



Licensing and Public Safety Committee

Agenda and Reports

For consideration on

**Wednesday, 10th December
2008**

In the Council Chamber, Town Hall, Chorley

At 2.00 pm



www.chorley.gov.uk

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! December 2008

Dear Councillor

LICENSING AND PUBLIC SAFETY COMMITTEE - WEDNESDAY, 10TH DECEMBER 2008

You are invited to attend a meeting of the Licensing and Public Safety Committee to be held in the Council Chamber, Town Hall, Chorley on Wednesday, 10th December 2008 commencing at 2.00 pm.

AGENDA

1. **Apologies for absence**

2. **Declarations of Any Interests**

Members are reminded of their responsibility to declare any personal interest in respect of matters contained in this agenda. If the interest arises **only** as result of your membership of another public body or one to which you have been appointed by the Council then you only need to declare it if you intend to speak.

If the personal interest is a prejudicial interest, you must withdraw from the meeting. Normally you should leave the room before the business starts to be discussed. You do, however, have the same right to speak as a member of the public and may remain in the room to enable you to exercise that right and then leave immediately. In either case you must not seek to improperly influence a decision on the matter.

3. **Minutes (Pages 1 - 4)**

To receive as a correct record the Minutes of the meeting of the Licensing and Public Safety committee held on 17 September 2008 (enclosed)

4. **Licensing and Registration - Summary of Activity from 2 September 2008 to 31 October 2008 (Pages 5 - 8)**

Report of Corporate Director of Governance (enclosed)

5. **Licensing of Limousines - Procedures and Conditions (Pages 9 - 14)**

Report of Corporate Director of Governance (enclosed)

6. **Private Hire Vehicle Vehicle Plate Exemptions- Conditions of Licensing (Pages 15 - 20)**

Report of Corporate Director of Governance (enclosed)

7. **Any other item(s) that the Chair decides is/are urgent**

Yours sincerely

Donna Hall

Donna Hall
Chief Executive

Gordon Bankes
Democratic Services Officer
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Distribution

1. Agenda and reports to all Members of the Licensing and Public Safety Committee (Councillor Iris Smith (Chair), Councillor Edward Smith (Vice-Chair) and Councillors Judith Boothman, Magda Cullens, David Dickinson, Doreen Dickinson, Anthony Gee, Pat Haughton, Catherine Hoyle, Keith Iddon, Hasina Khan, Marion Lowe, Thomas McGowan, Debra Platt, Ralph Snape, John Walker and Stella Walsh for attendance.
2. Agenda and reports to Alex Jackson (Senior Lawyer), Stephen Culleton (Licensing Manager), Bob Beeston (Licensing Enforcement Officer), Janet Brereton (Legal Assistant (Licensing and Registration)) and Gordon Bankes (Democratic Services Officer) for attendance.

This information can be made available to you in larger print or on audio tape, or translated into your own language. Please telephone 01257 515118 to access this service.

આ માહિતીનો અનુવાદ આપની પોતાની ભાષામાં કરી શકાય છે. આ સેવા સરળતાથી મેળવવા માટે કૃપા કરી, આ નંબર પર ફોન કરો: 01257 515822

ان معلومات کا ترجمہ آپ کی اپنی زبان میں بھی کیا جاسکتا ہے۔ یہ خدمت استعمال کرنے کیلئے براہ مہربانی اس نمبر پر ٹیلیفون

01257 515823

کیجئے:

Licensing and Public Safety Committee**Wednesday, 17 September 2008**

Present: Councillor Iris Smith (Chair), and Councillors Judith Boothman, Magda Cullens, David Dickinson, Doreen Dickinson, Anthony Gee, Keith Iddon, Hasina Khan, Marion Lowe and Ralph Snape

08.LPS.09 APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of the Vice-Chair Councillor Edward Smith and Councillors Pat Haughton, Catherine Hoyle, Thomas McGowan, Debra Platt, John Walker and Stella Walsh.

08.LPS.10 DECLARATIONS OF ANY INTERESTS

No declarations of interest were received.

08.LPS.11 MINUTES

RESOLVED – That the Minutes of the meeting of the Licensing and Public Safety Committee held on 4 June 2008 be confirmed as a correct record.

08.LPS.12 LICENSING LIAISON PANEL MINUTES - 12 MAY 2008

The Committee received the Minutes of the meeting of the Licensing Liaison Panel held on 12 May 2008.

RESOLVED – That the Minutes be noted.

08.LPS.13 LICENSING LIAISON PANEL MINUTES - 7 JULY 2008

The Committee received the Minutes of the meeting of the Licensing Liaison Panel held on 7 July 2008.

RESOLVED – That the Minutes be noted.

08.LPS.14 LICENSING AND REGISTRATION - SUMMARY OF ACTIVITY FROM 17 MAY 2008 - 01 SEPTEMBER 2008

The Committee received a report of the Corporate Director (Governance) on the various licences and permits issued, regulations effected and enforcement activity by the Licensing Section between 17 May 2008 and 1 September 2008.

RESOLVED – That the report be noted.

08.LPS.15 ALLOCATION OF HACKNEY CARRIAGE PLATE NUMBER NINE.

The Corporate Director (Governance) requested the meeting to allocate Hackney Carriage Plate Number 9 following its return to the Council.

Eleven applications had been received for the plate for which seven met the agreed criteria in relation to the vehicle and the applicants/proprietors and therefore eligible to go into the draw.

The method of system of allocation was by tombola and it was **AGREED** that hackney carriage plate number nine be offered to Mr K Bungey and should he not accept it then it be offered to Mr A Saha.

08.LPS.16 HACKNEY CARRIAGE PROPOSED FARE INCREASE

The Committee considered the report of the Corporate Director (Governance) outlining a request that had been made by the local Hackney Carriage Association for an increase in hackney carriage fees.

Hackney carriage fares were last increased in November 2007 and that since then there have been increases in fuel prices of 25% and accordingly an increase in the fares had been requested.

It is the responsibility of the Council to set hackney carriage fares, after having considered the request by the hackney carriage association. Members considered a comparison chart of neighbouring authorities enclosed with the report.

RESOLVED – That the proposed increase in Hackney Carriage fares be agreed, subject to the necessary notice being advertised and no objectives being received.

08.LPS.17 REVIEW OF HACKNEY CARRIAGE VEHICLE LICENCES (UNMET DEMAND)

The Committee received a presentation from a representative from Transportation and Planning International Ltd who had been commissioned by the Council to carry out an independent survey to find whether there was any unmet demand for additional hackney carriage vehicle licences.

The Government had requested local authorities to establish whether there was any unmet demand for taxi services in their area and that consideration be given to an unmet demand survey. Should a survey not be commissioned the Council would be exposed to a possible legal challenge in maintaining a limited Hackney Carriage fleet.

The representative from Transportation Planning International Ltd explained how the survey would be carried out in the Chorley area and obtain the views of both the hackney trade and from those who use hackney carriages.

A final report would be submitted to the Council with the results of all surveys, making recommendations on what the Council could do.

RESOLVED – That Transportation and Planning International Ltd be commissioned to carry out a survey.

08.LPS.18 CHORLEY COUNCIL'S CONDITIONS FOR THE LICENSING OF HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES

Further to Minute 08.LPS.06, 4 June 2008 the Committee received a report of the Corporate Director (Governance) on proposals to revise conditions for the purpose of licensing Hackney Carriages and Private Hire Vehicles to operate within the controlled district of Chorley.

The report indicated that Chorley Council was responsible to ensure that hackney carriages and private hire vehicles are suitable for use and that they meet conditions and road worthiness, suitable appearance and comfort. The Council also had power to require those vehicles to be submitted for inspection and testing and to impose conditions on licences.

A number of meetings including a workshop had taken place between the Council and the taxi trade, as part of the consultation and development process for formulating the proposed conditions.

The last time the Council's taxi licensing conditions were reviewed was in 1996 and it was now considered after that time for the conditions to be reviewed.

The Committee received representations from the Hackney Carriage and Private Hire trade and from their legal representatives, raising several issues in which they wished to have some of the conditions modified.

RESOLVED – 1) That the contents of the report and the representations made by Members of the Hackney Carriage and Private Hire trade, who had been invited to the meeting be noted.

2) That the Corporate Director (Governance) be requested to implement the new conditions with effect from 1 November 2008.

08.LPS.19 ANY OTHER ITEM(S) THAT THE CHAIR DECIDES IS/ARE URGENT

The Chair agreed to receive as an urgent item in view of the safety of the hackney carriage fleet in Chorley.

The Committee received information from the Chair that following a news report on the morning of the meeting, all TX4 taxis had been called in following seven blowing up in the London area. The Committee received notification that the Chorley Council did not have any TX4 taxis licenced in the area.

Chair

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Report of	Meeting	Date
Corporate Director of Governance	Licensing and Public Safety Committee	10 December 2008

LICENSING AND REGISTRATION – SUMMARY OF ACTIVITY FROM 02 SEPTEMBER 2008 - 31 OCTOBER 2008

PURPOSE OF REPORT

1. To inform the Committee of the various licences and permits issued, registrations effected and enforcement activity for the above period.

RECOMMENDATION(S)

2. Members are asked to not the report.

EXECUTIVE SUMMARY OF REPORT

3. This report is for information only.

CORPORATE PRIORITIES

4. This report relates to the following Strategic Objectives:

Put Chorley at the heart of regional economic development in the Central Lancashire sub-region		Develop local solutions to climate change.	
Improving equality of opportunity and life chances		Develop the Character and feel of Chorley as a good place to live	
Involving people in their communities		Ensure Chorley Borough Council is a performing organization	

BACKGROUND

5. This report is for information only.

LICENSING ACT 2003

6. The table below shows the number of licences/registrations issued during this period under the Licensing Act 2003.

Number of	New	Variations	Change of Address	Transfer of Premises Licence	Change of DPS
Personal Licences	10	N/A	2	N/A	N/A
Premises Licences with alcohol	3	3	1	3	8
Premises Licences without alcohol	0	0	0	0	0
Club with alcohol	0	1	0	0	0
Club without alcohol	0	0	0	0	0
Temporary Event Notice with alcohol	13	0	0	0	0
Temporary Event Notice without alcohol	0	0	0	0	0
Interim Authority Notice	0	0	0	0	0

REVIEW OF PREMISES LICENCES

7. There has been one review application of a premises licence.

HEARINGS

8. Five hearings have taken place during this period.

GAMBLING ACT 2005

9. The table below shows the number of licences/permits issued during this period under the Gambling Act 1995.

Number of	New	Variations	Change of name/address
Betting Premises Licence (other)	0	0	0
Bingo Premises Licence	0	0	0
Adult Gaming Centre	0	0	0
Family Entertainment Centre Premises Licence	0	0	0
PERMITS	1	0	0
Notification of Intent to have 2 Gaming Machines	6	0	0
Small Society Lottery Registration	3	0	1

HACKNEY CARRIAGES, PRIVATE HIRE REGISTRATIONS

10. The table below shows the number of licences/registrations issued during this period. Generally, renewal of Private Hire/Hackney Carriage Vehicle/Drivers Licences and renewal of Private Hire Operator Licences are now done by the One Stop Shop.

Number of	New	Renewals	Transfers	Vehicle Change
Private Hire Vehicles	7	32	6	2
Private Hire Drivers Licence	12	29	N/A	N/A
Private Hire Operator	3	3	N/A	N/A
Hackney Carriage Drivers Licence	0	3	N/A	N/A
Hackney Carriage Vehicle	1	9	1	2

SECOND HAND GOODS

11. There have been no applications granted for second hand goods licences during this period.

HOUSE TO HOUSE COLLECTIONS

12. There have been 3 applications made for a House to House Permit during this period for the following charities.

Name of Charity	Date of Collection
Canine Pals	4 October – 31 December 08
Chorley Astley Rotary Club	16 December – 22 December 08

STREET COLLECTION PERMITS

13. There have been 4 applications granted for a Street Collection Permit during this period for the following charities.

Name of Charity	Date of Street Collection
Royal Air Force Association	19 September 2008
Marie Curie Cancer Care	21 March 2009
Chorley Astley Rotary Club	16 December – 22 December 08
Little Stars Luxor Childrens Trust	8 January 2009
Children in Need	14 November 2008

MOTOR SALVAGE OPERATOR

14. There have been no applications for Motor Salvage Operator Licences during this period.

ENFORCEMENT/INSPECTION VISITS FOR PERIOD FROM 15 MARCH 2008 – 16 MAY 2008

15. There have been 12 enforcement visits for private hire and hackney carriage vehicles.

SUSPENSION OF VEHICLES

16. 6 suspension notices have been issued to taxis on the grounds of public safety.

JOINT OPERATIONS

17. There have been no joint operations during this period.

COMPLAINTS

18. There have been 8 complaints received during this period.

IMPLICATIONS OF REPORT

19. There are no implications arising from this report:

Finance		Customer Services	
Human Resources		Equality and Diversity	
Legal		No significant implications in this area	

COMMENTS OF THE CORPORATE DIRECTOR OF GOVERNANCE

20. Not applicable.

ANDREW DOCHERTY
CORPORATE DIRECTOR OF GOVERNANCE

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
Jayne Day	5161	27 November 2008	LEGREP/2711Im1

Report of	Meeting	Date
Director of Corporate Governance	Licensing and Public Safety-Committee	10/12/2008

LICENSING OF LIMOUSINES LICENSING PROCEDURE AND CONDITIONS OF LICENCE

PURPOSE OF REPORT

1. This report is to enable members to consider proposed licensing procedure and conditions of licensing for stretched limousines.

RECOMMENDATION(S)

2. This report sets out the Council's proposed requirements for the licensing of stretched limousines. Recommendations will follow on a further report to members for determination, following the consultation of these proposals.

EXECUTIVE SUMMARY OF REPORT

LEGAL FRAMEWORK AND BACKGROUND

3. Private Hire Vehicles are required to be licensed under the provisions of the Local Government (Miscellaneous Provisions) Act 1976 which, allows Councils to licence vehicles which are suitable to be used for private hire and which have no more than 8 passenger seats. Historically each Council has developed its own set of Private Hire Vehicle Licence conditions, which have determined vehicle suitability and any other requirements. For example licence conditions cover issues such as the accessibility of the vehicle, the internal condition of the vehicle, luggage space, etc. Some Council's also impose an age limit restriction on vehicles.
4. The conditions adopted by many Council's for their mainstream Private Hire Vehicle Licence conditions effectively prohibit the licensing of limousines. Issues such as tinted windows, seating capacity and side facing seats have meant that limousines are unable to comply with traditional licensing conditions.
5. It is recognised that in recent years there has been rapid growth in demand for the hire of limousine vehicles. Prior to the introduction of this policy the industry had been largely unlicensed and unregulated, with neither drivers nor vehicles being licensed. However Chorley Council has licensed vehicles and drivers using officer discretion to determine the application.
6. This document provides a transparent and consistent framework for the Licensing of Limousines and has been drawn up in accordance with the guidance of the Department for Transport outlined in their publication 'Taxi and Private Hire Vehicle Licensing – Best Practice Guidance'.

DEFINITION OF A LIMOUSINE

- 7. For the purposes of this policy and licence conditions a stretched limousine is defined as follows:

A stretched limousine is a motor vehicle that has been lengthened by the insertion of an additional body section and modified by a coachbuilder to contain luxury facilities and fixtures that;

- is capable of carrying up to but not exceeding 8 passengers;

DRIVER AND OPERATOR LICENSING REQUIREMENTS

- 8. In addition to the limousine being licensed as a private hire vehicle with Chorley Council, the limousine operator is required to hold a private hire operators licence with Chorley Council. All bookings for a limousine licensed as a private hire vehicle must be booked through the licensed private hire operator. Once licensed as a private hire vehicle the limousine can only be driven by a licensed private hire driver (this licence must also be issued by Chorley Council).

RIGHTS OF APPEAL

- 9. The Local Government (Miscellaneous Provisions) act 1976 sections 48 and 77 details an applicants right of appeal. Where an applicant is aggrieved by the Counsel’s decision to refuse a private hire vehicle licence or by any conditions imposed on a private hire vehicle licence the applicant has a right of appeal to the Magistrates Court within 21 days of the applicant being notified of the Council’s decision.

PRE-LICENSING REQUIREMENTS AND LICENSING CONDITIONS

	Issue	Licence Condition	Justification
1	Left Hand Drive Vehicles	Left Hand Drive stretched limousines will be considered for licensing as a PHV.	The majority of stretched limousines are imported from the U.S. and are left hand drive. The Department for Transport has recommended that Councils should not refuse to licence limousines simply because they have characteristics which contravene their existing policy, i.e. left hand drive.
2	Sideways Seating	Stretched limousines with sideways facing seating will be considered for licensing as a PHV.	A main characteristic of stretched limousines is their sideways facing bench seats. In line with the Department for Transport’s guidance outlined above, the Council will consider the suitability of limousines with sideways seating for licensing.
3	Signage	The signage on limousines will consist of an internal plate fixed to the inside of the windscreen or dashboard on the nearside so as not to obscure the drivers view.	Signage serves to distinguish PHVs from ordinary saloon cars and to make them clearly identifiable to the public. However, the naturally distinctive appearance of stretched limousines means that they are very unlikely to be confused with

		Limousines do not require Council door signs. The private hire plate has to be fixed in the boot, clearly visible and be able to be produced on demand to any authorised officer or a police officer	a private road user's vehicle. The internal plate must be displayed so that passengers know it is a licensed vehicle and the seating capacity
4	Tinted Glass	Stretched limousines with heavily tinted glass in the windows behind the driver's cockpit will be considered for licensing. Glass in the driver cockpit must satisfy the current legal requirements.	It is recognised that the privacy provided by tinted glass in the passenger compartment is a central characteristic of a limousine. However, glass in the driver cockpit must satisfy the standards within the Road Vehicles (Construction and Use) Regulations 1986 as amended.
5.	Fare Table/ Taximeter	Limousines are not required to display a fare table or have a taximeter fitted.	Stretched limousines often do not operate under a fare system as journeys are generally pre-paid in advance based on the length of time they are hired for.
6	Roadworthiness	The stretched limousine must hold a valid Single Vehicle Approval (SVA) Certificate.	The SVA test comprises a visual examination of a vehicle by VOSA and certifies its safety and roadworthiness.
7	Vehicle Age	Stretched limousines to be licensed in accordance with the Council's current PHV age policy.	To ensure that the limousines licensed by the Council are in a good and safe condition.
8.	Insurance	An appropriate insurance policy must be in place which covers use of the vehicle for hire and reward.	The Council has concerns that some limousines may be operating under insurance policies which do not cover use for hire and reward or take into account that the vehicle has been stretched.
9.	Tyres	The limousine must be fitted with tyres that meet the appropriate specification for both the size and weight.	Given the increased weight of the vehicle, tyres of the correct weight and size rating must be used at all times.
10	Vehicle Testing	Licensed limousines must be tested in accordance with the councils current PHV testing policy	To ensure that limousines licensed by the Council are maintained to high standards and remain safe.
11	Maximum Passengers	The limousine's seating capacity must be reduced where necessary to a maximum of 8 passengers.	Councils can only licence vehicles with a maximum seating capacity of 8.
		No seats in the driver's compartment shall be	This is to ensure that passengers are not carried in the front of the

		used to carry passengers	vehicle to improve driver and passenger safety.
		The vehicle must not carry more than 8 passengers at any time. (A babe in arms is classed as a passenger no matter what their age).	This condition will be enforced by Council officers performing spot checks on licensed vehicles, and is in line with legislative requirements.
		In any advertisement publicising their limousine service, the operator must state that the vehicle is only licensed to carry 8 passengers.	To inform customers of the maximum carrying capacity of the vehicle.
12	Seat Belts	Seatbelts must be fitted to all forward and rear facing seats and must be worn at all times by passengers whilst the vehicle is in motion. There is no legal requirement for seatbelts on sideways facing seats.	As per construction and use regulations.
13	Fire Extinguisher	The vehicle must contain a fully functional portable multi-purpose powder type fire extinguisher which bears a kite mark and a 'last service' sticker. The extinguisher must be securely fitted, accessible and ready for use at all times.	For the safety of the vehicle occupants.
14	Alcohol	Alcoholic drinks provided in the vehicle shall be under the terms of an appropriate licence relating to the sale and supply of alcohol	To comply with requirements of the Licensing Act 2003 and to safeguard the public.
		Alcohol shall only be served while the vehicle is stationary and afterwards, all bottles shall be placed in a secure receptacle.	
		No alcohol should be sold or supplied to any passenger under 18 years of age	

15	Entertainment	The driver shall not play or permit the performance of any media which, because of its age restricted classification or its content, is unsuitable for the age of the passengers in the vehicle (based on the age of the youngest passenger).	To safeguard child passengers from viewing unsuitable material.
		The limousine operator shall ensure that a performing rights licence is held where appropriate.	Limousines which have the capability of playing recorded media for the entertainment of customers and may be required to hold a performing rights licence.
		The limousine operator shall ensure that a licence under the provisions of the Licensing Act 2003 is held where appropriate.	Entertainment regulated under the Act includes TV, video, video games, loudspeakers, or any other activity provided for the passenger's enjoyment.
16	Council Notices	The proprietor shall ensure that the licence plate & internal plate are displayed in accordance with the current requirements of the Council.	To convey information to passengers where appropriate.
17	Advertisements	No other signs, notices or any other markings will be displayed on or in the vehicle without the written permission of the Council.	To ensure that any material displayed in the limousine is suitable for public viewing.

CORPORATE PRIORITIES

10. This report relates to the following Strategic Objectives:

Put Chorley at the heart of regional economic development in the Central Lancashire sub-region		Develop local solutions to climate change.	
Improving equality of opportunity and life chances		Develop the Character and feel of Chorley as a good place to live	
Involving people in their communities		Ensure Chorley Borough Council is a performing organization	4

IMPLICATIONS OF REPORT

10. This report has implications in the following areas and the relevant Corporate Directors' comments are included:

Finance		Customer Services	
Human Resources		Equality and Diversity	
Legal	4	No significant implications in this area	

LEGAL IMPLICATIONS

11. The legal implications are addressed within the report.

ANDREW DOCHERTY
CORPORATE DIRECTOR OF GOVERNANCE

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
Robert William Beeston	5726	21 November 2008	LEGREP/2111Im1

Report of	Meeting	Date
Director of Corporate Governance	Licensing and Public Safety-Committee	10/12/2008

PRIVATE HIRE VEHICLE PLATE EXEMPTION CONDITIONS AND POLICY

PURPOSE OF REPORT

1. This report is to enable members to consider proposed private hire plate exemption conditions and policy.

RECOMMENDATION(S)

2. This report sets out the Council's proposed requirements for the conditions for plate exemptions for private hire vehicles. Recommendations will follow on a further report to Members for determination following the consultation of these proposals.

EXECUTIVE SUMMARY OF REPORT

PRESENT SITUATION REGARDING PRIVATE HIRE PLATE EXEMPTIONS

3. The present situation regarding the issue of issuing private hire plate exemptions is at the discretion of the licensing enforcement officer and the licensing manager. There is no written Council policy or other guidance on private hire vehicle plate exemptions. In the past vehicles hired under contracts lasting not less than seven days were exempt from private hire licensing and therefore were not required to display private hire plates. On 28th January 2008 Section 53 of the Road Safety Act came into force which repealed the contract hire exemption, effectively bringing more vehicles into the scope of private hire licensing. Since the legislation under Section 53 of the Road Safety Act came into force there has been a significant increase in the number of private hire vehicle operators asking for private hire vehicle plate exemptions, these include operators of stretch limousines and vehicles being used for contract work.

PRIVATE HIRE PLATE EXEMPTION CONDITIONS AND POLICY

EXEMPTION FROM DISPLAYING PLATES NOTICE CONDITIONS

4. An Exemption Notice issued by Chorley Council, exempting a proprietor from the requirement to display the external licence plate on a private hire vehicle and the concurrent exemption for the wearing of the private hire driver's identification badge is granted subject to the licensed vehicle being operated in accordance with the following conditions. Failure to comply with these conditions may result in the withdrawal of the exemption notice. Once an exemption notice has been issued the vehicle cannot be used for normal private hire work, it must be used exclusively for contract hire.

1. When operating under the exemption notice the internal plate issued by the licensing authority will be displayed on the nearside of the windscreen or dashboard so as not to obscure the drivers view.
2. The Exemption Notice issued by the Licensing Authority in respect of the licensed private hire vehicle will be carried in the vehicle at all times and will be produced upon request to any authorised officer or any police officer.
3. Other than the internal plate, the proprietor will not display in, on or from the vehicle any advertisement, signage, logos or insignia advertising the operating company or the vehicle's status as a private hire vehicle without the approval of the Licensing Authority.
4. The private hire vehicle licence plate will be affixed in a visible position within the boot of the vehicle and shall not be displayed externally whilst the exemption notice is in force. Upon request the licence plate will be shown to any authorised officer or any police officer.
5. When issued with an exemption notice, the vehicle will not be required to display any other signs which the Licensing Authority may at any time require private hire vehicles to display.
6. No taximeter shall be fitted in the vehicle.
7. A table of fares/tariffs will not be displayed in the vehicle.
8. During the period of the exemption notice, the driver shall not wear the private hire driver's badge but will have it available for inspection by any authorised officer or any police officer on request.
9. At all times during the period of the exemption notice the driver of the vehicle will be appropriately dressed in either a formal chauffeur's uniform or a business suit with collar and tie.

POLICY FOR THE ISSUE OF SECTION 75(3) LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS ACT 1976 "EXEMPTION FROM DISPLAYING PLATES" NOTICE

39 2

1. The Local Government (Miscellaneous Provisions) Act 1976 requires that private hire vehicles and drivers display the relevant licence plate and badge respectively. The same legislation also permits a Licensing Authority to exempt the display of private hire vehicle licence plates and, where that exemption applies, the requirement to wear a private hire driver's badges does not apply.
2. The open display of these identifying plates and badges is important in terms of protecting both the public and the taxi trade. However there are limited occasions when the display of such identification may have the opposite effect both in terms of customer safety and commercial implications for the operating business. The operation of chauffeured, executive and limousine vehicles are a case in point. Identification of the vehicle as a licensed vehicle may allow "high risk" passengers to be more readily targeted putting both them and the driver at risk. The display of local authority licence plates externally may also deter some customers from using the service.
3. In these circumstances it is considered appropriate to use the exemption notice provisions in the legislation.
4. It is not intended that all private hire vehicle should have access to this exemption, only a small minority operating the type of service described above. To that end it is only considered appropriate to consider issue of exemption notices where the following requirements are met:
 - a) The vehicle to be exempted is of a high quality both in terms of brand and condition.
 - b) The vehicle will be in immaculate condition with no visible defects, dents or blemishes to the external bodywork or internal trim.

- c) Drivers will be members of the British Chauffeurs Guild or other driver’s organisation relating to chauffeur type work which has prescribed quality standards and qualifications for membership. Evidence of membership must be provided.
- d) Sufficient written evidence of corporate contract hire work must be provided in writing to the Licensing Authority.
- 5. Applications for exemption will be made to the Licensing Authority in writing by a person holding a private hire operator’s licence issued by the Licensing Authority. The application must be accompanied by documentation to evidence compliance with points 4 a) – c) and d)
- 6. Provided that all other points are satisfactorily met, an appropriate appointment will be made to inspect the vehicle
- 7. If all points above are satisfied then an exemption notice will be issued.
- 8. If all points are not satisfied then the application will be refused.

A copy of a proposed exemption notice is attached to this report at appendix (a)

RIGHTS OF APPEAL

- 5. The Local Government (Miscellaneous Provisions) act 1976 sections 48 and 77 details an applicant’s right of appeal. Where an applicant is aggrieved by the Counsel’s decision to refuse or grant a private hire vehicle licence or by any conditions imposed on a private hire vehicle licence the applicant has a right of appeal to the Magistrates Court within 21 days of the applicant being notified of the Council’s decision.

CORPORATE PRIORITIES

- 6. This report relates to the following Strategic Objectives:

Put Chorley at the heart of regional economic development in the Central Lancashire sub-region		Develop local solutions to climate change.	
Improving equality of opportunity and life chances		Develop the Character and feel of Chorley as a good place to live	
Involving people in their communities		Ensure Chorley Borough Council is a performing organization	4

IMPLICATIONS OF REPORT

- 7. This report has implications in the following areas and the relevant Corporate Directors’ comments are included:

Finance		Customer Services	
Human Resources		Equality and Diversity	
Legal	4	No significant implications in this area	

LEGAL IMPLICATIONS

8. The legal implications are addressed within the report.

ANDREW DOCHERTY
CORPORATE DIRECTOR OF GOVERNANCE

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
Robert William Beeston	5726	21 November 2008	LEGREP/2111lm2

**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976
SECTION 75(3) NOTICE
EXEMPTION FROM DISPLAYING PLATES ON PRIVATE HIRE VEHICLE**

PROPRIETER

PRIVATE HIRE VEHICLE LICENCE NUMBER

NOTICE COMMENCEMENT DATE

NOTICE EXPIRY DATE

VEHICLE MAKE AND MODEL

VEHICLE REGISTRATION NUMBER

Having met the requirements laid down in the policy relating to exemption from displaying private hire vehicle plates as permitted in the above legislation Chorley council as the licensing authority hereby exempt the holder of this notice from the requirement to display said plates during the period of this notice on the licensed private hire vehicle detailed above

As required by the legislation, the driver of the above vehicle's also exempted from displaying the private hire driver's identification badge.

This notice will only apply provided that the conditions detailed overleaf are complied with.

Failure to comply with said conditions may result in legal action and revocation of the notice.

This notice, the private hire identification plate and the private hire driver's identification badge will all be available for examination on request by an authorised officer or a police officer.

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