

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 28<sup>th</sup> January 2008 Section 53 of the Road Safety Act came into force which repealed the contract hire exemption, effectively bringing more vehicles into the scope of private hire licensing.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.

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