

# Regulatory Committee

9.30am, Tuesday, 24 October 2017

## Request for Variation of Licence Conditions – Private Hire Car Licences

Item number	6.4
Report number	
Executive/routine	Executive
Wards	All
Council Commitments	

### Executive summary

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The Regulatory Committee is asked to consider a request for variation of the current licence conditions placed on vehicles which are granted Private Hire Car Licences regarding the prohibition of display of unauthorised signage and notices.

The Committee is asked to determine whether window stickers denoting membership of drivers' associations is appropriate and to decide whether to approve an exemption from the licence conditions to allow such display.

## Request for Variation of Licence Conditions – Private Hire Car Licences

### 1. Recommendation

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- 1.1 It is recommended that the Regulatory Committee:
  - 1.1.1 notes the content of this report; and
  - 1.1.2 considers the request from the United Private Hire Driver's Association and the report from the Taxi Examination Centre, and refuses to allow an exemption from the relevant conditions.

### 2. Background

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- 2.1 The City of Edinburgh Council's Licensing Conditions for Taxis, Private Hire Cars, Taxi Drivers and Private Hire Car Drivers regulate the conditions of fitness of Private Hire Cars (PHCs) and were approved by the Regulatory Committee on [21 November 2016](#) to take effect from 1 December 2016.
- 2.2 Licence condition 62 states "Except as otherwise provided for in these conditions the Licence Holder of a Licensed Vehicle shall not, fix or permit to be fixed on the Licensed Vehicle any plate other than the private hire car plates or other plate or notice required by law".
- 2.3 Licence condition 63 states "The Licence Holder of a Licensed Vehicle shall be permitted to apply to the Council for an exemption from condition 62 above for permission to advertise his own business on the exterior of the Licensed Vehicle. This shall take the form of a sign indicating the name of the business and the telephone number in the format approved by the Council. No magnetic panels, paper based materials or water soluble paste shall be used. Advertisements must be fixed directly to the body of the Licensed Vehicle".
- 2.4 Condition 66(c) states "The Licence Holder shall not display in or on their Licensed Vehicle any signs for any purpose of advertising other than those approved by the Council".
- 2.5 Condition 323 states "The windscreen, all windows and glass partitions (where fitted) must be made of safety glass in accordance with the European Standard in force at the time of approval and be capable of affording an unrestricted view of the vehicle interior".
- 2.6 Finally, Condition 338 states "No advertisements may be displayed on the interior or exterior of the Licensed Vehicle. The Licence Holder of a Licensed Vehicle shall be permitted to apply to the Council for an exemption to this

condition for permission to advertise his own business on the exterior of the Licensed Vehicle. This shall take the form of a sign indicating the name of the business and the telephone number in the format approved by the Council. No magnetic panels, paper based materials or water soluble adhesive paste shall be used. Advertisements must be affixed directly to the body of the Licensed Vehicle”.

### **3. Main report**

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- 3.1 The City of Edinburgh Council (“the Council”) has been contacted by the United Private Hire Drivers’ Association (UPHDA) requesting consent from the Committee for exemption from any conflicting condition which may exclude PHCs from displaying Association badges (Appendix 1).
- 3.2 The badges referred to are window stickers measuring 16 cm x 16 cm, to be placed in the rear windows of PHCs operated by members of the UPHDA. An example of the sticker is attached at Appendix 2.
- 3.3 The Council controls the display of signs attached to Licensed Vehicles, particularly where proposed signage is to be displayed on the windows, on the grounds of safety to ensure that drivers have a clear and unobstructed view of the interior of the vehicle and through that out of the rear windscreen.
- 3.4 Private Hire Cars are licensed by the Council and are required by law to display certain notices relating to the licence together with other signage displayed on the windows of the vehicle, including no smoking signs, complaints procedures signage, medical exemption certificates for drivers exempt from taking wheelchairs and, if applicable, Council parking permits. The signage has been considered by the Head Vehicle Examiner at the Council’s Taxi Examination Centre who is of the opinion that any additional or unauthorised signage causes clutter and distraction from official and approved signage and can restrict the view both into and out of the vehicle (Appendix 3).
- 3.5 A representative of the UPHDA intends to appear before the Committee to support the application.

### **4. Measures of success**

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- 4.1 Not relevant, as decisions on individual licences have to be considered on their own merits.

### **5. Financial impact**

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- 5.1 There is no direct financial impact on the Council. All costs are contained within existing budgets. The Council’s scale of fees for licensing applications was approved with effect from 1 April 2017.

## 6. Risk, policy, compliance and governance impact

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- 6.1 There is currently no right of appeal. Each individual licence holder could apply for a variation request to allow a display of the sticker and if refused would have a right of appeal.

## 7. Equalities impact

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- 7.1 No equalities impact arise from the contents of this report.

## 8. Sustainability impact

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- 8.1 There is no environmental impact arising from the contents of this report.

## 9. Consultation and engagement

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- 9.1 None.

## 10. Background reading / external references

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10.1

[http://www.edinburgh.gov.uk/directory\\_record/626102/private\\_hire\\_car\\_vehicle\\_licence](http://www.edinburgh.gov.uk/directory_record/626102/private_hire_car_vehicle_licence)

## 11. Appendices

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- 1 - Request for exemption from Licence Conditions
- 2 - Example sticker (awaited)
- 3 - Report from Head Vehicle Inspector

### Michael Thain

Head of Place Development

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Contact: Terry Higgins, Licensing Regulatory Officer

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## Appendix 1 – Request for Exemption from Licence Conditions

**From:** Edinburgh PHDA [REDACTED]  
**Sent:** 29 June 2017 11:34  
**To:** Terry Higgins  
**Subject:** Window stickers

Hi Terry,

Thanks for your response relating to our request to place rear window stickers on members vehicles.

I would like to ask Committee for exemption from any conflicting condition which may exclude PH vehicles from displaying these Association badges.

Have Committee's been settled/appointed yet and if so when is the next Regulatory Meeting scheduled?

Kind regards,

Mark

On Fri, 23 Jun 2017 at 10:28, Terry Higgins <[Terence.Higgins@edinburgh.gov.uk](mailto:Terence.Higgins@edinburgh.gov.uk)> wrote:

Hi Mark,

Your signage presents a few issues. PHC Licence Condition 62 allows only notices required by law while Condition 66(c) prohibits any signs for any purpose of advertising other than those approved by the Council. There is limited provision to apply for an exemption to Condition 62 to allow a licence holder permission to advertise his own business on the exterior of the vehicle and there are restrictions on the format and placing of such signage – see Condition 338. Additionally, signage is generally not permitted to be displayed on windows/glass partitions and, in circumstances where an advertisement of the licence holder's business is permitted, the signage must be fixed directly to the bodywork. In the circumstances, what you are proposing is in breach of the licence conditions.

Regards.

Terry

Terry Higgins | Licensing Regulatory Officer | Licensing Department | Directorate of Place | City Chambers Business Centre G9.43 | 249 High Street Edinburgh EH1 1YJ | Tel: 0131 529 4250 Fax: 0131 529 4207 email: [terence.higgins@edinburgh.gcsx.gov.uk](mailto:terence.higgins@edinburgh.gcsx.gov.uk)

**From:** Edinburgh PHDA [REDACTED]  
**Sent:** 22 June 2017 19:09  
**To:** Terry Higgins  
**Subject:** Re: [DELIVERED THROUGH GSX] - Consultation on age of vehicles - PHC & Taxi

Hi Terry,

I've sent you an image of our new window stickers for the Association members vehicles.

We'd like to put one on the bottom corner of the rear windscreen on the drivers side.

The smaller of the two stickers is our preferred option; I've put a couple of items in the photo to give you a perspective of the size.

Do you require anything else from me prior to your consideration.

We have a members General Meeting on 28 June at which I'd like to distribute them, would that give you sufficient time?

Kind regards,

Mark Greenhalgh

UPHD

**Appendix 2 – awaiting sample for inclusion from applicant.**

## Appendix 3 – Report from Head Vehicle Inspector

**From:** Robert Grieve  
**Sent:** 25 September 2017 13:19  
**To:** Terry Higgins  
**Subject:** Window stickers

Hello Terry

Regarding stickers on PHC vehicle windows

At this time the approved stickers are the council complaints, and no smoking signs which are placed on the rear passenger windows

MoT regulations state that for the front windscreen you must have an unrestricted view, there is an allowance for official stickers on windows i.e. parking permits etc. they can be on the front or side windows but must still allow a reasonable view this is determined by the examiner when tested

We regularly have to tell vehicle owners to remove unauthorised stickers that they have put on like 'no food or drink' 'cash only' etc. this clutters up the windows making it on occasion difficult to see out the window.

My view is that any additional or unauthorised signage causes clutter and distraction from official and approved signage and can restrict the view both into and out of the vehicle.

Regards

Robert Grieve  
Head Vehicle Examiner