



NOTICE OF MEETING

LICENSING COMMITTEE

THURSDAY, 20 FEBRUARY 2020 AT 4.00 PM

THE EXECUTIVE MEETING ROOM - THIRD FLOOR, THE GUILDHALL

Telephone enquiries to Anna Martyn Tel 023 9283 4870

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If any member of the public wishing to attend the meeting has access requirements, please notify the contact named above.

Licensing Committee Members:

Councillors Claire Udy (Chair), Scott Payter-Harris (Vice-Chair), Dave Ashmore, Tom Coles, Jason Fazackarley, John Ferrett, George Fielding, Hannah Hockaday, Leo Madden, Lee Mason, Robert New, Steve Pitt, Benedict Swann, Linda Symes and Gerald Vernon-Jackson CBE

Standing Deputies

Councillors Chris Attwell, Cal Corkery, Jo Hooper, Lee Hunt, Gemma New, Steve Wemyss and Rob Wood

(NB This Agenda should be retained for future reference with the minutes of this meeting.)

Please note that the agenda, minutes and non-exempt reports are available to view online on the Portsmouth City Council website: www.portsmouth.gov.uk

Deputations by members of the public may be made on any item where a decision is going to be taken. The request should be made in writing to the relevant officer by 12 noon of the working day before the meeting, and must include the purpose of the deputation (eg. for or against the recommendations). Email requests are accepted. Contact: the Democratic Services Officer as listed above.

AGENDA

- 1 Apologies for Absence
- 2 Declarations of Members' Interests
- 3 Minutes of the previous meeting held on 25 October 2019 (Pages 3 - 6)

RECOMMENDED that the minutes of the Licensing Policy meeting held on 25 October 2019 be approved as a correct record.

- 4 Operator and Council Signage on Licensed Vehicles (Pages 7 - 44)

The Licensing Manager will present the report by the Director of Culture, Leisure and Regulatory Services, the purpose of which is to:

- consider concerns raised at the Hackney Carriage / Private Hire Consultative Group Meeting in relation to its policy for operator and Council signage on licensed vehicles.

RECOMMENDED that the Licensing Committee:

- i. Duly note the comments raised by trade representatives;
- ii. Duly note the contents of this report;
- iii. Determined to make no amendments to its current statement of licensing policy in relation to Operator and Council signage on vehicles.

Members of the public are permitted to use both audio visual recording devices and social media during this meeting, on the understanding that it neither disrupts the meeting nor records those stating explicitly that they do not wish to be recorded. Guidance on the use of devices at meetings open to the public is available on the Council's website and posters on the wall of the meeting's venue.

Whilst every effort will be made to webcast this meeting, should technical or other difficulties occur, the meeting will continue without being webcast via the Council's website.

This meeting is webcast (videoed), viewable via the Council's livestream account at <https://livestream.com/accounts/14063785>

Agenda Item 3

LICENSING COMMITTEE

MINUTES OF A MEETING of the Licensing Committee held on Friday, 25 October 2019 at 10.00 am at the Guildhall, Portsmouth

Present

Councillors Claire Udy (Chair)
Scott Payter-Harris (Vice-Chair)
Dave Ashmore
Tom Coles
Jason Fazackarley
John Ferrett
George Fielding
Leo Madden
Lee Mason
Gerald Vernon-Jackson CBE

13. Apologies for Absence (AI 1)

Apologies for absence had been received from Councillors Steve Pitt, Benedict Swann and Linda Symes.

14. Declarations of Members' Interests (AI 2)

None.

15. Minutes of the Previous Meeting - 12 April 2019 (AI 3)

It was reported that Councillor Gerald Vernon-Jackson had attended as a standing deputy at the meeting of 12 April 2019.

The legal adviser suggested some minor amendments to wording on page 2 of the previous minutes, 5th paragraph delete words "to" and "minimum" to read "New cars are of better quality now so there is no need to extend the age limit to 10 or 12 years"

And page 3, 4th paragraph, 2nd bullet point change "that" to "than" to read "Vehicle emissions are more important than its condition".

RESOLVED that subject to these amendments the minutes of the Licensing Committee held on 12 April 2019 were agreed as a correct record.

16. Air Quality Local Plan and Implications for Hackney Carriage and Private Hire Vehicles (AI 4)

The Chair had announced that this meeting was being webcast. A recording is available to view here:

<https://livestream.com/accounts/14063785/Licensing-25Oct2019>

Nickii Humphreys, Licensing Manager, presented the report, accompanied by Hayley Trower, Air Quality Lead for Transport, setting out the background to this, with the Licensing Committee having revised its policy on vehicle age limits at the previous meeting and the need to respond to the ministerial directive. Paragraph 3.9 of the report showed that out of 1054 PCC licensed vehicles, 489 diesel vehicles did not currently meet the required Euro 6 Standard.

The Licensing Manager had arranged a meeting of the Hackney Carriage/ Private Hire Consultative Group on 3 October and there had since been a working group with the taxi trade to discuss government funding for incentives to change vehicles, including the Clean Air Fund.

Hayley Trower reported on the timescales involved and that the Council's Outline Business Case for Air Quality was being considered by Cabinet on 29th October to meet the government deadline for submission to DEFRA by 31st October 2019. The Cabinet had previously approved the Class B Clean Air Zone (CAZ) to meet compliance by the end of 2022. Licensed vehicles not meeting Euro 6 Emission Standard (for diesel) or Euro 4 (for petrol) would be subject to a daily charge for driving in the CAZ. The government would have an Implementation Fund available and the Clean Air Fund to help fund mitigation measures, so bids would be made to these and a range of incentives were being further considered (including loans and grants) to help those most affected in making the adaptations.

Councillor Vernon-Jackson felt it important to look at all the funding sources available to help ensure licensed vehicle compliance, so suggested an additional recommendation, which was later supported. In response to a question from Councillor Fazackarley, Ms Humphreys reported on the formation of a working group, following on from the consultative group meeting, with officers from licensing and transport meeting with drivers and companies with leased cars. Ms Trower further reported that regular meetings were also held with the bus companies and retrofitting of buses in the city was taking place. Councillor Madden asked about the involvement of the Director of Public Health and thought it would be helpful if the later report look at what other local authorities are doing and the measures they are taking.

In response to questions raised, the Licensing Manager reported that the working group had been established swiftly to meet the deadline for submissions to government by the end of October and she would be happy to invite members to future meetings. She confirmed that her report back would cover the experiences of other local authorities as well as the lead in times for measures (and possible extensions where there are extra costs such as adaptation/replacement of wheelchair accessible vehicles).

Officers explained how the CAZ would be enforced. The Licensing Office would send a list of registered vehicles to DEFRA on a weekly basis for their central database and automatic recognition of number plates would mean that those not paying the access charge, where appropriate, would be fined. The income from these fines would be used firstly towards the ongoing maintenance of the CAZ and then towards other sustainable transport projects. It was reported that the Director of Public Health is the Chair of the Air Quality Board and he would be presenting the submission paper to Cabinet on 29 October.

In response to questions from Councillor Ashmore it was reported that there were already 52 hybrid vehicles in the licensed trade fleet and there had been assurances that leased cars were changing towards hybrids. There would be further information available on numbers relating to the Clean Air Fund at the end of October that could be made available to members. Members were aware that the government funding of £220m was available nationally for local authorities to bid for (over 60 councils would be competing). Councillor Ferrett asked that the mitigation measures for the private hire trade by other councils introducing Clean Air Zones be investigated; Hayley Trower confirmed that consultants were looking at this information which would also be reported back to members.

The committee supported adding a fourth recommendation to investigate funding streams further.

RESOLVED that the Licensing Committee:

- i) noted the update on the development of the Air Quality Local Plan and its effect on licensed hackney carriage and private hire vehicles;**
- ii) authorised the Licensing Manager to prepare a further report for consideration by the Licensing Committee which sets out options for the review of its existing hackney carriage and private hire statement of licensing policy having regard to the effect of the Air Quality Local Plan;**
- iii) required the Licensing Manager to include proposals within the report in line with required Euro Standards for a Clean Air Zone and progressive tightening of the vehicle specification policy.**
- iv) asked that a bid is worked up to investigate possible external or council funding to help fund the transition to compliant vehicles.**

At the conclusion of the meeting it was asked when a report would be brought Forward on new taxi ranks; the Licensing Manager reported that potential sites were being investigated and work was taking place with colleagues in Transport then a report would be brought back to the next Licensing Committee, with the aim for this to be by the end of the year. The issue of livery changes would be taken to the next consultative group.

The meeting concluded at 10.42 am.

Signed by the chair, Councillor Claire Udy

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Title of meeting: Licensing Committee

Date of meeting: Thursday 20 February 2020

Subject: Operator and Council Signage on Licensed Vehicles

Report by: Director of Culture, Leisure and Regulatory Services

Wards affected: All

Key decision: No

Full Council decision: No

1. Purpose of report

- 1.1 The purpose of this report is for the Licensing Committee to consider concerns raised at the Hackney Carriage/Private Hire Consultative Group Meeting in relation to its policy for operator and Council signage on licensed vehicles.

2. Recommendations

- a) **That the Licensing Committee duly note the comments raised by trade representatives;**
- b) **That the Committee duly note the contents of this report;**
- c) **That the Committee determine to make no amendments to its current statement of licensing policy in relation to Operator and Council signage on licensed vehicles.**

3. Background

- 3.1 This report is before the Licensing Committee following concerns being raised at the Hackney Carriage/Private Hire Consultative Group meeting held on Thursday 3 October 2019 in relation to operator and council signage on licensed vehicles.

Certain trade representatives consider that the requirement for operator signage to be permanent (i.e. not magnetic) hinders drivers working for various private hire operators at any one time and also hold the view that PCC is "restricting free trade" in breach of the law.

In addition, some trade representatives have raised concerns in relation to criminal damage being caused to licensed vehicles and have advocated that no signage (including the mandatory Council signage) should be affixed to vehicles which identifies it as a licensed vehicle.

Reference has also made to policies of neighbouring borough councils whereby licensed vehicles are undertaking bookings in Portsmouth but are not required to display livery as a condition of the licence. The trade representatives have stated that they think this is "unfair" for PCC licensed vehicle proprietors.

3.2 A copy of the representations made by the trade representative for Uber drivers is attached as **Appendix A** to this report.

3.3 However, the views expressed above are not representative of all of the hackney carriage/private hire trade. Aqua Cars Ltd, a major private hire operator within Portsmouth, who has at least 700 vehicles operating under its licence, take a completely opposing view and fully endorse the Council's policy in relation to Operator and Council signage.

3.4 I have also received correspondence from the GMB union who have major concerns about removal of livery on licensed vehicles and its negative effect in terms of cross border hiring which is attached as **Appendix B** to this report.

3.5 **Legislative Background**

The Local Government (Miscellaneous Provisions) Act 1976 ("The Act") makes specific reference to signage on licensed vehicles.

Section 48(2) states:

"A district council may attach to the grant of a licence under this section such conditions as they may consider reasonably necessary including, without prejudice to the generality of the foregoing provision of this subsection, conditions requiring or prohibiting the display of signs on or from the vehicle to which the licence relates".

In addition, section 48(5) places a duty on the licensing authority in relation to the issuing of a plate. It states

"Where a district council grant under this section a vehicle licence in respect of a private hire vehicle they shall issue a plate or disc identifying that vehicle as a private hire vehicle in respect of which a vehicle licence has been granted".

It is an offence for a vehicle to be used as a private hire vehicle unless the plate or disc is exhibited on the vehicle in such manner as the district council shall prescribe by condition attached to the licence¹.

It is clear, therefore, that the legislation expressly requires that licensed private hire vehicles must be clearly identified as such and in such a way as to distinguish them from hackney carriages and indeed private vehicles.

¹ In accordance with section 75(3) of the 1976 Act, the Licensing Authority may exercise discretion in respect of the display of a plate on a licensed vehicle. Such discretion can be applied on a case by case basis for licensed vehicles undertaking airport, executive, VIP or military bookings.

3.6 PCC Statement of Licensing Policy

The current policy requirements in respect of the display of signage of licensed vehicles are as follows:

Vehicle licence conditions:

The vehicle proprietor shall comply with any approved local livery requirements for both hackney carriage and private hire vehicles and so far as this relates to roof signs for hackney carriages and all exterior and interior signage

Operator licence condition:

Any proposed company (or other) operator advertisement (whether for display on or from a vehicle or from a building) shall be forwarded to the council and approved by an authorised officer, in writing, at least 7 days prior to such advertisements being displayed.

Hackney Carriage Vehicle licence condition:

The vehicle licence plate shall be securely affixed to the rear of the vehicle and kept in public view at all times. The front windscreen licence disc and interior plate number shall also be on public view. The proprietor shall report any loss in respect of the vehicle licence, windscreen disc, interior plate number or rear licence plate to the council within 24 hours.

1) *No interior or exterior signs, adverts, notices or any other wording shall be publicly displayed from a licensed vehicle without the prior written consent of the council. A proprietor shall submit any signage for approval and for display from the front doors only to the council at least 7 days prior to such proposed use and shall NOT display any signage until written approval has been given by an authorised officer.*

2) *(1) above shall not apply to the following:*

- Any prior approved Portsmouth private hire operator windscreen and/or rear window sign stating the trade name and/or telephone number and www address of the licensed Portsmouth operator.*
- Any prior approved Portsmouth private hire operator signage (permanent and not magnetic) or approved proprietor signage displayed from the front doors of the licensed vehicle only.*
- The local mandatory (permanent and not magnetic) display of the council's corporate livery for hackney carriages as may be from time to time prescribed by the council.*

3) *A proprietor shall only display on or from the vehicle **one set** of approved Portsmouth operator signage as required in (2) above at any one time.*

Private Hire Vehicle licence condition:

The vehicle licence plate shall be securely affixed to the rear of the vehicle and kept in public view at all times. The front windscreen licence disc and interior plate number shall also be on public view. The proprietor shall report any loss in respect of the vehicle licence, windscreen disc, interior plate number or rear licence plate to the council within 24 hours.

1) *No interior or exterior signs, adverts, notices or any other wording shall be publicly displayed from a licensed vehicle without the prior written consent of the council. A proprietor shall submit any signage for approval and for display from the front doors only to the council at least 7 days prior to such proposed use and shall NOT display any signage until written approval has been given by an authorised officer.*

2) *(1) above shall not apply to the following:*

- Any prior approved Portsmouth operator windscreen and/or rear window sign stating the trade name and/or telephone number and www address of the licensed Portsmouth operator.*
- Any prior approved Portsmouth operator signage (permanent and not magnetic) or approved proprietor signage displayed from the front doors of the licensed vehicle only.*
- The local mandatory (permanent and not magnetic) display of the council's corporate livery for the rear doors of private hire vehicles - "advanced bookings or pre-booked only" as may be from time to time prescribed by the council and with the exception of airport only vehicles and exceptional prestige vehicles.*

3) *A proprietor shall only display on or from the vehicle **one set** of approved Portsmouth operator signage as required in (2) above at any one time.*

3.7 Current Best Practice Guidance - DfT - Vehicle Identification

The DfT have produced Best Practice Guidance for Licensing Authorities to assist in the regulation of the taxi and private hire trade. It is recognised that many licensing authorities considered their licensing policies in the context of this Guidance which the DfT welcomes.

3.8 Paragraph 38 of this guidance deals with vehicle identification and states:

Members of the public can often confuse PHVs with taxis, failing to realise that PHVs are not available for immediate hire and that a PHV driver cannot be hailed. So it is important to distinguish between the two types of vehicle. Possible approaches might be:

- *a licence condition that prohibits PHVs from displaying any identification at all apart from the local authority licence plate or disc. The licence plate is a helpful indicator of licensed status and, as such, it helps identification if licence plates are displayed on the front as well as the rear of vehicles. **However, requiring some additional clearer form of identification can be seen as best practice.** This is for two reasons: firstly, to ensure a more positive statement that the vehicle cannot be hired immediately through the driver; and secondly because it is quite reasonable, and in the interests of the travelling public, for a PHV operator to be able to state on the vehicle the contact details for hiring;*
- *a licence condition which requires a sign on the vehicle in a specified form. This will often be a sign of a specified size and shape which identifies the operator (with a telephone number for bookings) and the local licensing authority, and which also has some words such as ‘pre-booked only’. **This approach seems the best practice; it identifies the vehicle as private hire and helps to avoid confusion with a taxi, but also gives useful information to the public wishing to make a booking. It is good practice for vehicle identification for PHVs to include the contact details of the operator.***

3.9 Draft Statutory Guidance - Dft

In addition to the current best practice guidance, the DfT have also consulted upon draft statutory guidance to licensing authorities in respect of taxi and private hire licensing on how their licensing powers can be exercised and in particular to safeguard children and other vulnerable members of society.

Members may recall consideration of this document at the Licensing Committee on Friday 22 March 2019.²

In particular, the draft statutory guidance highlights:

"When formulating a taxi/phv policy, the primary and overriding objective must be to protect the public. The importance of ensuring that the licensing regime protects the vulnerable cannot be over-estimated.

Annex B of the guidance suggests that information should be made available to passengers in respect of their personal safety when using taxis/phvs.

In particular this includes:

- How to tell if a taxi or private hire vehicle is licensed;
- Note the licence number
- What a phv should look like e.g. colour, signage, licences plates etc.

² <https://democracy.portsmouth.gov.uk/ieListDocuments.aspx?CId=125&MId=4230>

3.10 **Reference Material - Button on Taxis: Licensing Law and Practice**

James Button is a nationally renowned solicitor dealing with all aspects of licensing law and practice. His particular area of expertise is in relation to taxi and private hire licensing. His publication dealing with this complex area of legislation is now on its fourth edition and is a key guide for licensing authorities responsible for taxis and private hire. In addition, James Button is also the President of the Institute of Licensing which is the professional body that represents those who work within the field of licensing.

It may be useful material for the Committee to have regard to when considering the issue of signage on licensed vehicles. The reporting officer will refer to and summarise relevant parts of the publication during the course of the hearing.

3.11 **Crown Court Appeal - Basingstoke & Deane BC v John Greenhaugh and Andrew John Mulley - 2007 - Use of Magnetic Signage on licensed vehicles**

This was an appeal to the Crown Court by Mr Greenhaugh and Mr Mulley against a decision made by a District Judge in the Magistrates' Court, dismissing their appeal against conditions attached to private hire vehicle licences requiring the display of permanent signage.

In summary, the Council decided that all private hire vehicles should display a sign indicating that the vehicle was licensed by Basingstoke and Dean and displayed the wording "No booking, no ride".

The condition was introduced by the council to avoid any confusion between phv and taxis but also, and much more pertinent, to distinguish between licensed vehicles and those unlicensed which may well be run by unscrupulous persons who take the opportunity of picking up vulnerable passengers.

There was common ground between all parties in that there was a need for such signage but the basis of the appeal was to challenge whether it was reasonable for the council to mandate the signage had to be permanently affixed. The appellants were of the view that the use of magnetic signage would amply meet the requirements of the condition.

Reasons given for the use of magnetic signage included:

- Removal of the signage when the vehicle was used for private purposes;
- Less damage to vehicles when signage removed;
- Interference in personal life with persons attempting to book vehicle when parked at home.

In response the Council raised concerns for magnetic signage as follows:

- Risk of magnetic signage coming off the vehicle in windy conditions or falling off the vehicle;

- Drivers forgetting to put the signage back on the vehicle
- Vehicles without signage being in contravention of the licence conditions;
- Increased resources to monitor and ensure compliance
- Risk to public safety

The Judge and the bench of Justices who considered this appeal, determined that, whilst they were sympathetic to the appellants' personal difficulties and inconveniences they said they had suffered, when those were weighed against the important considerations of public safety and proper monitoring of private hire vehicles generally by the council, they found that it was reasonably necessary to insist upon permanent display of signage by way of permanently affixed vinyl signs.

The Appeal Court identified that the balance tipped firmly in favour of the Council and the appeal was therefore dismissed.

3.12 **Competition and Markets Authority (CMA)**

The CMA has a statutory duty to seek to promote competition for the benefit of consumers.

As part of its work on local authorities' impact on competition, the CMA has undertaken a review of taxi and private hire vehicle licence conditions.

The CMA makes it clear that it recognises that taxi and phv licensing conditions play a crucial role in ensuring the safety of passengers and that regulations on vehicle safety and driver suitability are clearly necessary to ensure safety.

It has prepared guidance to help local authorities understand the impact some licensing conditions can have on consumers and wish to ensure the right balance between promoting customer safety and avoiding consumers having to face higher prices or lower service quality. Their view is that competition should only be restricted by regulatory rules to the extent that it is necessary to protect consumers.

The CMA's competition impact assessment guidelines are intended to help authorities when devising policy to assess their impact on competition and the interests of consumers.

These guidelines contain 4 tests which can help policy makers assess whether their proposals will limit competition. They are:

1. Will the measure directly or indirectly limit the number or range of suppliers?
2. Will the measure limit the ability of suppliers to compete?
3. Will the measure limit supplier's incentives to compete?
4. Will the measure limit the choices and information available to consumers?

The CMA have given examples on its website where conditions may harm the interest of passengers

| Competition impact assessment test | Examples | Nature of harm |
|--|--|---|
| 1. Limiting the number or range of suppliers | Quantity restrictions on taxis | Quantity restrictions may cause harm to passengers through reduced availability, increased waiting times, reduced scope for downward competitive pressure on fares and reduced choice. They also may increase the risk to passenger safety if they encourage the use of illegal, unlicensed drivers and vehicles. |
| 1. Limiting the number or range of suppliers | Restricting market development by: - Banning drivers from working for more than one operator - Conditions on vehicle signage that make it difficult for drivers to work for more than one operator | Such conditions make it difficult for firms to enter the market or expand by recruiting existing drivers on a part time basis. They may also encourage drivers to move to the largest operator. This may reduce the number of firms, thereby reducing competitive pressure to reduce prices or improve service quality. |
| 2 & 3. Limiting the ability and incentives of suppliers to compete | Service provision is over regulated beyond passenger needs/wants: - Compulsory landline helpline, sometimes having to be based within the authority - Minimum number of days advance booking function - Extensive navigational skills assessments for PHV drivers | Private hire is a market where passengers are likely to be in a good position to trade off price and quality levels that best suit their needs. If sufficient numbers of passengers desire a high service standard, then it is likely that some operators will offer it. Over-regulation of service standards is likely to mean higher costs and therefore higher fares for passengers, especially those who would most value a low cost service. It may also create barriers to entry, thereby reducing the number of operators, and hence competitive pressure between them. |

However, it is important to consider local circumstances when undertaking such impact assessments and there may be compelling reasons why the licensing authority consider it appropriate to introduce regulations for the purposes of public safety.

The licensing authority has received no representations from consumers or licensed operators in the city that the current requirements in respect of signage and livery on vehicles is limiting choices and information available to customers or is limiting suppliers ability to compete.

In fact, the existing vehicle licence conditions do not require a licensed vehicle to display company livery unless it is so required by the licensed operator (and has been approved in advance by the Licensing Authority). It could be argued that the display of company livery gives the supplier a greater incentive and marker to compete in the market with vehicles working in an area advertising that company.

It is the view of your reporting officer that the current policy in relation to company and council livery does not limit competition and does not have a negative impact on consumers.

It is also the view of your reporting officer that in order to establish that a vehicle is licensed, it must display signage to that effect and that signage must be displayed on the vehicle at all times. Signage on licensed vehicles is of paramount importance to those persons who wish to use their services and have the reassurance that the vehicle is properly licensed by the licensing authority.

It is suggested that mandatory corporate livery restricts competition on the basis that industry standards require vehicles used for airport work or contract / executive work to be discreet. This is not accepted by the reporting officer. It is commonplace for liveried vehicles to undertake airport work and there is no apparent barrier to trade or restriction from moving into that area of work. It is accepted that the policy / conditions permit vehicles that are exclusively used for this work to be excused from livery requirements where specifically requested.

3.13 Views of Portsmouth Police

Inspector Marcus Cator, Neighbourhood Inspector for Portsmouth, has been asked to comment upon the concerns raised. He has submitted the following observations for consideration by the Licensing Committee:

"Regards the livery on cars, I cannot provide any evidence to suggest that taxi drivers or their cars are targeted for damage or assaults within Portsmouth. We do have a very large taxi demographic and they do suffer from crime within their work and role, however this is largely under-reported.

Operation Taxi had its benefits, however the key learning was that in order for the police and partners to support the taxi community, they need to report the incidents to police. This requires trust. However our legitimacy within this community varies. The issue being that damage to a vehicle does not present high harm to persons, and our policing focus within the City is to prevent harm and risk to our communities. Within this diverse and very busy City, the volume of crime reported means that incidents such as damage to vehicles does not currently present as a priority. If this was reported more frequently, we could identify locations, patterns and trends and perhaps consider appropriate resource allocation and engagement.

This has worked particularly well with Jami Mosque during Ramadan and each year we provide a specific response to support their worshippers. This has resulted in a 95% reduction in vehicle crime during Ramadan over the past 2 years and very positive feedback from the community.

Regards the livery, I do believe in this diverse population that providing a service with clear branding encourages use and safeguarding. We have 11% of the population who are students and 4000 of these are foreign nationals. If they vulnerable and lone persons at risk, seeing a marked and identifiable vehicle representing safe transport, is a positive safeguarding measure. I personally believe that the livery and marking by PCC provides additional safeguarding to vulnerable persons.

Without reported evidence of this driving the focus of crime and disorder towards these vehicles, I can only consider the livery a positive method of providing additional safeguarding. This is my own professional opinion and in no way represents a level of corporate support by Hampshire Constabulary for the need for a livery. If sufficient evidence was recorded through 999 / 101 or online, by the taxi community, which demonstrated a focus on vehicles with livery, I would obviously have to consider the balance of harm and crime with the evidence presented".

3.14 Vehicle Crime Statistics for Portsmouth - 2018 and 2019

To assist the Committee in considering the extent of criminal damage being caused to licensed vehicles, crime statistics have been provided below for 2018 and 2019 have been evidenced below.

It should be noted that the figures quoted relate to ALL vehicle crime within the City and that there has been a **39% reduction** in vehicle crime in this time frame.

Table C2: Community Safety Partnerships: Number of recorded crimes for headline offences, year ending September 2018^{1,2,3,4,5}

England and Wales (excluding Greater Manchester Police)

| Police Force Area code | Police Force Area name | Community Safety Partnership code | Community Safety Partnership name | Local Authority code | Local Authority name | Vehicle offences | Bicycle theft | Criminal damage and arson |
|------------------------|------------------------|-----------------------------------|-----------------------------------|----------------------------|----------------------|------------------|---------------|---------------------------|
| E23000030 | Hampshire | E22000111 | Eastleigh | E07000086 | Eastleigh | 685 | 168 | 1,042 |
| E23000030 | Hampshire | E22000112 | Fareham | E07000087 | Fareham | 724 | 168 | 658 |
| E23000030 | Hampshire | E22000113 | Gosport | E07000088 | Gosport | 607 | 241 | 931 |
| E23000030 | Hampshire | E22000115 | Havant | E07000090 | Havant | 974 | 202 | 1,337 |
| E23000030 | Hampshire | E22000116 | Isle of Wight | E06000046 | Isle of Wight | 249 | 78 | 1,226 |
| E23000030 | Hampshire | E22000117 | New Forest | E07000091 | New Forest | 949 | 209 | 1,567 |
| E23000030 | Hampshire | E22000374 | North Hampshire | Combined Local Authorities | | 2,037 | 533 | 3,058 |
| E23000030 | Hampshire | E22000118 | Portsmouth | E06000044 | Portsmouth | 2,704 | 1,066 | 3,112 |
| E23000030 | Hampshire | E22000120 | Southampton | E06000045 | Southampton | 2,273 | 1,094 | 3,499 |
| E23000030 | Hampshire | E22000121 | Test Valley | E07000093 | Test Valley | 525 | 90 | 832 |
| E23000030 | Hampshire | | Unassigned Hampshire | | | 94 | 12 | 110 |
| E23000030 | Hampshire | E22000122 | Winchester | E07000094 | Winchester | 665 | 91 | 762 |
| E23000027 | Hertfordshire | | | | | 8,665 | 1,414 | 9,464 |



Table C3: Community Safety Partnerships: Number of recorded crimes for headline offences, year ending September 2019^{1,2,3,4,5}

England and Wales (excluding Greater Manchester Police)

| Police Force Area code | Police Force Area name | Community Safety Partnership code | Community Safety Partnership name | Local Authority code | Local Authority name | Vehicle offences | Bicycle theft | Criminal damage and arson |
|------------------------|------------------------|-----------------------------------|-----------------------------------|----------------------------|----------------------|------------------|---------------|---------------------------|
| E23000030 | Hampshire | E22000110 | East Hampshire | E07000085 | East Hampshire | 542 | 75 | 791 |
| E23000030 | Hampshire | E22000111 | Eastleigh | E07000086 | Eastleigh | 709 | 196 | 888 |
| E23000030 | Hampshire | E22000112 | Fareham | E07000087 | Fareham | 508 | 179 | 711 |
| E23000030 | Hampshire | E22000113 | Gosport | E07000088 | Gosport | 437 | 301 | 857 |
| E23000030 | Hampshire | E22000115 | Havant | E07000090 | Havant | 691 | 131 | 1,156 |
| E23000030 | Hampshire | E22000116 | Isle of Wight | E06000046 | Isle of Wight | 251 | 71 | 1,157 |
| E23000030 | Hampshire | E22000117 | New Forest | E07000091 | New Forest | 963 | 145 | 1,485 |
| E23000030 | Hampshire | E22000374 | North Hampshire | Combined Local Authorities | | 2,006 | 396 | 2,926 |
| E23000030 | Hampshire | E22000118 | Portsmouth | E06000044 | Portsmouth | 1,656 | 768 | 2,744 |
| E23000030 | Hampshire | E22000120 | Southampton | E06000045 | Southampton | 2,432 | 917 | 3,370 |
| E23000030 | Hampshire | E22000121 | Test Valley | E07000093 | Test Valley | 605 | 76 | 744 |
| E23000030 | Hampshire | | Unassigned Hampshire | | | 175 | 14 | 137 |
| E23000030 | Hampshire | E22000122 | Winchester | E07000094 | Winchester | 954 | 120 | 833 |
| E23000027 | Hertfordshire | | | | | 9,545 | 1,668 | 8,889 |



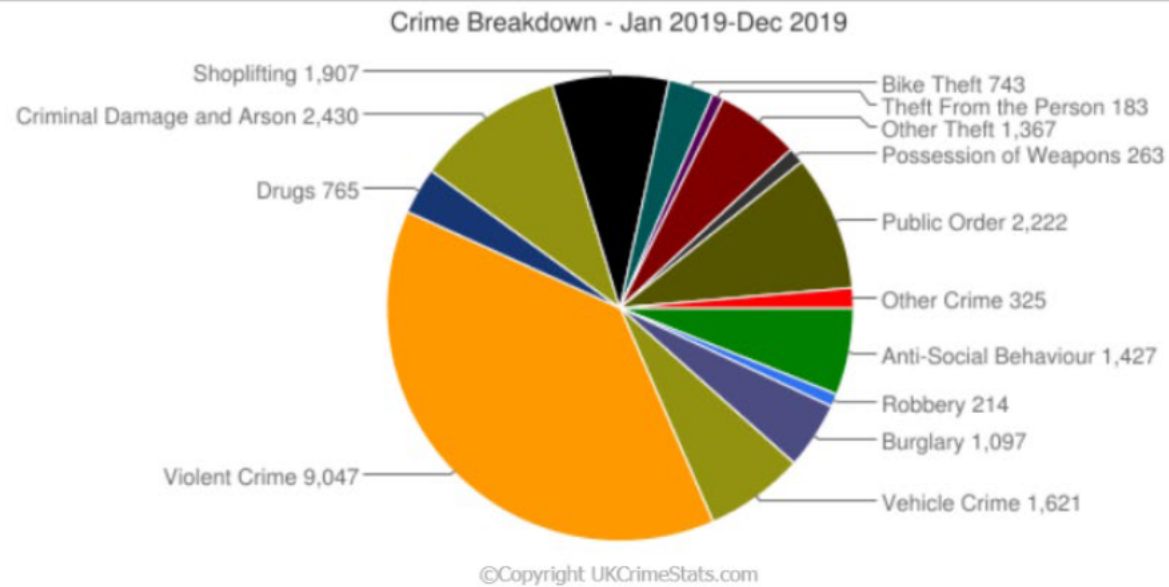
Table C4: Community Safety Partnerships: Percentage change between recorded crimes for headline offences, year ending September 2018 and year ending September 2019^{1,2}

England and Wales (excluding Greater Manchester Police)

| Police Force Area code | Police Force Area name | Community Safety Partnership code | Community Safety Partnership name | Local Authority code | Local Authority name | Percentage change | | |
|------------------------|------------------------|-----------------------------------|-----------------------------------|----------------------------|----------------------|-------------------|---------------|---------------------------|
| | | | | | | Vehicle offences | Bicycle theft | Criminal damage and arson |
| E23000030 | Hampshire | E22000110 | East Hampshire | E07000085 | East Hampshire | -23 | 1 | 4 |
| E23000030 | Hampshire | E22000111 | Eastleigh | E07000086 | Eastleigh | 4 | 17 | -15 |
| E23000030 | Hampshire | E22000112 | Fareham | E07000087 | Fareham | -30 | 7 | 8 |
| E23000030 | Hampshire | E22000113 | Gosport | E07000088 | Gosport | -28 | 25 | -8 |
| E23000030 | Hampshire | E22000115 | Havant | E07000090 | Havant | -29 | -35 | -14 |
| E23000030 | Hampshire | E22000116 | Isle of Wight | E06000046 | Isle of Wight | 1 | -9 | -6 |
| E23000030 | Hampshire | E22000117 | New Forest | E07000091 | New Forest | 1 | -31 | -5 |
| E23000030 | Hampshire | E22000374 | North Hampshire | Combined Local Authorities | | -2 | -26 | -4 |
| E23000030 | Hampshire | E22000118 | Portsmouth | E06000044 | Portsmouth | -39 | -28 | -12 |
| E23000030 | Hampshire | E22000120 | Southampton | E06000045 | Southampton | 7 | -16 | -4 |
| E23000030 | Hampshire | E22000121 | Test Valley | E07000093 | Test Valley | 15 | -16 | -11 |
| E23000030 | Hampshire | | Unassigned Hampshire | | | .. | .. | .. |
| E23000030 | Hampshire | E22000122 | Winchester | E07000094 | Winchester | 43 | 32 | 9 |
| E23000027 | Hertfordshire | | | | | 10 | 18 | -6 |

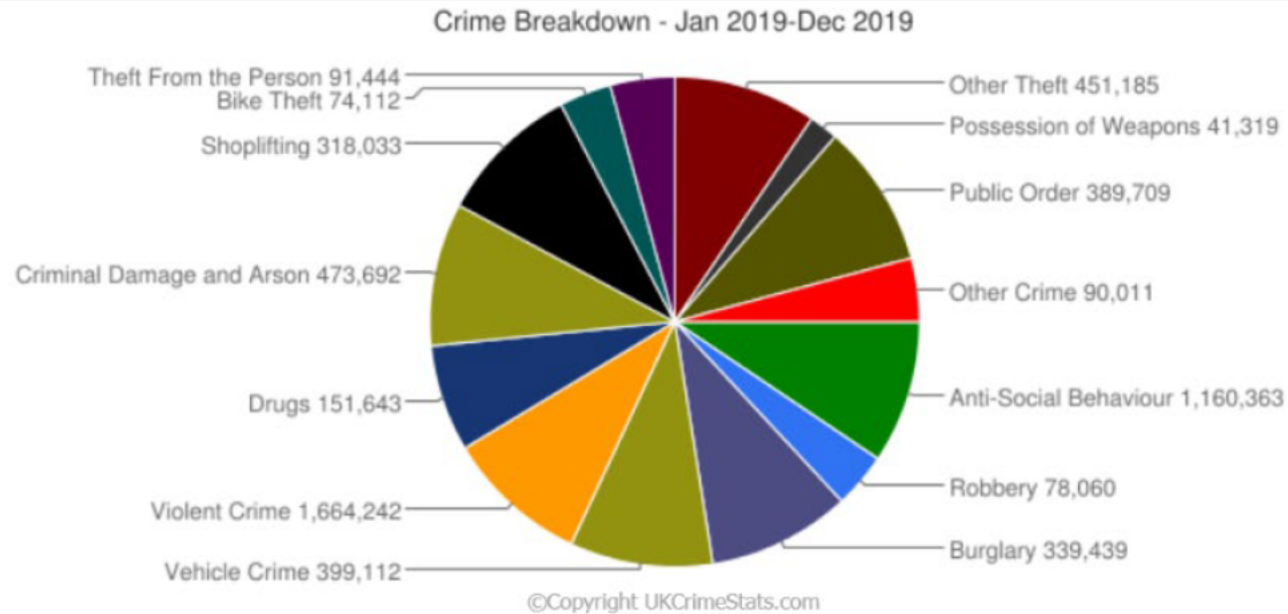
3.15 Crime Plus ASB Breakdown for Portsmouth - January 2019 - December 2019

Crime Plus ASB Breakdown for Portsmouth City Council



3.16 National Picture - All Crime - January 2019 - December 2019

All Crime Plus ASB Breakdown



4. Reasons for recommendations

- Governing legislation and case law dictates that licensed vehicles must be clearly identified as such and in such a way to distinguish between taxis and phvs as well as private vehicles;
- Current best practice guidelines issued by the DfT indicate that some additional clearer form of identification as well as the licence plate is seen as best practice;
- The primary and overriding objective for the licensing authority must be to protect the public. The use of council and company livery clearly identifies that the vehicle is licensed by Portsmouth City Council and therefore provides reassurance and protection to members of the public using licensed vehicles and other road users;
- Evidenced 39% reduction in vehicle crime in Portsmouth as of September 2019;
- No evidence to suggest that removal of livery will prevent vehicle crime;
- Views expressed by Uber driver representatives are not necessarily reflective of all the licensed trade in Portsmouth;
- The ease of removal of magnetic signs leaves them vulnerable to theft and also to use on unlicensed vehicles. Previous experience of issuing magnetic signs brought about incidents of theft and signs were easily dislodged from vehicles;
- Removal of all livery would exacerbate problems with vehicles working outside of the area and indeed within the City. Customers would no longer be able to clearly identify Portsmouth licensed vehicles which will undoubtedly impact on the most vulnerable passengers and public reassurance of standards for vehicles licensed in Portsmouth;
- Substantial evidence from other licensing authorities to demonstrate that livery is a key safety measure adopted on an national basis;

Whilst the formal proposal as set out in this report is to retain the status quo, members may wish to authorise officers to amend the current wording so that the requirements are more clearly expressed.

However, If the Committee wished to offer some compromise to vehicle proprietors then consideration could be given to granting delegated authority to the Licensing Manager, in consultation with Legal Services, to re-word the vehicle conditions so that the main operator details shall be permanently affixed but if the proprietor undertakes bookings with other operators then that operator signage could be magnetic.

The Committee is also requested to reiterate its requirement for all licensed vehicles to display council livery on Portsmouth licensed vehicles.

5. Integrated impact assessment

An Integrated Impact Assessment is attached as **Appendix E** to this report. If the current policy remains as existing or is amended in accordance with the recommendations above, then no detrimental impact is envisaged. However, if the Committee wish to remove all conditions relating to the display of operator and Council livery then this will likely have a negative impact on crime and safety as well as regeneration, culture and the environment. The Committee will be required to consider and address those elements of the impact assessment.

6. Legal implications

The legal implications are embodied within this report.

7. Director of Finance's comments

There are no financial implications arising from this report.

.....
Signed by:

Licensing Manager

On behalf of Director of Culture, Leisure and Regulatory Services

Appendices:

Appendix A Representation by Uber Driver Representatives;

Appendix B GMB Union Views - Andrew Peters - Secretary GMB Brighton & Hove Taxi Section;

Appendix C Comments made by Licensing Authorities in response to use of magnetic signage, Council and Operator Signage;

Appendix D Summary of Responses by Licensing Authorities in respect of Operator and Council Livery Requirements;

Appendix E Integrated Impact Assessment (IIA)

Background list of documents: Section 100D of the Local Government Act 1972

The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report:

| Title of document | Location |
|-------------------|----------|
| | |
| | |

The recommendation(s) set out above were approved/ approved as amended/ deferred/ rejected by on

.....
Signed by:
Chair of Licensing Committee

APPENDIX A

Representation by Uber Driver Representatives***SUBMISSIONS AND ARGUMENT TO PCC LICENSING, WITH REGARD TO THE REMOVAL OF UNECESSARY AND OVERLY BURDENSOME LIVERY & SIGNAGE ON PRIVATE HIRE VEHICLES:***

We have already brought to the attention of the Licensing Manager and the Hackney Carriage/Private Hire Consultative Group Meeting that, in our opinions, **Section 9 of the Conditions of License for Private Hire Vehicles is creating a “Restraint of Trade” and has the anticompetitive effect of facilitating a “Market-Share Practice”**.

The said condition, and its interpretation by PCC Licensing, imposed that private hire vehicles display permanent Operator Signage, as well as the Council’s Corporate livery.

As of 03/10/2019, the Licensing Manager reviewed their interpretation and confirmed that the Operator Signage was no longer mandatory.

However, the council’s corporate livery is still required to be displayed in permanent form, and we believe that this facilitates a market-share practice between the local operators and the airport/executive operators.

This is due to the fact that the industry standard for airport/executive work requires that the cars are discreet in appearance (i.e. they display no signage/livery).

It is our understanding that the council can grant an exemption from **Section 9** for a private hire vehicle that wishes to take up work with an airport/executive operator, but it is prohibiting the said vehicle to take bookings from local operators unless it reverts to displaying the council’s corporate livery in permanent form.

Thus, the permanent form of the signage is making it impossible for drivers to serve both a local operator and an airport/executive operator at the same time, and as such a **“Market-Share Practice”** of the supply market is facilitated, and we believe that this is prohibited by the competition law. (**SEE REFERENCE 1 AT THE BOTTOM OF THIS DOCUMENT**).

It is also our understanding that the requirement for permanent signage **IS NOT IMPOSED BY STATUTE**, but rather the law grants the power to a local council to make the judgement **TO REQUIRE OR TO PROHIBIT such signage as they may consider REASONABLY necessary**. (**SEE REFERENCE 2 AT THE BOTTOM OF THIS DOCUMENT**).

Given that the said requirement is not imposed by law, but it is rather a judgment of the local council, **and that it has the restraining effect of a “Market-Share Practice”**, we believe that the permanent signage requirement is **NOT REASONABLY NECESSARY**.

We further draw your attention to the fact that the **Competition And Markets Authority** published specific guidance related to TAXI and PRIVATE HIRE regulation, and they have specified that such measures for signage may have an anticompetitive effect. (**SEE REFERENCE 3 AT THE BOTTOM OF THIS DOCUMENT**).

OUR FORMAL REQUEST:

With the aforementioned in mind, we request that the legal representative(s) of PCC aid the mediation of this matter, **in the form of providing a written response to us** (contact details provided in this document), and the relevant persons in the Licensing department and Licensing Committee, to clarify whether the said measures are in line with, or exceeding the legal requirements; AND if the legal requirements were exceeded, we would like to hear your solution to achieving compliance in resolving this matter.

We request that such a written response be made available at least fully 14 days prior to any PCC Hackney Carriage/Private Hire Consultative Group Meeting.

We are making our formal request, with what we believe to be substantiating supportive references, as we are wishing to resolve this matter on behalf of those whom we represent in the Trade, and for all other Self Employed Licensed drivers who do not want any **“Restraint of Trade” imposed on them, or facilitated “Market Share Practice” – either knowingly or unknowingly by those who would impose it.**

REFERENCES:

1. CHAPTER I PROHIBITION, Competition Act 1998, Chapter I, Section 2, Subsection (1) <http://www.legislation.gov.uk/ukpga/1998/41/section/2>
2. Local Government (Miscellaneous Provisions) Act 1976, Part II, Section 48, subsection (2) <https://www.legislation.gov.uk/ukpga/1976/57/section/48>
3. Regulation of taxis and private hire vehicles: understanding the impact on competition <https://www.gov.uk/government/publications/private-hire-andhackneycarriage-licensing-open-letter-to-local-authorities/regulation-of-taxis-andprivate-hirevehicles-understanding-the-impact-on-competition>

Submitted jointly by:

PETER SUTHERLAND – Trade Representative – Uber Drivers

KHALED HAMMAD – Trade Representative – Uber Drivers

MUGUREL ALIN COLTEA – Trade Associate & Uber Driver

APPENDIX B

GMB Union Views - Andrew Peters - Secretary GMB Brighton & Hove Taxi Section

Dear Sir or Madam,

It has been brought to our attention that there are some Portsmouth private hire drivers who have unfortunately experienced break-ins to their licensed vehicles.

https://www.portsmouth.co.uk/news/crime/uber-and-taxi-drivers-at-breaking-point-over-vandalism-crisis-in-portsmouth-1-9120049?fbclid=IwAR0v_JYdHR8mXyPgS7YuWkQdfB5B4O7Hrp6X5P6ZMfcsSF5u1aWj2ykdiUQ

Because of this we understand that some of these drivers are asking for a change in the conditions of licensing for the display of Portsmouth City Council livery on the doors of the vehicles.

On the basis that we have numerous Portsmouth PHV's working in Brighton & Hove (under Uber via cross-border hiring) who never appear to work in Portsmouth we feel we have the right to make comments about this matter.

Firstly it is important to establish that once a vehicle is licensed as a PHV, or indeed a hackney carriage, it remains under that status until it is de-licensed.

In Brighton & Hove we have many PHV's (working mainly under Uber) who are not licensed by the local council, these cars are often many miles away from their respective Licensing Enforcement.

We have examples whereby they have purposely and illegally removed livery to work here incognito. I'm sure you will agree that public safety is paramount within the trade, this unacceptable practice must not be allowed to develop further.

It is extremely important for the public to be able to recognise their vehicle is a genuinely licensed PHV but also where the vehicle is licensed and the licence number, especially as this may be many miles away from where they are using the service.

Over the past two years the Brighton & Hove trade has spent a considerable amount of time & effort reporting incidents of the illegal practice of livery removal to various licensing authorities, including Portsmouth City Council.

I would like to state that as a Brighton & Hove hackney carriage proprietor myself I have also experienced a break-in on my vehicle so I know how distressing this can be. However since I started to display a (removable) sign in my taxi when it is left unattended this has never happened again.

As there are many Portsmouth PHV's working here in Brighton we consider that it would be a retrograde step if these vehicles were allowed to remove livery identification. Our experience is simple, once a PHV is out of sight of their respective licensing enforcement officers sadly they tend to bend & break rules.

So what is the solution? We would recommend that the council approves the use of a window sticker thus: "NO MONEY OR VALUABLES ARE LEFT IN THE VEHICLE" should any driver wish to display this.

I have provided an example of how this can be shown.



**NO MONEY OR VALUABLES
LEFT IN THIS VEHICLE**

We hope that this suggestion will be of assistance to Portsmouth licensed drivers

APPENDIX C

Comments made by Licensing Authorities in response to use of magnetic signage, Council and Operator Signage

Ashford Borough Council

Some clearer identification is, however, seen as best practice. This is for two reasons: firstly, to ensure a more positive statement that the vehicle cannot be hired immediately through the driver, and secondly because it is quite reasonable (and in the interests of the travelling public) for a private hire vehicle operator to be able to state on the vehicle the contact details for hiring.

Barrow Borough Council

The council is currently consulting about livery. Current proposal is that hackneys will need an A3 magnetic sign with the plate number/Council logo on the front doors and will need to display the details of the Private Hire Operator, if they are working for one. Private hire vehicles will also need to display the firm they are working for.

Birmingham City Council

PH Operator signage to be displayed on magnetic signs, provided they meet the requirements. Semi-permanent door signs are NOT permitted to be affixed to magnets, they must be affixed using the adhesive backing in accordance with the conditions

Blackpool Council

Policy relates to private hire vehicles. PH vehicles must display on both rear passenger doors the message "licensed private hire vehicle not insured unless pre-booked" and this must be accompanied by the Council logo.

Bradford MDC

Use of magnetic livery is allowed in the following situations:

- 1) hackney carriage vehicles are authorised to use magnetic signage when they are working on a school contract run;
- 2) When a driver works for 2 companies. In this situation the Council must be aware that the driver works for two companies and both companies must be displayed on the drivers badge. The driver must establish which is their main operator and must display permanent signage for this.

Charnwood Council

No magnetic signs are acceptable. Magnetic signs may be allowed on a temporary car provided that the Council has given prior written approval.

Chelmsford Council

Council livery cannot be magnetic but company livery can be magnetic

Cheshire West and Chester Council

Use of magnetic livery is abused

Chichester District Council

Until approximately 6 months ago, Chichester used to issue either magnetic or adhesive doors signs in respect of private hire vehicles. However, due to a number of complaints being received alleging that these were not being displayed, we determined to issue only adhesive doors signs. Those who already have magnetic door signs are permitted to continue to use these.

Colchester Council

Change pending in policy to provide for full body wraps and permanent stickers only

Erewash Council

Applies to Private Hire vehicles only and the livery must display the company name, and "Private Hire Advanced Bookings Only"

Great Yarmouth Council

Both hackney carriage and private hire vehicles are required to display crests and private hire vehicles are required to display a sticker showing that the vehicle must be pre-booked.

Guildford Council

A full body turquoise colour livery, with permanent text on the front doors with council and vehicle licence identification for hackney carriages, and Door signage, to be permanently affixed to the front doors with council and vehicle licence identification and the word 'pre book only' for PHVs. Generally speaking, living close to Portsmouth, I see a number of Portsmouth licensed vehicles and I am always impressed with the levels of compliance for plates and signs. This is compared to our drivers who still think it is acceptable to take plates and signs off when they are not working as if 'their own' vehicle.

Halford Council

In respect of Private Hire Vehicles only - mandatory livery is by way of a sign displayed on both front doors of the vehicle indicating that the vehicle is licensed and contains the Council logo

Leicester Council

There is strict enforcement of council livery to ensure non-magnetic. Company livery is permitted and is a matter for the proprietor or operator to decide and magnetic signs are acceptable in those instances

Mid Sussex Council

Private hire vehicles have to display door signs stating "Advance Bookings Only"

Neath Port Talbot Council

Use of magnetic signage currently under review

Newcastle Council

Both Newcastle City Council hackney carriage and private hire vehicles are required to display an identification plate to the external rear of the vehicle and two numbered decals inside the vehicle, one to the windscreen the other two the nearside rear passenger door quarter light. The markings purely contain the vehicle licence numbers issued by the Authority. Magnetic not permitted for mandatory livery.

North East Lincolnshire Council

Magnetic signage not permitted on Council Livery

Norwich Council

We do not permit mandatory signage to be fitted magnetically, it must be stuck to the vehicle. This is to prevent either, abuse by licensed drivers easily moving the signage to an unlicensed vehicle, or theft of signage and abuse by criminals attempting to masquerade as legitimate licensed vehicles.

Renfrewshire Council

Magnetic advertising is not permitted as it could be removed, for example when the vehicle is parked and unattended. Policy says that materials used for advertising must be of a quality not easily defaced or detached.

Rochford Council

Magnetic livery is allowed if it is a temporary vehicle whilst original vehicle is being repaired

Rossendale Council

Only company livery is permitted to be magnetic

Rushcliffe Council

Council livery is in respect of Hackney Carriage Vehicles, Company livery for Private Hire Vehicles. No magnetic council livery

Rushmoor Council

Private Hire vehicles have to display signage that identifies the plate number, the name of the LA and states "Advance Booking Only"

South Ribble Council

Improvements to policy in respect of design and specification of livery for vehicles currently out for consultation

Southampton Council

Council conditions expressly preclude the use of magnetic livery under any circumstances

St Albans Council

Livery requirements relate to Hackney Carriage Vehicles. Reviewing use of magnetic signage

St Helens Council

At present the LA only ask for Operator livery but in the next few months they are changing policy to include Council branding

Stirling Council

Magnetic signage is permitted for company livery but not council livery

Stoke on Trent Council

Only where a vehicle works for 2 operators, but the main operator signs must be permanent, the second operator is magnetic

TfL

Do not allow the use of magnetic signage for PHVs and discourage the use of magnetic signs for taxis, however, in cases where campaigns are for a very short, time limited period (less than one week) they may be used

Wellingborough Council

Magnetic signage is not permitted on private hire vehicles but is permitted, subject to approval, on hackney carriages

Welwyn Hatfield Council

Mandatory livery requirements for vehicles is currently under review

West Berkshire Council

HCV mandatory only for door stickers and roof signs - Company advertising allowed for PHV and HCV - Council livery has to be permanently affixed, company advertising can be magnetic

Winchester Council

Currently reviewing policy and intend to consult on the mandatory requirement for council livery and to require permanent signage (ie no magnetic)

Woking Council

Mandatory requirement for livery relates to company livery. In respect of magnetic signage the Policy does not currently specify the material. However the Licensing Authority is currently in the process of changing this to disallow magnetic signage, and enforce the requirement of vinyl sticker signage.

This is due to a combination of issues such as drivers regularly being seen without them on the cars (due to a range of excuses from them forgetting to put them on, the signs falling or blowing off the cars, to being stolen) or the fact that a number of vehicles are now being produced with carbon fibre or bodywork of an alternative non-magnetic material.

Ultimately, this clearly identifies to us as to why magnets are not suitable and not appropriate. This initially went to Licensing Committee a few months ago. The proposal had the general support of the Councillors but they sought clarification over the enforcement procedure and so it is currently in the process of being rewritten in order to represent after the New Year.

APPENDIX D
Summary of Responses by Licensing Authorities in respect of Operator and Council Livery Requirements

A survey was undertaken by PCC Licensing Service with all licensing authorities in England, Wales and Scotland in November 2019 in respect of livery requirements on private hire and hackney carriage vehicles.

The following questions were posed:

1. Does your authority have a mandatory requirement for the display of livery on licensed private hire and hackney carriage vehicles?
2. If Yes, does this relate to either Council livery, company livery or both?
3. If Council or Company livery is required, is magnetic signage permitted?

The results of that survey were as follows:

| | | |
|---|------------------------------|-----|
| Total Number of Councils who responded to survey | 277 (Total 340 consulted) | 81% |
| Total number of Councils that have a mandatory requirement for livery | 176 | 64% |
| Total number of Councils that require Council livery | 160 | 58% |
| Total number of Councils that require Company livery | 93 | 34% |
| Total number of Councils that permit company livery | 64 | 23% |
| Total number of Councils that DO NOT permit magnetic signage | 101 | 36% |
| Total number of Councils that permit magnetic signage | 104 | 38% |



Integrated Impact Assessment (IIA)

Integrated impact assessment (IIA) form December 2019

www.portsmouth.gov.uk

The integrated impact assessment is a quick and easy screening process. It should:

- identify those policies, projects, services, functions or strategies that could impact positively or negatively on the following areas:
 - Communities and safety
 - Regeneration and culture
 - Environment and public space
 - Equality & diversity

Directorate:

Culture, Leisure and Regulatory Services

Service, function:

Licensing

Title of policy, service, function, project or strategy (new or old) :

Hackney Carriage and Private Hire Statement of Licensing Policy: Operator and Council Signage on Licensed Vehicles

Type of policy, service, function, project or strategy:

- Existing
- New / proposed
- Changed

What is the aim of your policy, service, function, project or strategy?

The Hackney Carriage and Private Hire Statement of Licensing Policy sets out the way in which the Licensing Authority will exercise its statutory duty for the control, supervision and enforcement of the hackney carriage and private hire trade within Portsmouth

Has any consultation has been undertaken for this proposal? What were the outcomes of the consultations? Has anything changed because of the consultation? Did this inform your proposal?

The policy in relation to signage has been reviewed having regard to some trade representatives wishing to see the removal of signage from licensed vehicles. Hackney and Private Hire Trade representatives have been consulted on their views and in addition the Licensing Authority has surveyed other local authorities to identify processes and policies in England, Wales and Scotland so far as they relate to vehicle livery.

A - Communities and safety

Yes

No

Is your policy, proposal relevant to the following questions?

A1-Crime - Will it make our city safer?



In thinking about this question:

- How will it reduce crime, disorder, ASB and the fear of crime?
- How will it prevent the misuse of drugs, alcohol and other substances?
- How will it protect and support young people at risk of harm?
- How will it discourage re-offending?

If you want more information contact Lisa.Wills@portsmouthcc.gov.uk or go to:

<https://www.portsmouth.gov.uk/ext/documents-external/cou-spp-plan-2018-20.pdf>

Please expand on the impact on these issues your proposal will have, and how you propose to mitigate any negative impacts?

The current recommendations to retain the Council's existing policy (or make slight adjustments to the current wording) will ensure that the primary and overriding objective of the policy will be to protect the public, which includes the most vulnerable in the community.

The use of livery on a licensed vehicle clearly identifies its use and purpose and differentiates between a private hire and hackney carriage. It also, perhaps more importantly, distinguishes between licensed vehicles and those which are unlicensed.

It offers a reassurance to members of the public that the vehicle is licensed by Portsmouth and the livery is designed in such a way that members of the public or other road users can identify the number of the vehicle should the conduct of the driver or the condition of the vehicle need to be reported to the licensing authority.

However, if this policy is rescinded and there are no longer any requirements for either operator or council signage, this could have a detrimental affect upon the overall safety of persons using licensed vehicles. The greatest impact of such an increased risk would be for vulnerable passengers.

How will you measure/check the impact of your proposal?

No impact on current policy requirements but if rescinded then we may see an increase in complaints where we are unable to identify the driver or vehicle. It may also encourage unlicensed vehicles to ply for hire within the city.

A - Communities and safety

Yes

No

Is your policy, proposal relevant to the following questions?

A2-Housing - Will it provide good quality homes?



In thinking about this question:

- How will it increase good quality affordable housing, including social housing?
- How will it reduce the number of poor quality homes and accommodation?
- How will it produce well-insulated and sustainable buildings?
- How will it provide a mix of housing for different groups and needs?

If you want more information contact Daniel.Young@portsmouthcc.gov.uk or go to:

<https://www.portsmouth.gov.uk/ext/documents-external/psh-providing-affordable-housing-in-portsmouth-april-19.pdf>

Please expand on the impact on these issues your proposal will have, and how you propose to mitigate any negative impacts?

How are you going to measure/check the impact of your proposal?

A - Communities and safety

Yes

No

Is your policy, proposal relevant to the following questions?

A3-Health - Will this help promote healthy, safe and independent living?

In thinking about this question:

- How will it improve physical and mental health?
- How will it improve quality of life?
- How will it encourage healthy lifestyle choices?
- How will it create healthy places? (Including workplaces)

If you want more information contact Daniel.Young@portsmouthcc.gov.uk or go to:

<https://www.portsmouth.gov.uk/ext/documents-external/psh-providing-affordable-housing-in-portsmouth-april-19.pdf>

Please expand on the impact on these issues your proposal will have, and how you propose to mitigate any negative impacts?

How are you going to measure/check the impact of your proposal?

A - Communities and safety

Yes

No

Is your policy, proposal relevant to the following questions?

A4-Income deprivation and poverty-Will it consider income deprivation and reduce poverty?



In thinking about this question:

- How will it support those vulnerable to falling into poverty; e.g., single working age adults and lone parent households?
- How will it consider low-income communities, households and individuals?
- How will it support those unable to work?
- How will it support those with no educational qualifications?

If you want more information contact Mark.Sage@portsmouthcc.gov.uk or go to:

<https://www.portsmouth.gov.uk/ext/documents-external/cou-homelessness-strategy-2018-to-2023.pdf>
<https://www.portsmouth.gov.uk/ext/health-and-care/health/joint-strategic-needs-assessment>

Please expand on the impact on these issues your proposal will have, and how you propose to mitigate any negative impacts?

How are you going to measure/check the impact of your proposal?

| A - Communities and safety | Yes | No |
|----------------------------|-----|----|
|----------------------------|-----|----|

Is your policy, proposal relevant to the following questions?

A5-Equality & diversity - Will it have any positive/negative impacts on the protected characteristics?



In thinking about this question:

- How will it impact on the protected characteristics-Positive or negative impact (Protected characteristics under the Equality Act 2010, Age, disability, race/ethnicity, Sexual orientation, gender reassignment, sex, religion or belief, pregnancy and maternity, marriage and civil partnership,socio-economic)
- What mitigation has been put in place to lessen any impacts or barriers removed?
- How will it help promote equality for a specific protected characteristic?

If you want more information contact gina.perryman@portsmouthcc.gov.uk or go to:

<https://www.portsmouth.gov.uk/ext/documents-external/cmu-equality-strategy-2019-22-final.pdf>

Please expand on the impact on these issues your proposal will have, and how you propose to mitigate any negative impacts?

How are you going to measure/check the impact of your proposal?

B - Environment and climate change

Yes

No

Is your policy, proposal relevant to the following questions?

B1-Carbon emissions - Will it reduce carbon emissions?

In thinking about this question:

- How will it reduce greenhouse gas emissions?
- How will it provide renewable sources of energy?
- How will it reduce the need for motorised vehicle travel?
- How will it encourage and support residents to reduce carbon emissions?

If you want more information contact Tristan.thorn@portsmouthcc.gov.uk or go to:

<https://www.portsmouth.gov.uk/ext/documents-external/cmu-sustainability-strategy.pdf>

Please expand on the impact on these issues your proposal will have, and how you propose to mitigate any negative impacts?

How are you going to measure/check the impact of your proposal?

B - Environment and climate change

Yes

No

Is your policy, proposal relevant to the following questions?

B2-Energy use - Will it reduce energy use?

In thinking about this question:

- How will it reduce water consumption?
- How will it reduce electricity consumption?
- How will it reduce gas consumption?
- How will it reduce the production of waste?

If you want more information contact Daniel.Young@portsmouthcc.gov.uk or go to:

<https://www.portsmouth.gov.uk/ext/documents-external/psh-providing-affordable-housing-in-portsmouth-april-19.pdf>

Please expand on the impact on these issues your proposal will have, and how you propose to mitigate any negative impacts?

How are you going to measure/check the impact of your proposal?

B - Environment and climate change

Yes

No

Is your policy, proposal relevant to the following questions?

B3 - Climate change mitigation and flooding-Will it proactively mitigate against a changing climate and flooding ?

In thinking about this question:

- How will it minimise flood risk from both coastal and surface flooding in the future?
- How will it protect properties and buildings from flooding?
- How will it make local people aware of the risk from flooding?
- How will it mitigate for future changes in temperature and extreme weather events?

If you want more information contact Tristan.thorn@portsmouthcc.gov.uk or go to:

<https://www.portsmouth.gov.uk/ext/documents-external/env-surface-water-management-plan-2019.pdf>
<https://www.portsmouth.gov.uk/ext/documents-external/cou-flood-risk-management-plan.pdf>

Please expand on the impact on these issues your proposal will have, and how you propose to mitigate any negative impacts?

How are you going to measure/check the impact of your proposal?

B - Environment and climate change

Yes

No

Is your policy, proposal relevant to the following questions?

B4-Natural environment-Will it ensure public spaces are greener, more sustainable and well-maintained?

In thinking about this question:

- How will it encourage biodiversity and protect habitats?
- How will it preserve natural sites?
- How will it conserve and enhance natural species?

If you want more information contact Daniel.Young@portsmouthcc.gov.uk or go to:

<https://www.portsmouth.gov.uk/ext/documents-external/pln-solent-recreation-mitigation-strategy-dec-17.pdf>

Please expand on the impact on these issues your proposal will have, and how you propose to mitigate any negative impacts?

How are you going to measure/check the impact of your proposal?

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B - Environment and climate change

Yes

No

Is your policy, proposal relevant to the following questions?

B5-Air quality - Will it improve air quality?



In thinking about this question:

- How will it reduce motor-vehicle traffic congestion?
- How will it reduce emissions of key pollutants?
- How will it discourage the idling of motor vehicles?
- How will it reduce reliance on private car use?

If you want more information contact Hayley.Trower@portsmouthcc.gov.uk or go to:

<https://www.portsmouth.gov.uk/ext/documents-external/env-aq-air-quality-plan-outline-business-case.pdf>

Please expand on the impact on these issues your proposal will have, and how you propose to mitigate any negative impacts?

If the policy is amended to remove livery from licensed vehicles then there could be more idling of motor vehicle engines if persons are unable to immediately identify the vehicle they have booked. If members of the public have reduced trust in identifying and using licensed vehicles then this may increase the use of private cars.

How are you going to measure/check the impact of your proposal?

B - Environment and climate change

Yes

No

Is your policy, proposal relevant to the following questions?

B6-Transport - Will it improve road safety and transport for the whole community?



In thinking about this question:

- How will it prioritise pedestrians, cyclists and public transport users over users of private vehicles?
- How will it be safe and comfortable for children and older people to cycle and walk in the area?
- How will it increase the proportion of journeys made using sustainable and active transport?
- How will it reduce the risk of traffic collisions, and near misses, with pedestrians and cyclists?

If you want more information contact Pam.Turton@portsmouthcc.gov.uk or go to:

<https://www.portsmouth.gov.uk/ext/travel/local-transport-plan-3>

Please expand on the impact on these issues your proposal will have, and how you propose to mitigate any negative impacts?

If the policy is rescinded then licensed vehicles may not be as easy to identify. Therefore, therefore pedestrians, cyclists, other road users may find it more difficult to make complaints to the licensing authority if they are unable to identify the vehicle and the licensing authority.

How are you going to measure/check the impact of your proposal?

B - Environment and climate change

Yes

No

Is your policy, proposal relevant to the following questions?

B7-Waste management - Will it increase recycling and reduce the production of waste?

In thinking about this question:

- How will it reduce household waste and consumption?
- How will it increase recycling?
- How will it reduce industrial and construction waste?

If you want more information contact Steven.Russell@portsmouthcc.gov.uk or go to:

<https://documents.hants.gov.uk/mineralsandwaste/HampshireMineralsWastePlanADOPTED.pdf>

Please expand on the impact on these issues your proposal will have, and how you propose to mitigate any negative impacts?

How are you going to measure/check the impact of your proposal?

C - Regeneration of our city

Yes

No

Is your policy, proposal relevant to the following questions?

C1-Culture and heritage - Will it promote, protect and enhance our culture and heritage?



In thinking about this question:

- How will it protect areas of cultural value?
- How will it protect listed buildings?
- How will it encourage events and attractions?
- How will it make Portsmouth a city people want to live in?

If you want more information contact Claire.Looney@portsmouthcc.gov.uk or go to:

<https://www.portsmouth.gov.uk/ext/documents-external/pln-portsmouth-plan-post-adoption.pdf>

Please expand on the impact on these issues your proposal will have, and how you propose to mitigate any negative impacts?

Portsmouth has a comprehensive policy for the control and supervision of the hackney carriage and private trade. Drivers and vehicles are sometimes the first point of contact for visitors to the city and we want to ensure that people feel safe whilst visiting and living in the city. Without necessary protection and public reassurance, this could have a damaging effect upon the city and its reputation.

How are you going to measure/check the impact of your proposal?

C - Regeneration of our city

Yes

No

Is your policy, proposal relevant to the following questions?

C2-Employment and opportunities - Will it promote the development of a skilled workforce?



In thinking about this question:

- How will it improve qualifications and skills for local people?
- How will it reduce unemployment?
- How will it create high quality jobs?
- How will it improve earnings?

If you want more information contact Mark.Pembleton@portsmouthcc.gov.uk or go to:

<https://www.portsmouth.gov.uk/ext/documents-external/cou-regeneration-strategy.pdf>

Please expand on the impact on these issues your proposal will have, and how you propose to mitigate any negative impacts?

How are you going to measure/check the impact of your proposal?

C - Regeneration of our city

Yes

No

Is your policy, proposal relevant to the following questions?

C3 - Economy - Will it encourage businesses to invest in the city, support sustainable growth and regeneration?

In thinking about this question:

- How will it encourage the development of key industries?
- How will it improve the local economy?
- How will it create valuable employment opportunities for local people?
- How will it promote employment and growth to the city?

If you want more information contact Mark.Pembleton@portsmouthcc.gov.uk or go to:

<https://www.portsmouth.gov.uk/ext/documents-external/cou-regeneration-strategy.pdf>

Please expand on the impact on these issues your proposal will have, and how you propose to mitigate any negative impacts?

How are you going to measure/check the impact of your proposal?

Q8 - Who was involved in the Integrated integrated assessment?

This IIA has been approved by:

Contact number:

Date: