

Title of Report:	Taxi Livery and Advertising
Report to be considered by:	Licensing
Date of Meeting:	24 March 2015
Forward Plan Ref:	N/A

Purpose of Report:	To inform Members of a request from the taxi trade to standardise livery and advertising on West Berkshire taxis
Recommended Action:	Require the Council's Livery, only, to be displayed i.e. No advertising at all.
Reason for decision to be taken:	Request from the trade
Other options considered:	To adopt the proposal To dispense with advertising conditions completely but keep the Council's livery conditions for both hackney carriages and private hire vehicles i.e. allow advertising at will. Keep the current conditions for both hackney carriages and private hire vehicles
Key background documentation:	Responses to consultation attached to this report as indices.
Published Works:	Local Government (Miscellaneous Provisions) Act 1976 West Berkshire Council Hackney Carriage Condition

The proposals contained in this report will help to achieve the following Council Strategy priority:

CSP2 – Promoting a vibrant district

Portfolio Member Details	
Name & Telephone No.:	Councillor Hilary Cole - Tel 01635 248542
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Date Portfolio Member agreed report:	11 March 2015

Contact Officer Details	
Name:	Brian Leahy
Job Title:	Team Manager Licensing
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Implications

Policy:	The Council's current policy is to allow advertising under conditional controls
Financial:	None
Personnel:	None
Legal/Procurement:	Adopting or amending the advertising/Livery standards would require an update to the Standard Conditions for taxis.
Property:	None
Risk Management:	None

Is this item relevant to equality?	Please tick relevant boxes	Yes	No
Does the policy affect service users, employees or the wider community and:			
• Is it likely to affect people with particular protected characteristics differently?		<input checked="" type="checkbox"/>	
• Is it a major policy, significantly affecting how functions are delivered?		<input checked="" type="checkbox"/>	
• Will the policy have a significant impact on how other organisations operate in terms of equality?		<input checked="" type="checkbox"/>	
• Does the policy relate to functions that engagement has identified as being important to people with particular protected characteristics?		<input checked="" type="checkbox"/>	
• Does the policy relate to an area with known inequalities?		<input checked="" type="checkbox"/>	
Outcome (Where one or more 'Yes' boxes are ticked, the item is relevant to equality)			
Relevant to equality - Complete an EIA available at http://intranet/EqIA			<input type="checkbox"/>
Not relevant to equality			<input checked="" type="checkbox"/>

Executive Summary

1. Introduction

1.1 The Local Government (Miscellaneous Provisions) Act 1976 sections 47 and 48 allows for a district council to attach conditions to both hackney carriage and private hire vehicles.

1.2 West Berkshire Council and its predecessor have set standard conditions for licences for many years. Conditions for hackney carriages are attached as Appendix A and those for private hire are attached as Appendix B.

2. Proposals

2.1 The trade has proposed new conditions under sections 17 and 20 of the current conditions for hackney carriages and included private hire vehicles. This document is attached as Appendix C.

2.2 As the proposal included both hackney carriage and private hire officers decided to consult on the proposals before reporting to Committee.

3. Equalities Impact Assessment Outcomes

3.1 This item is not relevant to equality.

4. Conclusion

4.1 The conditions submitted by the trade are condensed and although there is a reference to particular sections for hackney carriages, there is no similar reference for private hire. Officers have therefore assumed that the conditions are to apply for both types of vehicle.

4.2 The current conditions are lengthy and officers admit that there are a large number of vehicles which are not currently conforming to the conditions.

4.3 Without an increased amount of enforcement work it is the opinion of officers that regardless of which conditions apply, there will still be defaulters within the fleet.

Executive Report

1. Introduction

- 1.1 Consultation on the proposal was carried out with a limited number of responses received. The consultation letter is shown as Appendix D and responses are attached as Appendix E.
- 1.2 There were 5 responses to the consultation with 4 being for and 1 being against. (Appendix E)
- 1.3 2 of the responses, 1 for, and 1 against were compromised through admin error however the full text of both is shown below.
- 1.4 Response from Mr Paul Westbrook:
- My vote NOT IN FAVOUR
 - I do not understand why I cannot advertise my vehicle in any way I see fit (in the same way any other business does). I accept that there is good taste and decency to bear in mind.
 - I additionally do not understand why a gas guzzling London taxi can be exempt whilst pumping 23mpg fumes into our clean town, as a proposal.
 - The front doors and windows must be kept clear for WBC and statutory notifications. The rest of the car would be therefore mine to promote my business as I see fit. Ladbrokes can advertise in their shop window that they offer better odds than Stan James. Vodaphone can advertise their costs are cheaper than orange etc, why can I not promote my prices to everyone if I want.
 - I jump through the proverbial moving goal posts every time I bring a vehicle onto my fleet. I should not be told how I chose to recoup my investment through advertising of my or any other business; I already advertise yours on my doors, plate and livery.
 - I accept that further discussion is needed but when I see Dolphin Cars flouting the rules every day, Premier Cars (Reading) do not conform, many cars not carrying ramps, fire extinguishers etc etc, is it really at the top of the taboo list how I advertise. After all CABCO clearly advertise CAB on their Private hire vehicles. Should I buy a private hire vehicle can I cover it with WESTBROOK TAXIS as it is my trading name. Most have an additional CABCO advert above the WBC taxi signage. Not addressed by WBC.
 - WBC and Trading Standards are aware of all of the above, as I have reported it myself over the past 20 months without anyone having had to remove illegal signage. Perhaps it has become a free for all.
 - Livery should allow me to promote my business (or any as I chose fit) on or in my business premises without causing offence to anyone.
- 1.5 Response from Mr Riaz Sheik:

- In Favour - need to see a uniform policy on livery right across the board to adhere with the current T&C's. This matter is well overdue and almost every single Taxi in West Berks is currently breaking the rules and Licensing have not enforced anything so far.

1.6 Officers apologise to the above 2 persons for the admin error.

Appendices

Appendix A - Hackney Carriage Conditions

Appendix B - Private Hire Conditions

Appendix C - Trade Proposal

Appendix D - Consultation Letter

Appendix E - Trade Responses to Consultation

Consultees

Local Stakeholders: All taxi and private Hire vehicle licence holders

Officers Consulted: Julia O'Brien Principal Licensing Officer

Trade Union: N/A