5.3 The rear plate should be sourced from a manufacturer that specialises in producing taxi and private hire interior and exterior licence plates that are very difficult to forge.

## **6. Conclusions**

- 6.1 **Public safety** is of the utmost importance.
- 6.2 Clear and distinctive permanent door signs sourced from the Licensing Team will increase compliance, maintain a benchmark standard and thereby increase public awareness and thereby reduce associated risks.
- 6.3 Similarly a clear and distinctive external and internal plate will also reduce associated risks.

## **7. Options for Committee**

To agree in principal to the following:

- Permanent door signs that can only be sourced from Eastbourne Borough Council's Licensing Team and that clearly identify the number of the taxi or private hire vehicle in question
- An external and internal identification plate that is difficult to forge and clearly identifies the taxi or private hire vehicle in question

The exact design and suppliers can be made in consultation with the trade and finally agreed by members.

### **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*