

ABERDEEN CITY COUNCIL

COMMITTEE	Licensing Committee
DATE	17 September 2013
DIRECTOR	Acting Director of Corporate Governance
TITLE OF REPORT	Taxi Licences – Condition 16, Roof Signs
REPORT NUMBER:	CG/13/076

1. PURPOSE OF REPORT

The report proposes: a variation to the Committee's roof sign condition for taxi licences; and resolutions to related matters.

2. RECOMMENDATION(S)

That the Licensing Committee:

- a. Agree in principle to the proposed variation to Condition 16 of the Conditions Applicable to Taxi Licences, both City and Airport Zones;
- b. Agree in principle to the proposed variation to Condition 16A of the Conditions Applicable to Private Hire Car Licences;
- c. Instruct officers to complete the statutory variation procedures and report back;
- d. Note that the Aberdeen City Council Taxi Testing Supplement to the VOSA M.O.T. Testers' Manual will be updated; and
- e. Note that a separate Aberdeen City Council Taxi Testing Supplement to the VOSA M.O.T. Testers' Manual will be produced for private hire cars.

3. FINANCIAL IMPLICATIONS

None.

4. OTHER IMPLICATIONS

None.

5. BACKGROUND/MAIN ISSUES

At the meeting of the TCG on 6 November 2012 the taxi representatives on the Taxi Consultation Group highlighted that taxis were operating without illuminated roof signs.

It was agreed that officers would clarify the Committee's standard for taxi roof signs and report back to the group.

A letter was issued to all Taxi Booking Office licence holders explaining the requirements of Condition 16 of the Conditions Applicable to Taxi Licences. Condition 16, requires that taxis have a roof sign capable of being illuminated and that works in conjunction with the vehicle's taxi meter.

The letter also sought an explanation from the trade as to why they could not comply with the condition.

One response was received (see Appendix 1) and the matter was referred to the Committee.

At its meeting on 26 March 2013 the Committee agreed:

- i. to instruct a report on the issue of roof signs for consideration at a future Licensing Committee; and
- ii. to a moratorium on the specific usage of the roof signs until after consideration of the report.

Condition 16 and Proposed Solution

Rainbow City Taxis' position is that the current condition cannot be complied with due to software problems encountered when the taxi meter and the roof sign are linked up electronically with their booking system (see Appendix 1).

As a result, the roof light cannot be turned off when a telephone or radio booking is received. The light will only turn off when the meter is started. This leads customers in the street to believe that the taxi is available for hire. In practice, however, the taxi may already have taken a telephone booking and be en route to a customer. To avoid this problem many taxi licence holders disconnect the roof sign.

The Committee are advised that it is appropriate to retain some form of roof sign condition as:

- a. roof signs distinguish between taxis which can pick up on the street and licensed private hire cars which cannot;
- b. roof signs help distinguish between Aberdeen City Council licensed taxis that are allowed to ply for trade in the city streets and licensed taxis from other areas which cannot;
- c. illuminated roof signs make it easier for passengers to identify available taxis in the street, especially at night time; and
- d. the recommended licence conditions from the Scottish Development Department in 1986 include a roof sign condition. The Committee's condition 16 was originally based on that condition.

It appears that the Committee has always required taxis to have roof signs. However, the condition was amended in the past to make the roof sign work automatically with the meter. A practical reason for this would be to avoid drivers forgetting to turn it on. However, it was not anticipated that roof signs cannot work automatically with the meter because of the software difficulties explained by Rainbow.

In the circumstances, the problem can be surmounted by a variation of the condition. The proposed variation removes the requirement that the roof sign works in conjunction with the taxi meter. This means that taxis can have a manual on/off switch for their roof sign, which is operated independently from the taxi meter. All taxis would also continue to be required to illuminate their roof sign when they are available for hire. It is anticipated that this would assist the trade to provide a better service to the public.

It is therefore recommended that the Committee agrees to amend Condition 16 as follows:

Current Condition

16. The holder of this licence shall display upon the roof of the taxi a sign of a type approved by the licensing authority for the purpose of identifying the vehicle as a taxi, which sign shall be capable of being illuminated, shall work automatically in conjunction with the taximeter fitted to the vehicle, and must be extinguished on the meter being switched to the “hired” or “stopped” position; and while the taxi is available for shared hire he shall display on the taxi in a position approved by the licensing authority a sign of a type approved by the licensing authority for the purpose of indicating that the taxi is available for shared hire, which sign shall be visible from the front of the vehicle, shall display the words “shared hire” on an orange background, shall be illuminated, shall be worked automatically in conjunction with the taximeter fitted to the vehicle, and shall be extinguished only when the taxi is being engaged in the exclusive mode.

Proposed Amended Condition

16. The holder of this licence shall display upon the roof of the taxi a sign of a type approved by the licensing authority for the purpose of identifying the vehicle as a taxi, which must be illuminated when the vehicle is available for hire and must be extinguished on the meter being switched to the “hired” or “stopped” position; and while the taxi is available for shared hire the licence holder shall display on the taxi in a position approved by the licensing authority a sign of a type approved by the licensing authority for the purpose of indicating that the taxi is available for shared hire, which sign shall be visible from the front of the vehicle, shall display the words “shared hire” on an orange background, shall be illuminated, and shall be extinguished only when the taxi is being engaged in the exclusive mode.

The variation removes the requirement that the roof sign must work in conjunction with the taxi meter. This should assist Rainbow in complying with the condition. The variation also clarifies that taxis' roof signs must be illuminated when the taxi is available for hire. As Members are aware it is a criminal offence not to comply with a licence condition.

Necessary Amendments to the Testers' Manual

The manual is an administrative document, incorporating the Committee's conditions and policies for the testing of taxis and private hire cars.

Its purpose is to present the information on Aberdeen City Council's taxi and private hire car vehicles testing requirements in an easily understandable format.

It is best practice for all of these requirements to be contained in one document, to assist vehicle testers, applicants and licence holders. This is preferable to the requirements only being stated separately in various licence conditions, policy documents, reports and minutes of Committee meetings.

If the Committee resolves to vary the taxi licence conditions, the Testers' Manual also requires to be updated. As part of any such update officers will take the opportunity to review the whole manual to ensure it is consistent with all of the Committee's current taxis conditions and policies.

Some of the private hire car conditions and policies are different from those for taxis. For that reason officers will create a separate manual for the testing of private hire cars.

In future when the Committee amends its conditions or policies the manuals will be kept up to date by officers and reviewed periodically for accuracy.

Members will be aware that the licensing authority's taxi/PHC test is separate to a vehicle MOT test. MOT's are a legal requirement of the UK Government regarding vehicle testing and are overseen by VOSA (the Vehicle Operating Standards Agency). An MOT test checks that a vehicle meets road safety and environmental standards. Taxi tests are conducted in terms of the licensing authority's distinct legal powers under the Civic Government (Scotland) Act 1982. The taxi test checks that a taxi is safe to carry members of the public and is compliant with the Committee's policies and licence conditions.

Private Hire Car Licence Conditions – Necessary Variation

Condition 15 of the Conditions Applicable to Private Hire Car Licences requires that the licence holder shall not display a roof sign on the vehicle.

However, Condition 16A (5)(a), which was added later, erroneously states that: “the driver shall extinguish or remove the roof sign from the vehicle so as not to give or appear to give, the impression that the vehicle in question is available for hire at any time the space saver wheel is in use”.

It is recommended that this part of Condition 16A is removed as it contradicts Condition 15. Private hire cars should not have roof signs.

6. IMPACT

Corporate – The recommendations support compliance with licence conditions and the good governance of the taxi licensing function.

Public – This report may be of interest to members of the public who use taxi services and particularly those who wish to hail taxis on the street.

Equality - This report appears to be of interest equally to members of the public and persons who have a protected characteristic, therefore an Equality and Human Rights Impact Assessment has not been provided.

Ensuring that all taxi roof signs are illuminated when the vehicles are available for hire may be of assistance to the visually impaired.

7. MANAGEMENT OF RISK

- A significant number of taxi licence holders will continue to be in breach of condition 16 if it is not amended, which is a criminal offence; and
- The Aberdeen City Council Taxi Testing Supplement to the VOSA M.O.T. Testers' Manual must be updated to ensure it accurately reflects the Committee's requirements for taxis and private hire cars in terms of its conditions and policies.

8. BACKGROUND PAPERS

- Conditions Applicable to Taxi Licences (City & Airport Zones)
- Conditions Applicable to Private Hire Car Licences
- The Aberdeen City Council Taxi Testing Supplement to the VOSA M.O.T. Testers' Manual

9. REPORT AUTHOR DETAILS

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Appendix 1

From: Russell McLeod
To: Paul Connolly
CC: Gordon McKay
Date: 29/01/2013 17:43
Subject: Roof Signs

Afternoon Paul

Taxi And Private Hire Car Licences- Roof Signs

I contact you regarding your recent correspondence regarding Taxi Roof Signs being illuminated when a Taxi is free.

If all Rainbow City Taxis were forced to have their Roof Signs illuminated when their meter was not engaged (hired) then this would cause great confusion and for the general public, and potentially a safety issue.

At present if a Roof Sign is connected through the Taxi Meter (which is where it gets its power from) then if the Metre is "For Hire" then the Roof Sign would be illuminated showing the general public that the Taxi was for hire, this would then encourage members of the public to hail this Taxi and do what ever they could to get it to stop and pick them up. This is okay and acceptable if the Taxi is indeed free.

Rainbow's Auriga Evo Booking And Dispatch system works in a similar way. Our Data Unit connects into the Taxi Meter. When the Meter is "For Hire" (Roof Sign illuminated) Rainbow's system correctly assumes that this is a free car and will dispatch jobs to the free car. While on route to its booked pick up this Taxi's Roof Sign will remain illuminated until the Metre is engaged (switched on) Now imagine this happens at a peak time ? A Rainbow Taxi could quite easily be at Aberdeen Sherriff Court on Union Street, and have to drive to Caledonian Thistle Hotel on Union Terrace, although not a long distance, it is not inconceivable that the Taxi could drive past dozens of people who require a Taxi.

Even if the driver switched OFF his Metre then Rainbow's system would deem that he has engaged his Metre, not an immediate problem, but when the driver arrived at the Caledonian Hotel and had to switch their Meter Back on to start it, the system would deem this car as Free, and dispatch another job to a car that already has a job. It would assume that the driver had picked up (when Meter was switched OFF) and gone FREE when Meter was switched back on.

This same scenario could be anywhere in Aberdeen, at most times it would not be an issue, but at peak times in Aberdeen City Centre it could become a serious Public Safety Issue. How would you educate members of the public, that a Taxi with an illuminated Roof does not mean it is necessary FREE ????

At present most Rainbow Taxis do not use the wiring loom that comes with the Taxi Roof Sign, they simply attach Roof Sign to roof of Vehicle.

This issue does not include PH which have no Roof Sign in Aberdeen.

I would suggest that this condition is amended, to still include the Roof Sign, but to omit the stipulation of the illumination.

Regards,

Russell McLeod
Managing Director
Rainbow Cars Ltd

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