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## Chelmsford City Council Regulatory Committee

27<sup>th</sup> January 2022

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### Private Hire Vehicle Condition No. 3 – External Use of Wording ‘Taxi’ or ‘Cab’

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#### Report by:

Lead Licensing Officer - Nigel Dermott

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#### Officer Contact:

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#### Purpose

This report asks Members to consider the wording of the said condition and consider whether it remains necessary and proportionate to retain.

#### Recommendations

Members are asked to consider the information contained in this report and decide whether any action is required in respect of this matter and provide direction to officers who are charged with dealing with complaints and enforcement.

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#### 1. Background and Information

- 1.1 This matter is brought before Members following a complaint from a Hackney Carriage proprietor that was made in respect of a specific vehicle. The licence holder is correct in bringing the matter to the attention of officers, but enquiries

revealed that the issue is wider than only one vehicle. Licensing officers have never received a complaint from a member of the public that a private hire vehicle was presented as being available for immediate hire.

- 1.2 Private Hire vehicle licences are issued with a number of conditions that a licence holder must comply with. In particular, condition 3 states:  
*No private hire vehicle shall have roof signs or display the words "Taxi" or "Cab"*
- 1.3 Under section 64 of the Transport Act 1980 it is an offence in respect of vehicles other than Hackney Carriages to display on or above the roof of a vehicle any sign which consists of the word "taxi" or "cab" (whether in the singular or plural), or "hire", or any word of similar meaning or appearance. Section 64 also prohibits on or above the roof of the vehicle "any sign, illumination, or other feature which may suggest that the vehicle is a taxi". This agenda item does not refer to roof signs but to wording elsewhere in the vehicle using the word 'Taxi' or 'Cab' as might also infer the availability for immediate hire.
- 1.4 It should be noted that the main difference between condition 3 and section 64 is as follows. Condition 3 contains an absolute prohibition on roof signs; it also prohibits the display of the words "Taxi" or "Cab" *anywhere* on the vehicle e.g. the side doors. Section 64, however, is regulates the roof area of the vehicles only; it does not apply to other areas of the vehicle.
- 1.5 Members should also note that section 64, being a legislative provision, is applicable irrespective of whether a licensing authority has attached a condition to a private hire vehicle licence which prohibits or otherwise regulates signage. In other words, whilst it is open to a licensing authority to attach a licence condition which is more extensive in terms of prohibiting signage etc, such condition cannot override or "cancel out" the restrictions set out in section 64.
- 1.6 Not all licensing authorities have such a condition. The DfT taxi standards recommends collaboration at a local level with neighbouring authorities (para. 3.13) and in the spirit of that recommendation Appendix A sets out the position of neighbouring licensing authorities. From the 12 licensing authorities taken into consideration there appears to be no consistent condition in relation to this matter.
- 1.7 The word 'cab' is derived from the word 'minicab'. This is a phrase reserved for Private Hire vehicles (PHV), but when on a roof sign it might infer availability for immediate hire. It is the potential perception of availability for immediate hire that members are asked to consider – that is to say, the possibility that signage of this kind might lead the public to think that a PHV can be hailed in the street or approached at the roadside. Some of the vehicles bearing these words are actually Hackney carriages working for Private Hire Operators.
- 1.8 Condition 3 has been in place a number of years without any apparent enforcement. This has led to Operators such as Fareway Taxi's, Fast Taxis,

Chelmsford City Cabs and Happi[cabs] using on a considerable number of vehicles words or words that are formed partly of the word 'Taxi' or 'Cab' e.g., Happi[cabs].

- 1.9 To enforce this condition with immediate effect would have a significant financial impact on Private Hire Operators and might even cause a change of business name (although this issue affects only vehicles and not business names or advertising). It is for this reason members are asked to consider a solution.
- 1.10 There are no complaints from the public or information to suggest that having this wording has in fact misled anybody. Merely a complaint that a licence condition is being breached.

## 2. Recommendation

- 2.1 Given that licensing officers deal with complaints on a regular basis made by both licence holders and the public it is felt appropriate that a recommendation is proposed to Members.

Members are asked to consider the removal of the current condition 3 as being shown from experience as irrelevant given the legislation under s.64 Transport Act 1980 and a condition requiring the permission of the authority before the display of signage or logos etc on any vehicle, not just advertising.

Should Members decided to retain the condition they are asked for guidance in respect of its enforcement. There has been no enforcement in respect of this condition to date due to no complaint received from a member of the public and no apparent abuse by a licence holder. If it is decided that the condition should remain, the following options are available:

- a) To implement the condition as required forthwith
- b) To implement the requirement within a timescale agreed by members.
- c) To implement the requirement at the next replacement or re-licensing of the existing licensed vehicle.

### List of Appendices:

Appendix A – Shows conditions on a PHV licence as required by neighbouring licensing authorities

### Background reading:

Taxi Licensing Policy and supporting document – Private Hire Vehicle conditions

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## Corporate Implications

Legal/Constitutional: None

Financial: None

Potential impact on climate change and the environment: None

Contribution toward achieving a net zero carbon position by 2030: None

Personnel: None.

Risk Management: None

Equality and Diversity: None

Health and Safety: None

Digital: None

Other: None

Authority	Condition	Comment
<b>Southend</b>	Roof signs, illuminated or otherwise, are not permitted.	Transport Act Offence only
<b>Castlepoint</b>		No such condition
<b>Rochford</b>	Where an inscription, which identifies the proprietor of the vehicle, is to be displayed, it shall not imply that the vehicle is a hackney carriage by using the words taxi or cab, the content and layout of the inscription shall be approved by the Council.	Inscription identifying proprietor. Authority of council
<b>Basildon</b>	The display of roof signs of any description or the display of the word "TAXI" or "CAB" whether in the singular or plural and whether alone or as part of another word or group of words, or the words "FOR HIRE" or any form of wording which in any way suggests that the vehicle on which it is displayed is presently available to take up any passengers wishing to hire it, or would be so available if not already hired, is prohibited.	Transport Act offence and wording elsewhere. Absolute prohibition.
<b>Thurrock</b>		No such condition
<b>Maldon</b>	The words 'TAXI', 'CAB' or 'FOR HIRE' shall not be displayed on or in the vehicle or in any advertisement for the service.	Absolute prohibition
<b>Braintree</b>	Unknown	
<b>Uttlesford</b>		No such condition
<b>Colchester</b>	Vehicles, when working, must display on the front doors of the vehicle a sign stating the trade name, address and telephone number of the Private Hire Operator. This sign must contain the words 'pre-booked only' and 'private hire'. It must not contain the words 'taxi' or ['cab'] or any word of a similar meaning or appearance which may be taken to indicate that the vehicle is a hackney carriage which is licensed to ply for hire.	Allows 'minicab'
<b>Tendring</b>		No such condition
<b>Harlow</b>	Private Hire Vehicles shall not display signs using the words TAXI, CAB, or 'FOR HIRE' or any form of wording which may indicate that the vehicle is presently available for hire.	absolute prohibition
<b>Epping</b>		No such condition
<b>Brentwood</b>	The display of roof signs of any description or the display of the word "TAXI" or "CAB" whether in singular or plural and whether alone or as part of another word or the words "FOR HIRE" or any form of wording which may in any way suggests that the vehicle on which it is displayed is presently available to take up any passengers wishing to hire it or would be so available if not already hired is not permitted.	No roof signs at all.