

Body:	General Licensing Committee
Date:	16th October 2006
Subject:	Taxi and Private Hire Vehicles - Plates
Report Of:	Karen Plympton, Licensing Manager
Ward(s)	All
Purpose	1) To instate and agree the form of both permanent internal and permanent rear identification plates for hackney carriage and private hire vehicles within the Borough. 2) To ensure that any rear/internal plates are sourced and supplied only by the Licensing Department of Eastbourne Borough Council, limiting opportunities for forgeries and/or unlicensed vehicles to operate. 3) To make vehicles licensed in the Borough easily identifiable, making enforcement easier and supporting public safety.
Recommendations	To instate and agree the form of permanent internal and rear plates for both hackney carriage and private hire vehicles within the Borough, thereby improving identification and public safety.
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1. Introduction

- 1.1 All Private Hire and Hackney Carriage vehicles and drivers must be deemed suitable and undergo a multitude of procedures 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.
- 1.3 In line with a motion approved by the Licensing Committee in March 2006, a Criminal Records Bureau check is carried out against drivers every 3 years.
- 1.4 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.
- 1.5 Both licensed vehicles and drivers must comply with various conditions, including that set by statute, policy, conditions and bylaws. Included in this is the provision of a rear and internal plate, in the form described below.

1.6 In respect of Hackney Carriages, such must also display an approved roof sign as stipulated by the Licensing Committee.

2. 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.

2.3 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 approved for the vehicle
- Eastbourne BC

2.4 The Councils rear identification plates are provided by an external company, who is able to produce new plates and dispatch them usually within 72 hours of an order being placed by the Licensing Department.

2.5 The Licensing Department have experienced a number of challenges in relation to the outsourcing of plate production, and this has seen a rise in the number of magnetic plates, and sub standard, illegal copies/fake plates.

2.6 It is recommended, subject to the revised form of the plates being approved, that the production of such is dealt with in house to avoid this pattern being repeated.

3.0 The Context

3.1 The Licensing Team are routinely dealing with complaints from customers, primarily relating to 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 In order to avoid this situation, it is recommended that the form and content of any identification plates should be revised, 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.

- 3.3 This will be in addition to the motion passed by the Committee in 2005 requiring all hackney carriage vehicles to be white and Private Hire Vehicles entering the trade to be "any other colour."

4.0 Consultation

- 4.1 There has been extensive discussions over the past 12 months as to the form and content of any permanent signage. The topic has been discussed at length, both in a Committee environment and within the context of the Private Hire and Hackney Carriage Forum, attended by members of the trade, Councillors, Police, Highways and other invited "interested parties."
- 4.2 Discussions have centred around the provision of both rear and internal plates. Whilst the final decision rests with the Committee, feedback has been very productive. In order to facilitate matters, several "draft" versions of the proposed rear and internal plate, have been produced, culminating in the "mock up," presented as part of this Report.
- 4.3 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, awareness and identification.

5.0 Proposed 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, state:

"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 An existing condition in respect of interior markings for both private hire and hackney carriages states,

" 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. However research by the

writer suggests that the exact form of an internal plate has never been determined.

6.0 Form of Signage

- 6.1 The Committee is urged to take all reasonable steps it considers necessary to ensure the safety of the public. Often it is vulnerable members of the public that are at the most risk.
- 6.2 Permanent, clear and distinctive rear and internal plates within a standard format sourced only from the Licensing Team will minimise any confusion members of the public may have in correctly identifying a licensed vehicle.
- 6.3 Furthermore clear identification will also aid with investigation of licensed drivers who may have committed another offence or provided a poor service.
- 6.4 It is submitted that the only practical way to ensure conformity, improve visibility and to set a consistent standard in respect of internal and rear plates signage is for the Committee to agree the form of permanent plates, whose design will be applied to all taxis and the vast majority of private hire cars, save those that claim exemption under Section 75(3) of the Local Government (Miscellaneous Provisions) Act 1976.
- 6.5 Furthermore, that both internal and external plates should only be sourced from the Councils Licensing Department and affixed in relation to both private hire and hackney carriages as detailed in 5.2 and 5.4.
- 6.6 It is recommended that the design must be suitably complex to avoid individuals making or obtaining forgeries.
- 6.7 It is envisaged that the Licensing Team will purchase equipment and the associated equipment from a reputable supplier to assist in the production of plates "in house" through the Councils Licensing Team **only**. This will ensure all licensed vehicles comply with a standard set by the Committee and that forged copies are far more difficult to source.
- 6.8 It will also ensure that all vehicles adhere to a standard set by the Committee and comply with the parameters set in terms of font, size and layout.
- 6.9 It is submitted that the following information must be included on the rear plate, maintaining the blue or yellow colour differential depending on the vehicle in question, be approximately 25cm by 9cm in size and include:
 - Eastbourne Borough Council logo or crest
 - Hologram
 - Hackney carriage/Private Hire
 - Plate Number
 - Vehicle registration and make to prevent plate being transferred to unlicensed vehicles.
 - Vehicle type
 - Licensed to carry x number of passengers
 - Plate remains the property of EBC

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

- Eastbourne Borough Council logo or crest
- Hologram
- Plate number
- Number of passengers the vehicle is permitted to carry
- Hackney carriage/private hire

6.11 The rear plate shall be securely affixed in accordance with vehicle conditions, either by way of a bracket or bolted to the relevant part of the vehicle. Where there is a query as to where this should be sited, an Authorised Officer of the Council will direct accordingly.

6.12 The internal plate shall be securely affixed in a place where it can be visible at all times to persons conveyed within the vehicle.

6.13 To assist the Committee, "mock ups" of both the rear and internal plate have been produced, sporting either the crest or sailing ship logo.

7.0 Financial Implications

7.1 The figures detailed below are estimated only, sourced from an established licensed sign provider. The Department are mindful of the Contract the Council Procedure Rules and the need to appoint appropriate contractors and suppliers and as such, costs are approximate.

7.2 The overall estimated cost per vehicle is £35.00 and factors in set up and administration for both the rear and internal plate. Additional "one off" costs in the form of an internal transparent pouch holder to be affixed within the vehicle so the q double sided plate is visible, and a bracket will also be payable, at an approximate cost of £15. This figure is dependant upon end supplier costs and is subject to revision.

7.3 In respect of replacement rear plates, the same fee will be levied.

7.4 In respect of cost recovery, proprietors of vehicles currently pay a deposit for a plate, ranging from £5 - £25 depending upon when the vehicle was licensed. The fee levied for the plate will be the sum, less the deposit.

7.5 It is suggested that if the new internal and external plate scheme is approved, a phased approach is adopted in regard to implementation. When vehicle licence are up for their annual renewal and/or where a new vehicle enters the trade, the rear plate and internal plate will be replaced with the new versions.

8.0 Human Rights Act 1998-Implications

8.1 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.

8.2 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.

9.0 Conclusion

9.1 Extensive research and consultation has been undertaken with members of the trade, Highways, Sussex Police, Councillors and other "interested parties," resulting in the development of proposals regarding the form of internal and rear plates. All have offered their support, and the end result is produced as a "draft" for Committee.

9.2 The proposals of creating a new rear and internal plate, with several distinguishing features aims to achieve a number of things:

- The use of both rear and internal plates raises public awareness and visibility of the Councils appropriately licensed vehicles, thereby ensuring public safety
- Compliance with legislation and vehicle conditions
- Better identification assists the Councils enforcement strategy and makes errant vehicles and drivers easier to identify
- Plates of all descriptions sourced directly from the Councils Licensing Department will limit opportunities for inaccuracies and forgeries,
- Plates are vehicle specific, eliminating opportunities for plate theft and its use on an unlicensed vehicle
- The proposed form of the plate raises the profile of Eastbourne, further professionalizing the image of the trade.

10. Recommendations

10.1 The Committee are recommended to instate and agree the form of both permanent internal and permanent rear identification plates, in full as presented, using either the Council Crest or logo appropriately affixed for hackney carriage and private hire vehicles within the Borough.

10.2 Further, to agree that any rear/internal plates are sourced and supplied by the Licensing Department of Eastbourne Borough Council, limiting opportunities for forgeries and/or unlicensed vehicles to operate.

Background Papers

- Local Government (Miscellaneous Provisions) Act 1976
- Town Police Clauses Act 1847
- Regulation 100 of the Road Vehicles (Construction and Use) Regulations 1986
- Eastbourne Borough Councils Vehicle Licence Conditions