

ABERDEEN CITY COUNCIL

COMMITTEE	Licensing Committee
DATE	28 January 2014
DIRECTOR	Angela Scott
TITLE OF REPORT	Taxi Licences – Amendments to Condition 16, Roof Signs
REPORT NUMBER	CG/14/002

1. PURPOSE OF REPORT

The report recommends the ratification of earlier proposals to vary the Committee's roof sign condition for taxi licences; and resolutions to related matters.

2. RECOMMENDATION(S)

That the Licensing Committee:

- a. agree to the variation to Condition 16 of the Conditions Applicable to Taxi Licences, both City and Airport Zones;
- b. agree to the variation to Condition 16A of the Conditions Applicable to Private Hire Car Licences; and
- c. instruct officers to complete the statutory variation procedures.

3. FINANCIAL IMPLICATIONS

None.

4. OTHER IMPLICATIONS

None.

5. BACKGROUND/MAIN ISSUES

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

It was agreed that officers would investigate 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 (from Rainbow City Taxis 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.

At its meeting on 17 September 2013 the Committee:

- i. agreed in principle to the proposed variation to Condition 16 of the Conditions Applicable to Taxi Licences, both City and Airport Zones;
- ii. agreed in principle to the proposed variation to Condition 16A of the Conditions Applicable to Private Hire Car Licences; and
- iii. instructed officers to complete the statutory variation procedures and report back.

Condition 16 and Proposed Solution

Members are reminded that Rainbow City Taxis' original position was that the current condition could not 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 on the cars that use that software 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 it is understood that many taxi licence holders disconnect the roof sign.

The Committee are advised that it is appropriate to retain a 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 that can be illuminated. 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.

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.

Consultation with the Trade on the Variations

As part of completing the statutory variation procedures all licence holders, who would be affected by the variations, were written to and invited to submit their representations on the proposal. They were also given an opportunity to attend the Committee’s meeting and make oral submissions in support of any such representations.

One response was received (see Appendix 2), on behalf of Rainbow. It reiterates the problem that their roof signs at present do not work effectively with their booking system. However, the further response from Rainbow also suggests that it is not necessary for taxis in Aberdeen to have illuminated roof signs at all.

The Committee was previously advised that certain taxis have not been complying with the Committee’s condition as their booking system does not work in conjunction with the meter. The proposed change therefore was to also permit a roof sign wired up separately to the booking system with an on/off switch. It was purposely designed to remove the existing problem, without requiring a software fix from the transportation software company that supplies their booking system.

It is for Licensing Committee to consider and determine whether or not it is necessary for taxis to have working roof signs that must be illuminated when they are available for hire.

It appears that it is of benefit to the public if taxis have roof signs, which are illuminated when the taxi is available.

If taxis do not wish to carry out any street or rank work they could alternatively operate as private hire, whereby they would not require a roof sign at all.

If Members wish taxis to have illuminated roof signs the new condition offers taxi licence holders and taxi firms the opportunity: 1) to install software to link their booking system and taxi data unit with their roof sign; or 2) to wire up the roof sign with a separate on/off switch.

Shared Hire

It appears that the shared hire part of the condition was introduced on the basis of the recommended licence conditions from the Scottish Development Department in 1986. This option is still available for taxi licence holders, albeit it may not have been utilised by them. The Scottish Government is currently considering amendments to the taxi licensing regime and it is proposed that no changes are implemented in respect of shared hire until after that process is completed.

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

8. BACKGROUND PAPERS

- Conditions Applicable to Taxi Licences (City & Airport Zones)
- Conditions Applicable to Private Hire Car Licences

9. REPORT AUTHOR DETAILS

Paul M Connolly
Solicitor (Litigation and Licensing Team)

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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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Paul Connolly

From: Russell McLeod [REDACTED]
Sent: 10 January 2014 08:47
To: Licensing
Cc: Paul Connolly
Subject: Licencing Committee Meeting 28th January 2014

Dear Members

I am Managing Director of Rainbow City Taxis, Aberdeen's largest taxi company with over 400 vehicles

I write in order to ask the Licencing Committee to reconsider or amend its proposal to change Licencing Condition pertaining to illuminated Roof Signs

Some simple background to the meter Roof Light operation is that while the meter is " For Hire " it generates a 12 volt charge that illuminates the Roof Sign. When the driver is " Hired " and starts the meter this cuts the 12 volt charge and extinguishes the "Roof Sign "light. This light is commonly known as a begging light. For the past 10 years most Rainbow drivers (and many more) have refrained from connecting their Roof Sign to their meter, up until recently this has not been an issue.

Since 1998 Rainbow have operated with Auriga (Trapeze) Booking & Dispatch system. A fundamental part of this system is that it is linked to the vehicles Meter. As far as I am aware Rainbow are the only Aberdeen Taxi Company that has a direct link from Meter to vehicles operating system.

Our system uses the same 12 volt scenario to let our system know if the driver is free or busy. The problem arises when a driver clears with a customer on Crown Street, and is allocated an office hire at Caledonian Hotel (Union Terrace) the driver then has to drive from Crown Street to Union Terrace with his light ON, members of the public then assume this Taxi is free, and flag, chase, jump in front, whatever they can to get driver to stop. If however driver switches OFF his meter (switches off begging light) to drive to the pickup point, our system assumes he has picked up his passenger. When the driver gets to their pick up point and puts back on their meter before beginning the hire, our system thinks the Caledonian Hotel hire has been completed and allocates this vehicle another job. As you can imagine this causes considerable issues at our end.

What difference does it make if the Roof Sign is illuminated or not ? Members of the public will still try to " flag " " hail " a Taxi whether the Roof Sign is illuminated or not. In fact at peak periods members of the public try to " flag " Police Cars, Road Assistance vehicles, Ambulances, in fact any vehicle they think might be a Taxi.

The notion that an illuminated Roof Sign will provide the public with a better service seems a tad farfetched to me. I don't know of any Taxi Driver who would not stop for a customer if they were free to do so.

Those drivers who choose to " work the streets " will by choice inevitably always have a Roof Sign that will be illuminated when they are free.

If Committee members except that there is an issue that they need to deal with, then in my opinion this amendment just leaves us exactly where we are right now. The Proposed changes allows a driver not to have an illuminated Roof Sign when they are working, but they must have a working illuminated Roof Sign when they go for their twice yearly hackney inspection. If a condition is no longer workable or serves no purpose, then a fundamental change is what is needed, not just a few words changed, to effectively change nothing.

I would suggest that this condition is changed to ensure that all Aberdeen City Licenced Taxis display a Roof Sign approved by Aberdeen City Council, and all references of illuminated Roof Sign when free is removed. It may also be

advisable to remove any reference to " Shared Hire " on this condition. Although " Shared Hire " has been available in Aberdeen for over 20 years, to my knowledge there is not 1 Taxi in Aberdeen who has a " Shared Hire " meter.

I will be in attendance to answer any questions members may have.

Regards,

Russell McLeod
Managing Director
Rainbow Cars Ltd

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