

Licensing and Registration Committee

5 October 2016

Report of Corporate Director (Operational Services)

A.2 Report recommending change of supplier for Hackney Carriage and Private Hire Vehicle Licence Brackets and Plates and other miscellaneous related vehicle and driver supplies.

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PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

The Licensing and Registration Committee is asked to approve a change of supplier for Hackney Carriage and Private Hire Vehicle Licence Plates and holding brackets and other miscellaneous vehicle and driver supplies.

EXECUTIVE SUMMARY

- The Licensing Team is always looking for ways to provide the best value service to its customers and one of the means to do this is to regularly scrutinise the cost, quality and suitability of supplies that it purchases.
- Hackney Carriage and Private Hire vehicles are required to display vehicle licence plates as part of the legislation that controls the licensing of these vehicles and also the conditions of vehicle licence.
- These plates and holding brackets are purchased and paid for as part of the Council's vehicle licence fees.
- The team have used the same bracket and licence plate supplier for a number of years, but have now been able to source an alternative provider, MOGO, who is offering what the team in its experience and opinion considers to be a better quality product, but at an overall cheaper price. The saving is not especially significant however, but bearing in mind that a better quality product is being supplied at an overall cheaper price, it is a change worth making.
- Currently our plates can wear quite badly and the poly carbon material used to make the plates has been of flimsy quality and which have often allowed dirt to seep through the protective cover to the plate itself.
- Tendring District Council hackney carriage and private hire vehicle licence plates have a licence expiry date printed on them, along with the make, model and colour of the vehicle and number of passengers it can carry.
- It is therefore imperative for passenger safety that the expiry date along with all of the other details held on the plate are clear and easily readable so that passengers can be assured that they are getting into a fully licensed vehicle and also that enforcement agencies such as the Police know that a vehicle is correctly and legitimately licensed. This is the primary reason for proposing a change of licence plate supplier and bracket and plate design.
- The proposed new MOGO plates are much sharper, clearer and distinctive.

They are harder wearing and also can be printed to include the Council's Corporate colour making them far more unique and distinguishing as Tendring Taxis and also carry a distinctive hologram on them which makes plate falsification impossible.

- The brackets that hold the licence plates are also designed to fit neatly and securely underneath the vehicles registration plate.
- The ongoing savings made after the first year purchase of brackets and plates for renewal and first time applicants for vehicle licences will assist in helping to keep our overall costs down to the taxi and private trades in respect to vehicle licences.
- Council's in Essex such as Thurrock and Brentwood have also changed the supply of their hackney carriage and private hire vehicle bracket and licence plate over to MOGO.

RECOMMENDATION(S)

The Licensing and Regulation Committee is recommended to agree to the following actions:

- 1) That the Licensing Team will change its supplier for hackney carriage and private hire vehicle licence plates and brackets and other miscellaneous related vehicle and driver supplies to MOGO once existing plate supplies have been used; and;**
- 2) That prior to any final change, the Licensing Team conducts a short consultation exercise with the taxi and private hire trades including the Tendring District Taxi Association (TDTA) to ensure that they are in support of the change in supplier and in support of the new design for brackets and plates; and;**
- 3) If this consultation proves positive then suppliers will be changed, but if not the matter will be reported back to the Committee for a final decision.**

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

The proposed change to Council's hackney carriage and private hire vehicle licence plate suppliers provide a better product at a cheaper price links into and supports the Council's Corporate Plan for 2016 – 2020 under the following criteria:

Community Leadership- Employment and Enjoyment

- Support business growth

FINANCE, OTHER RESOURCES AND RISK

Finance and other resources

This proposed change of plate suppliers is self financing and will save costs against

vehicle fees in the region of £400 in the second year and which will continue to be saved in subsequent years after the initial purchase of the brackets and licence plates in the first year. It will also provide licence holders with a superior product. The amount spent on the purchase of taxi and private hire licence plates per year is below the threshold required by corporate procurement rules under the Council's constitution (£2,500). Therefore the change of supplier is not subject to any required process of competitive bid or tender. The number of taxi and private hire vehicle licence plate suppliers is also very small indeed making any such process unviable in any case. Notwithstanding, two suppliers have been sourced to offer a price comparison and MOGO is offering a better price and a better product.

Risk

Our current plates have a tendency to wear badly and also become dirty behind the protective plastic coating. This carries a risk that passengers or enforcement agencies such as the Police may not be able to readily identify the vehicle as a fully and legitimately licensed Tending taxi.

LEGAL

Any decision made by the Licensing and Registration Committee in regards to matters of grant, renewal, suspension or revocations of licences and attachment of policies or conditions to individual hackney carriage and private hire licences can be appealed to the Magistrates' Court and from there to the Crown Court.

In the event of the appeal being allowed by these Courts, the costs of any such hearing could be awarded against the Council.

In terms of challenging policy decisions, appeals can also be made by way of a Judicial Review to the Administrative Court in the High Court and again in the event of an appeal being allowed by this Court, the costs associated with the hearing could be awarded against the Council.

There is no scope, caveat, restriction or guidance as to what may be considered as "reasonably necessary" within the Act in terms of adopting policy in regards to taxi or private hire licensing or attaching conditions to a licence but the standard of "reasonableness" imposed by the Courts is high and what is "unreasonable" has been said by the Courts to be "whether an authority had acted, or reached a decision, in a manner so unreasonable that no reasonable authority could ever have come to it" (Associated Provincial Picture Houses Ltd. v Wednesbury Corporation (1948) and in subsequent cases the Courts have considered whether a decision is "... so outrageous in its defiance of logic or of accepted moral standards that no sensible person who had applied his mind to the question to be decided could have arrived at it." (Council of Civil Service Unions v Minister for the Civil Service (1985))

The Courts have upheld a Council's powers to set local conditions and policy on a number of occasions as stated cases.

The most recent stated cases of interest being R v Hyndburn Borough Council ex p Rauf and Kasim 12 February 1992 QBD and R v City & County of Swansea (Respondent) Ex Parte Julie Amanda Jones (Applicant) 1996 EWHC Admin 290

While these cases have involved the setting of maximum age policies in respect to hackney carriage and private hire vehicles, nonetheless the Courts of appeal have upheld the principle of a Council's right to set reasonable policies that do not fetter the discretion of the Council in relation to the hackney carriage and private hire drivers, vehicles and operators that it licences.

It should be noted however that in terms of changing bracket and plate suppliers this is not a policy decision and is a decision made on price and quality of product only. The legislation that governs the licensing of hackney carriage and private hire vehicles requires a Council to issue vehicles that it grants licences to with a plate or disc. The Council is therefore simply complying with the law in a way that provides best value in price and also in vehicle and plate identification and safety for its licence holders and their passengers.

OTHER IMPLICATIONS

Consideration has been given to the implications of the proposed decision in respect of the following and any significant issues are set out below.

Crime and Disorder / Equality and Diversity / Consultation/Public Engagement.

CRIME AND DISORDER

Poor quality vehicle licence plates could carry a risk that passengers or enforcement agencies such as the Police may not be able to readily identify the vehicle as a fully and legitimately licensed Tending taxi. This may put fare paying passengers in potential jeopardy, if for example, they got into a vehicle whose licence had expired or were displaying a false plate. The proposed new MOGO plates carry a hologram on them which makes plate falsification or duplication impossible. This is a much better safety feature for passengers and enforcement agencies.

EQUALITY AND DIVERSITY

Not applicable

AREAS AFFECTED

All

CONSULTATION

It is proposed within the recommendation of this report that the licensing team conducts a short consultation exercise with the taxi and private hire trades including the Tending District Taxi Association (TDTA) to ensure that they are in support of the change in supplier and in support of the change of design for the bracket and licence plate. If the result of this consultation provides positive feedback, then our plate suppliers will be changed to MOGO. If the feedback is not positive however then the matter will be reported back to the Committee for a final decision on whether or not our plates should be changed. .

PART 3 – SUPPORTING INFORMATION

BACKGROUND

The Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976 require that Hackney Carriage and Private Hire Vehicles respectively are identified by vehicle licence plate or disc and which must be exhibited on the vehicle in a manner prescribed by the District Council.

Tendring District Council hackney carriage and private hire vehicles are issued with plates and which by condition of licence must be affixed to the rear of the vehicle by the use of the plate platform or bracket. The plates and brackets are paid for from the vehicle licence fees.

We have used the same supplier for our vehicle brackets and licence plates for a number of years, but the plates have, in the licensing team’s opinion, deteriorated in terms of quality, durability and clarity in recent times.

CURRENT POSITION

The Licensing Team is always looking for ways to provide the best value service to its customers and one of the means to do this is to regularly scrutinise the cost and quality of supplies that it purchases.

The team have used the same licence plate supplier for a number of years, but have now been able to source an alternative provider, MOGO, who is offering what the team in its experience and opinion considers to be a better quality product for both bracket and licence plate, but which can be supplied however at an overall cheaper price. The saving is not especially significant or substantial, but bearing in mind that a better quality product is being supplied at an overall cheaper price, it is a change worth making.

The net saving after purchase of new brackets and plates is in the region of £400 in the second year after purchase and from there on around £400 per year as an ongoing saving.

This is not a substantial or significant saving, but the primary benefit from the change of bracket and plate supplier over to MOGO is that the Council, the taxi trade and their passengers will be getting a superior product that is more durable and is much sharper, clearer and distinctive as a vehicle licence plate.

The plates are harder wearing and also can be printed to include the Council’s Corporate colour making them far more unique and distinguishing as Tendring Taxis and also will carry a distinctive hologram on them which makes plate falsification impossible. This is a much better safety feature for passengers and enforcement agencies.

Examples of the new design for hackney carriage and private hire vehicle licence plates and holding brackets will be available for the Committee to view at their meeting

on the 5 October.

BACKGROUND PAPERS FOR THE DECISION

Comparison costs for plate suppliers.

APPENDICES