

Title of meeting: Licensing Committee

Date of meeting: Friday 25 September 2020

Subject: Implementation of amended policy - Magnetic 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 to update the Licensing Committee on the logistical arrangements in respect of its amended policy to permit magnetic Council signage on licensed vehicles which was agreed at the meeting of the Licensing Committee on 20 February 2020.

2. Recommendations

- a) That the Licensing Committee note the contents of this report as regards the manufacture and supply of Council magnetic livery;
- b) To amend the private hire driver, private hire vehicle and hackney carriage vehicle licence conditions to include the following condition:
 - (i) The driver/proprietor shall ensure that the Council prescribed vehicle identification livery is affixed to the licensed vehicle at all times the vehicle is available for hire or presented to the Council or its agents for any purpose;
- c) That the Licensing Committee approves the amendment of "The Points System" to include a new vehicle breach for failure to display prescribed HCV/PHV vehicle identification livery;
- d) That the Licensing Committee note the statutory requirements for notification of charges in relation to the supply of Council signage and give approval to the Licensing Manager to undertake the statutory consultation process;

- e) That the Licensing Committee approve the commencement of the use of both company and Council magnetic signage with effect from 1 November 2020;
- f) That the use of magnetic signage on licensed vehicles be reviewed by the Licensing Committee after 12 months from the commencement of the use of both company and Council magnetic signage.

3. Background

3.1 At the meeting of the Licensing Committee on 20 February 2020, the Committee made the following resolutions:

1. *Noted the comments raised by trade representatives;*
2. *Noted the contents of the Licensing Manager's report;*
3. *Determined to amend its current statement of licensing policy in relation to operator and Council signage on licensed vehicles. The amendment allows either permanent or magnetic signage, and where magnetic signage is used on Council livery, the registration number of the vehicle shall be included;*
4. *Determined to consider the implications and implementation of the amended policy at the next meeting of the Licensing Committee, which should be held before purdah;*
5. *Determined that the amended policy will run for a 12 month trial; and*
6. *Determined that the amended policy and trial period will not come into effect until the practical issues of magnetic signage have been agreed; until then the current policy will apply.*

3.2 Manufacturing and Supply of Council Signage

The Council's preferred supplier for signage is through the shared services agreement with the University of Portsmouth, but the Council has arrangements in place to go direct to a supplier depending upon requirements and volume of work.

Corporate Services have indicated that, as far as they are aware, the magnetic material is only rated for a maximum speed of 60mph and can risk coming off at higher speeds. This issue will be raised with the supplier and further advice obtained in relation to the most appropriate form of magnetic material.

As regards likely timescales, Corporate Services have advised that a 2 month lead in would be sufficient timing to agree materials, design, produce and take delivery of the new Council signage.

3.3 Driver and Vehicle Proprietor Conditions

Given the change in policy to permit magnetic signage on licensed vehicles, it is important to ensure that the Council prescribed vehicle identification livery is affixed to the licensed vehicle at all times when the vehicle is available for hire.

To enable the Licensing Authority to mandate and enforce this requirement, it is necessary to amend the current conditions of licence in respect of private hire vehicles, hackney carriage vehicles and private hire drivers.

(Note: conditions may not be imposed on licensed hackney carriage drivers as they are subject to controls under byelaws made under section 68 of the Town Police Clauses Act 1847 and section 171 of the Public Health Act 1875).

3.4 It is proposed that the following condition should be approved:

The driver/proprietor shall ensure that the Council prescribed vehicle identification livery is affixed to the licensed vehicle at all times the vehicle is available for hire or presented to the Council or its agents for any purpose.

By adopting the proposed additional condition above which will be attributable to both licensed private hire drivers and vehicle proprietors (HCV and PHV), it will further promote local controls and provide consistency across the licensing regime. Equally, private hire drivers and vehicle proprietors will fully understand their respective obligations under the conditions and accept that the Council will expect compliance by them and will take robust enforcement action to uphold the policy of the Council.

3.5 **The Points System**

In order to ensure that the Licensing Authority has sufficient ability to address situations where there is non-compliance with conditions, it is also proposed to amend the current points system to recognise and support the change in policy.

3.6 The "Penalty Points System" operates as a fast track mechanism to address issues relating to:

- Licence holders breaching conditions;
- Non-compliance with the provisions of the 1847 and 1976 Acts;
- General unsatisfactory conduct
- Apply sanction following receipt of complaints from the public, other road users and the trade about the conduct of licence holders.

3.7 There is no financial penalty associated with the scheme and a licence holder may continue to lawfully work even if points are awarded. There is a threshold for the accumulation of points for licence holders and if that number is exceeded within a 12 month period, then there is a presumption that licence holders will be referred to the Licensing Sub-Committee to consider their continued suitability to hold a licence.

3.8 The current threshold in relation to penalty points are as follows:

- | | |
|----------------------------|-----------|
| • Hackney Carriage Driver | 10 points |
| • Private Hire Driver | 10 points |
| • Hackney Carriage Vehicle | 10 points |
| • Private Hire Vehicle | 10 points |

- Private Hire Operator 40 points.

3.9 A copy of the current Penalty Point System is attached as Appendix A.

3.10 It is proposed to add the following penalty points to ensure that those licence holders who breach the licence condition relating to the display of Council prescribed vehicle identification livery may receive a suitable sanction for non-compliance.

Number	Description	Driver	Vehicle Proprietor	Operator
Vehicle matters				
41	Failure to display/affix Council prescribed vehicle identification livery to licensed vehicle when available for hire or presented to the Council or its agents for any purpose.	4	4	0

3.11 **Cost of Livery - Fees and Charges**

Section 70 of the Local Government (Miscellaneous Provisions) Act 1976 permits the Council to charge such fees for the grant of vehicle and operator licences as may be resolved by them from time to time as sufficient in the aggregate to cover in whole or in part any reasonable administrative or other costs in connection with the licensing of vehicles and operators as well as the control and supervision of hackney carriages and private hire vehicles.

3.12 Any proposed fees considered under section 70 are subject to public consultation and notice period of 28 days.

3.13 The policy of the Licensing Committee has always been to set fees with the aim of working towards total cost recovery of the administration of the licensing regime for hackney carriages and private hire.

3.14 In accordance with the principles of cost recovery from fee revenue, the cost of the Council prescribed vehicle identification livery has always been recovered by charging an appropriate fee for the production of such signage.

3.15 At the time this report was prepared, no costs were available in respect of the new magnetic signage. Approval is requested from the Committee for officers to undertake the formal consultation as set out in the 76 Act once the costs are confirmed by the supplier.

3.16 **Commencement of policy for Magnetic Signage**

Given the timescales provided by the signage supplier and having regard to the statutory consultation period for advertising fees for the new signage, it is proposed that the effective date for the commencement of the new policy should be 1st November 2020. This ensures that sufficient supplies of signage will be available for distribution by this date and assuming that there are no objections to the consultation on the proposed charges.

3.17 **12 Month Review of Policy**

In order to facilitate an effective review of the implementation of magnetic signage, the Licensing Service will initiate additional processes and data collection in order to provide comprehensive information to the Committee in November 2021 as to the impact, if any, of the change in Council livery being displayed on licensed vehicles.

4. Reasons for recommendations

- 4.1 To effectively implement the updated policy in relation to magnetic signage and to ensure that robust systems are in place to address any breaches of the policy requirements.

5. Integrated impact assessment

- 5.1 An updated integrated impact assessment as regards the change in policy is attached as Appendix B.

6. Legal implications

The legal implications are embodied within this report.

7. Director of Finance's comments

The financial implications are embodied within this report.

Signed by:

Licensing Manager
On behalf of Director of Culture, Leisure and Regulatory Services

Appendices:

Appendix A Penalty Point System
Appendix B Updated Integrated Impact Assessment

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
Statement of licensing policy for the hackney carriage and private hire trade	https://www.portsmouth.gov.uk/ext/documents-external/lic-hackney-carriage-private-hire-licensing-policy-final-v3.pdf

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

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 Signed by:
Chair of Licensing Committee

Appendix A - The Points System

Number	Description	Driver 10 Points	Vehicle Proprietor 10 Points	Operator 40 Points
General & driver matters				
1	Failure to notify change of address or other contact details	2	2	2
2	False declaration on application or renewal of licence	4	4	4
3	Failure to notify criminal or motoring charges, convictions or failure to produce documents upon request	4	4	4
4a	Failure to behave in a civil and orderly manner to customers or other road users by reason of abusive/foul language or gestures	6	0	0
4b	Failure to behave in a civil and orderly manner to customers or other road users by reason of threatening behaviour	6	0	0
4c	Failure to behave in a civil and orderly manner to customers or other road users by reason of poor driving	6	0	0
4d	Failure to behave in a civil and orderly manner to customers or other road users by reason of use of violence	10	0	0
5	Failure to display badge or return same at request of authorised officer	4	0	0
6	Overdue medical, DBS, drug screen	2	0	2
7	Driver smoking in vehicle (to include e-cigarettes)	2	0	0
8	Obstruction of authorised officer	4	4	4
9	Failure to abide by company dress code or to be clean and tidy in appearance	4	0	0
10	Refusal to carry passengers without reasonable excuse	4	0	0
11	Refusal to carry passenger(s) with wheelchair or by reason of disability	10	0	10
12	Refusal to carry guide/assistance dog	10	0	10
13	Carrying more passengers than permitted by vehicle licence	6	0	0
14	Overcharging	6	0	0
15	Illegal ranking	4	0	0
16	Standing or plying for hire	4	0	2
17	Unattended hackney carriage on taxi stand	2	0	0
18	Failure to convey or assist with luggage	2	0	0
19	Failure to report lost property	6	0	0



Number	Description	Driver 10 Points	Vehicle Proprietor 10 Points	Operator 40 Points
Vehicle matters				
20	Failure to properly display vehicle licence plate	4	2	0
21	Failure to display vehicle licence windscreen disc	4	2	0
22	Failure to return licence plate at request of authorised officer	0	4	0
23	Failure to report accident damage within 72 hours	0	4	0
24	Failure to produce vehicle documents to include insurance, registration document and/or certificate of compliance	0	6	0
25	Permitting no insurance	0	10	0
26	No "white book" in vehicle	0	2	0
27	Unauthorised notices or company window stickers either inside or outside the vehicle	0	4	4
28	Failure to notify transfer of vehicle licence within 14 days	0	4	0
29	Failure to carry byelaws in vehicle	2	4	0
30	Failure to display tariff of fares or to conceal same	4	2	0
31	Defective and/or unsealed taxi meter	2	4	0
32	Defective TAXI top light	2	2	0
33	Faded TAXI top light or livery	2	2	0
34	Out of date tax	0	6	0
35	Vehicle not clean, well maintained or comfortable	4	2	2
36	Illegal tyres (points for each tyre)	4	1	0
37	Defective CCTV	0	2	0
38	Failure to attend mechanical inspection	0	6	0
39	Late cancellation of mechanical inspection	0	6	0
40	Use of vehicle without a current certificate of compliance	0	10	0
Operator matters				
41	Failure to keep proper records of bookings	0	0	4
42	Unauthorised vehicle livery	0	0	4