

# Gloucester City Council

<b>Meeting:</b>	<b>Licensing and Enforcement Committee</b>	<b>Date:</b>	<b>10<sup>th</sup> December 2013</b>
<b>Subject:</b>	<b>HCD and PHD Drivers Badge Consultation</b>		
<b>Report Of:</b>	<b>Lisa Jones, Food and Licensing Service Manager</b>		
<b>Wards Affected:</b>	<b>All</b>		
<b>Key Decision:</b>	<b>No</b>	<b>Budget/Policy Framework:</b>	<b>No</b>
<b>Contact Officer:</b>	<b>Philippa Golden, Licensing and Enforcement Officer</b>		
	<b>Email: Philippa.golden@gloucester.gov.uk Tel: 396028</b>		
<b>Appendices:</b>	<b>1. Copy of an Image of current drivers Hackney Carriage and Private Hire badges</b>		
	<b>2. Request from Hackney Carriage Trade</b>		

## FOR GENERAL RELEASE

### 1.0 Purpose of Report

- 1.1 For members to make a decision concerning information to be included on Hackney Carriage and Private Hire Drivers badges, following a request from the Hackney Trade to reconsider the inclusion of Drivers names on the front of Licence badges.

### 2.0 Recommendations

- 2.1 The Licensing and Enforcement Committee is asked to **RESOLVE** one of the following:
- a) That drivers names should be displayed on the front of the badge (no change)
  - b) That drivers names should be displayed on the back of the badge.

### 3.0 Background and Key Issues

- 3.1 The City Council has statutory powers to licence Hackney Carriage and Private Hire drivers and may apply conditions to issue of such a licence. The City Council have approved a comprehensive set of general conditions which are intended to maintain minimum standards of operation within the Hackney Carriage and Private hire trades for the benefit, convenience and safety of the travelling public.

- 3.2 The law at present states that there is a provision by way of a bye law for Hackney Carriage drivers to wear identity badges.
- 3.3 Section 68 of the Town Police Clauses Act 1847 states that *'Commissioners may from time to time ... make byelaws for ... determining whether such Hackney Carriage drivers shall wear any and what badges...'*
- 3.4 The law also states that the Council also have provisions for Private Hire drivers; Section 54 of Local Government (Miscellaneous Provisions) Act 1976 states;
- 'When granting a driver's licence under Section 51 of this Act a district Council shall issue a driver's badge in such a form as may from time to time as prescribed by them.*
- (2)(a) A driver shall at all times when acting in accordance with the driver's licence granted to him wear such a badge in such position and manner as to be plainly and distinctly visible.'*
- 3.5 In June 2011, Gloucester City Council introduced a decision to print names on their identification badges. This decision did not go out for consultation as it was felt that this was an operational matter and was not a change to the licensing policy.
- 3.6 Currently, drivers licence badges show, amongst other things, their driver number, their photo, their name and the licence expiry date. The lettering of the name is actually much smaller than the 'badge number' and the 'valid until' date, which both are in bold. The driver's name is not in bold and is set at a smaller font, so it is not more clearly noticeable than the badge number. Drivers are not permitted to work without their licence Identification badges, as they should always be available for authorised Officers and the public to see. A copy of the Councils badges is shown in **Appendix 1**.
- 3.7 Gloucester Hackney Carriage Association (GHCA) has requested that the names of Drivers are removed from badges, due to concerns about their safety. Extracts from two emails (Appendix 2) have been put forward expressing their concerns which are;
- That the public may look up drivers' names through the public phonebook and so become a possible target for harassment and violent attacks.
  - They believe that the public should be able to contact the Council with the badge number if they have concerns/complaints about a driver.
- 3.8 Gloucester City's August taxi and private hire newsletter also highlighted to all drivers that the City Council was reviewing the appearance/style of the current badge and this asked drivers to feedback any comments of suggestions to the licensing team. No further responses were received from the trade.
- 3.9 Members should note that a public register of Private Hire and Hackney Carriage Drivers is held and that drivers' names are included on this register. It should therefore be noted that if a member of the public wanted to know this information

because the name was not displayed on the badge, they can make a request to the Licensing Authority for this information. The Council would then be obliged to provide this information.

3.10 Police Officers and Licensing Enforcement Officers preferred that licensed drivers show their names on badges for the following reasons;

- Past experiences have highlighted difficulties faced by Police Officers and Enforcement Officers whilst carrying out routine spot checks on drivers. If the driver fails to produce identification other than the number shown on their licence badge, it makes it difficult to establish the true name of the driver at the time of questioning/issuing a notice.
- It is more customer focussed, because it is easier for a passenger to remember a name of a driver rather than a number if they have any concerns regarding that driver.
- Avoids confusion with driver's identity, ensuring he is appropriately licensed.

3.11 Other licence badges are issued to Security Industry Authority (SIA) registered door staff and Personal licence holders. Members may find it useful to note that SIA registered cards have their names displayed on the front of the card, just in a smaller font to the number. Furthermore, Personal Licence Holder badges have the name and address of the holder on the front of the card.

3.12 Bus drivers also provide a public service. Members may also find it helpful to know that they also wear name badges whilst driving their vehicles. The Stagecoach group website states:

*'All Stagecoach customer-facing staff wear name badges on trains, on buses or at stations to give passengers a named contact and help encourage communication.'*

### Local Authority Survey results

3.13 At a recent Gloucestershire Licensing Officers Group (GLOGS) all Licensing Authorities in the County shared their current procedures with regard to names on badges and whether their drivers had experienced any reports of violence associated with it. This information is presented in the table below:

District Council Name	Name on front or back or drivers badge?	Incidents of violence reported?
Cheltenham Borough Council	Front	None
Forest Of Dean Council	Front	None
South Gloucestershire DC	Back	None
Cotswold District Council	Front	None
Tewksbury Council	Front	None

3.14 A comparison of other Licensing Authorities is included below:

<b>District Council Name</b>	<b>Name on front or back or drivers badge?</b>	<b>Incidents of violence reported?</b>
Bath & NE Somerset Council	Front	None
Peterborough Council	Front	Reports of violence no details
Oxford City Council	Back	Reports of violence no details
Exeter City Council	Front	None
Plymouth City Council	Front	None
Norwich City Council	Front	None
Leicester City Council	Front	None

3.15 The information above shows that there have not been any reported incidents of violence against a driver in Gloucestershire as a result of having their names displayed on their licence badges. However, there have been a couple of incidents in other areas of the UK. Nevertheless, every Licensing Authority surveyed print the drivers' names either on the front or the back of the badge. Displaying the name on the front of the badge is the most popular approach and is used by our counterparts in Gloucestershire.

3.16 During the hackney carriage and private hire liaison meeting on 25<sup>th</sup> September 2013, the Licensing team asked the trade to inform them of any examples where a driver has experienced a negative impact as a result of having their name displayed on their badge. During this meeting the trade in attendance were not aware of any incidents but agreed to ask their colleagues to pass on any information that existed. To date no examples have been provided.

3.17 Following a pre-consultation the Licensing and Enforcement Committee in relation to these findings, they have expressed an enthusiasm to see the names displayed on the back of the badge.

#### **4.0 Alternative Options Considered**

4.1 Members may decide that names should continue to be printed on the front of driver's badges, because it is the most popular approach used by other local authorities and can be more customer focussed. This is current practice for Gloucester City so no changes would be needed to the badge template design.

4.2 The Licence team appreciate the trade's concerns about the potential for members of the public to obtain the driver's addresses through the telephone directory. This is a risk to all public/private service providers who carry

identification cards. This equally applies to Council Enforcement Officers. There is an option that those concerned can choose to make their home telephone number ex-directory.

- 4.3 The recommended option is to display the name of the driver on the reverse of the badge; this would allow Enforcement Officers to confirm the name of the driver at the time of questioning, whilst keeping it hidden from the customer. However, Members should note that any changes to the display of badges could incur an additional cost unless it is changed upon the renewal of the licence.

## **5.0 Reasons for Recommendations**

- 5.1 The Officer recommendation is to retain the names on licensed badges for the purposes of public safety and customer focus. It is planned to re-introduce a taxi ambassadors scheme which will be tailored for Gloucester City and open to both Hackney Carriage and Private Hire drivers in the near future, this scheme aims to empower the drivers to act as ambassadors for the City and help guide tourists to popular City attractions. The fact that the licence number would be clearly visible on the front of the badge would support this customer focus.

- 5.2 During the investigations of Authorised Officers, the name on the badge helps to ensure the investigations are dealt with efficiently. If the Police or Border Control Agency need to liaise through the Licensing Team to confirm the identity, this can delay their investigations. These external Authorised Officers may not appreciate that a name is printed on the back of a badge unless they are working jointly with Licensing Officers at the time, so they may still need to confirm an identity where this is not known. If Members agree the recommendation which is to have the names printed on the back of the badge, Officers will inform these Authorities of this change.

- 5.3 Furthermore, Licensing Enforcement Officers do not always know or recognise all the licensed drivers, and there have been instances where drivers have provided incorrect names or incorrect spelling of names at the time of questioning. Having names on badges will ensure our Suspension Notices are correctly served at the time the offence is witnessed.

## **6.0 Future Work and Conclusions**

- 6.1 If Members decide to change to the way driver's badges are currently displayed, it can be conducted upon the renewal of the drivers badge; no additional costs would be incurred through this approach, however, the badges will not have a consistent appearance for up to 3 years (in line with some three year licences).
- 6.2 In addition to the approach in 6.1 above, drivers can also request a replacement badge earlier than their renewal date but pay for it themselves if they do not want their badges displayed in the current fashion. No costs would be incurred by the licensing team. The cost of a replacement badge is £10.

- 6.2 Taxi and private hire drivers provide a public service and there should not be any reason why they should not be identifiable by the public or any Authorised Officer.

## **7.0 Financial Implications**

- 7.1 Costs may be incurred if all badges are to be re-issued if a decision is made to have drivers names are printed on the back or removed from the front of the badge.
- 7.2 There will be a cost of officer time to change the template design, and if Members decided that all badges should be changed to a new design all at one time; there would be a cost of approximately £4,000 to do this, which will later be recovered through licence fees. This approach is not recommended.

(Financial Services have been consulted in the preparation this report.)

## **8.0 Legal Implications**

- 8.1 The rationale behind a licensing regime covering this aspect of public transport (Taxis and Private Hire) is a provision of a service to the public that is accessible and safe, and seen to be so. Public safety is paramount in the licensing regimes that govern these vehicles, their drivers and operators.
- 8.2 Section 54 of the Local Government (Miscellaneous Provisions) Act 1976 places a duty on the local authority to issue a drivers' badge when a licence is granted to a private hire driver and the driver is required to wear it when acting as a private hire driver. The form of the badge shall be prescribed by the local authority from time to time.
- 8.3 The Council's powers to require Taxi Drivers to wear badges derives from Section 68 of the Town Police Clauses Act 1847 and byelaws made under that Section.
- 8.4 According to this report, names on badges were introduced in June 2011 and therefore there has been over two years to investigate evidence of factors and incidents for and against this practice continuing. Members need to consider this evidence and the opinions of those involved in enforcement, including the Licensing Team and the Police as well as the wishes of the drivers.

(Legal Services have been consulted in the preparation this report.)

## **9.0 Risk Management Implications**

- 9.1 The display of names on badges supports opportunities to conduct joint enforcement work with other agencies such as Police, HMRC and Border Control.

## **10.0 People Impact Assessment (PIA):**

Please ensure you complete this section even if a PIA is not required.

Is a PIA required?	Yes	No	Explanation: This is not a policy matter because the names of licensed drivers are accessible through the public register.
		x	
Has an initial PIA screening been completed?	Yes	No	Explanation: No adverse impacts
		x	
Has a full PIA been completed?	Yes	No	Explanation:
		x	
Is the PIA available?	Yes	No	Explanation:
		x	
Has the PIA identified any negative impacts on any protected characteristic or community cohesion?	Yes*	No	*Please ensure PIA is available

**Any Further Relevant Information:**

None

**11.0 Other Corporate Implications (this may include Community Safety, Environmental, Staffing, Trade Union)**

1. Community Safety

The display of names of the front of badges increases public safety by reducing the fear of using an unlicensed driver because the customer will find it easier to identify the driver.

2. Environmental

None

3. Staffing

None


4. Trade Union

No comments.

**Background Papers** : Town Police Clauses Act 1847  
Local Government (Miscellaneous Provisions) Act 1976

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 **GLOUCESTER CITY COUNCIL**

**PRIVATE HIRE  
DRIVER**

**PHD000**

Name Here


**VALID UNTIL: 01/01/2014**



This Driver's Badge has been issued by  
Gloucester City Council, Licensing authority for  
the District

Gloucester City Council  
Environmental Health  
The Docks  
Gloucester GL1 2EQ  
Tel: 01452 396396

Website: [www.gloucester.gov.uk](http://www.gloucester.gov.uk)  
If lost please return to the above address

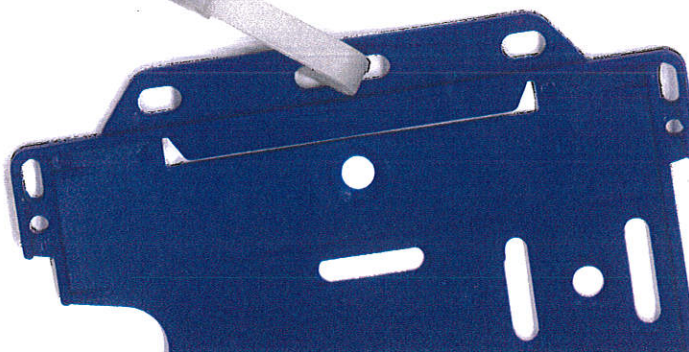
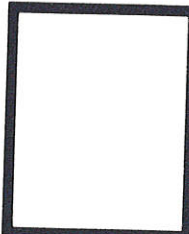
 **GLOUCESTER CITY COUNCIL**

**TAXI DRIVER**

**HCD000**

Name Here

**VALID UNTIL 01/01/2014**





Request from Hackney Trade

Received 10/05/2013

Two years ago, the department arbitrarily decided to include the names of licensed drivers on their badges; previously driver badges had a unique badge number and expiry date. This step was taken with no consultation and imposed as “policy”; another name for conditions by the back door. The GHCA objected and no notice was taken. The reason given was that drivers need to be readily identifiable by the police and members of the public. There was already a mechanism in place for that: people with an interest would approach the licensing department with the badge number and just cause for the enquiry and the department can then give the legal information. The department’s excuse that council staff have names on their badges is not a suitable analogy. Taxi and private hire drivers do have the benefit of the kind of backup and security that council staff have in their somewhat sheltered existence. We are frequently on our own dealing with a wide variety of people and giving them such easy access to our names makes it very easy for us to be targeted. Magistrates are also provided with ID badges and they do not have names on them either. If the department has a problem with that then I must conclude that they are unable to keep proper records and are therefore unfit for purpose.

Zeya Ahmed Taxi Driver badge number 025

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**From:** Zeya Ahmed  
**Sent:** 26 August 2013 17:30  
**To:** Licence Team  
**Subject:** Drivers' badges consultation

I am writing to give my view on this poorly advertised and belated consultation.

The badge should not have the driver’s name on it at all; to put the name on the back was a compromise suggestion and is unnecessary. The badge has a picture of the driver and his/her unique badge number; that information is sufficient to identify a driver for the purposes of the job. As long as the licensing department themselves keep proper records.

Zeya Ahmed

Badge number 25