



Walsall Council

REPORT OF THE INTERIM REGULATORY MANAGER

TAXI/PRIVATE HIRE LIAISON GROUP

13 NOVEMBER 2012

SPECIFIC ADVERTISING RESTRICTION ON HACKNEY CARRIAGE

VEHICLES

1.0 Summary of report

- 1.1 To place before the group a report concerning a request made by the Walsall Private Hire Association to consider amending a specific vehicle advertising condition for hackney carriage vehicles.

2.0 Recommendations

- 2.1 The group is asked to consider the information contained in the report and to consider whether they wish to recommend to the Licensing and Safety Committee that the advertising restriction in respect of hackney carriage vehicles must not display private hire operator advertising be amended accordingly or remain a condition of licence.
- 2.2 Await the outcome of a review by The Law Commission who are currently undertaking a fundamental review of the Hackney Carriage and Private Hire legislation that operates throughout England and Wales. This may include legislative changes in respect of the licensing of vehicles, drivers and operators by licensing authorities. Their intention is to provide a report with final proposals and a draft Bill by November 2013.

3.0 Background information

- 3.1 Section 1.18 of the Hackney Carriage Vehicle licence conditions in part states:

Hackney carriage vehicles must not display private hire operator advertising.

- 3.2 The decision that was taken to impose this specific condition would appear to be historic.
- 3.3 Other forms of advertising are permitted on hackney carriage vehicles provided that they have the consent of the licensing unit to display such information.
- 3.4 The issue of hackney carriage vehicles displaying private hire operator details was originally raised by the hackney carriage association at a previous liaison meeting. This was due to members of the public who approached hackney carriages on the rank, but did not want to pay the potential metered fare. If this was the case, the driver of the hackney carriage was allegedly advising the hirer to dial the private hire operator number displayed on the hackney carriage, hence the hackney carriage fare would be lost as the price quoted by the operator would be less.
- 3.5 Following this meeting the licensing enforcement team visited a number of operating bases to advise that such advertising was not permitted and should be removed from hackney carriages.
- 3.6 Enquiries made to neighbouring authorities have confirmed that they would have no objections to private hire operator details being displayed on hackney carriage vehicles in their individual areas. (Wolverhampton, Coventry, Cannock)

4.0 Resource considerations

- 4.1 **Financial:** None in respect of this report.
- 4.2 **Legal:** Any person aggrieved by a condition attached to a licence has right of appeal to magistrates court.

The Local Government (Miscellaneous Provisions) Act 1976 governs the issue and control of licences for private hire and hackney carriage vehicles, drivers and operators.

Section 47 of the Act allows councils to attach to the grant of a licence for hackney carriage vehicles such conditions as they consider reasonably necessary.

- 4.3 **Staffing:** Nothing arising from this report.

5.0 Citizen impact

- 5.1 None arising from this report.

6.0 Community safety

- 6.1 None arising from this report.

7.0 Environmental impact

7.1 None arising from this report.

8.0 Performance and risk management issues

8.1 Nothing arising from this report.

9.0 Equality implications

9.1 Nothing arising from this report.

10.0 Consultation

10.1 Neighbouring Authorities.

11.0 Appendices

11.1 None.

12.0 Contact Officer

12.1 Steve Knapper, 01922 652221.