

Licensing and Regulatory Committee



St Edmundsbury
BOROUGH COUNCIL

Title of Report:	Training for private hire and hackney carriage drivers	
Report No:	LIC/SE/17/007	
Report to and date:	Licensing and Regulatory Committee	20 June 2017
Portfolio holder:	Councillor Alaric Pugh Portfolio Holder for Planning and Growth Tel: 07930460899 Email: alaric.pugh@stedsbc.gov.uk	
Lead officer:	Amanda Garnham Licensing Team Leader Tel: 01284 757132 Email: Amanda.garnham@westsuffolk.gov.uk	
Purpose of report:	To seek approval to adopt a work procedure and conditions for a Private Hire Licensed plate exemption for executive contracts.	
Recommendation:	It is <u>RECOMMENDED</u> that the Licensing and Regulatory Committee: Approve and adopt the proposed guidance and conditions (attached at Appendix 1) so that they can be applied by the Licensing Authority.	
Key Decision: <i>(Check the appropriate box and delete all those that do not apply.)</i>	<i>Is this a Key Decision and, if so, under which definition?</i> Yes, it is a Key Decision - <input type="checkbox"/> No, it is not a Key Decision - <input checked="" type="checkbox"/>	
Consultation:	None required	

Alternative option(s):		i) Do nothing. There is no current adopted procedure in place to apply for an exemption. This could result in unlicensed vehicles plying for hire and hinder the of protection of the public.	
Implications:			
Are there any financial implications? <i>If yes, please give details</i>		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> • Within budget	
Are there any staffing implications? <i>If yes, please give details</i>		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> • Planned work with current resources	
Are there any ICT implications? <i>If yes, please give details</i>		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Are there any legal and/or policy implications? <i>If yes, please give details</i>		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> • See body of report	
Are there any equality implications? <i>If yes, please give details</i>		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> • See body of report. See body of report	
Risk/opportunity assessment:		<i>(potential hazards or opportunities affecting corporate, service or project objectives)</i>	
Risk area	Inherent level of risk (before controls)	Controls	Residual risk (after controls)
	Low/Medium/ High*		Low/Medium/ High*
Having no set guidance and procedure adopted makes it easy for any vehicle to apply for an exemption and not have plates on show. Also makes it easy for unlicensed vehicles to ply for hire putting the public at risk.	Medium	Every vehicle applied for an exemption is set at 'executive' standard. All are assessed and must meet a criteria	Low
	High		
Ward(s) affected:		All	
Background papers: <i>(all background papers are to be published on the website and a link included)</i>		http://www.westsuffolk.gov.uk/Business/Regulation_and_Licensing/Licensing/Taxi_licensing/upload/SEBC-Taxi-Handbook-April-17.pdf	
Documents attached:		Appendix 1 – Draft Proposed Conditions and Guidance Appendix 2 – Draft Application Form Appendix 3 – Current Taxi and Private Hire Conditions Handbook	

1. Key issues and reasons for recommendation(s)

1.1 Background

1.2 The Council licenses the following:

- Hackney Carriage and Private Hire Vehicle Drivers
- Hackney Carriage Vehicles
- Private Hire Vehicles
- Private Hire Operators.

1.3 The Local Government (Miscellaneous Provisions) Act 1976 requires that private hire vehicles display an identification plate (licence plate) and drivers of those vehicles wear a driver's badge. The same legislation (s75) also allows St Edmundsbury Borough Council to exempt vehicles from the need to display an identification plate and, where that exemption applies, the requirement to wear a private hire driver's badge.

1.4 The aim of the procedure document is to ensure public safety whilst taking a balanced approach to licensing requirements. Its objective is the provision of an exemption to allow 'executive vehicles' to operate without displaying external identification plates. Please see **Appendix 1** for draft conditions and procedures.

1.5 The displaying of the external identification plate on a licensed vehicle and a driver's badge is important in terms of public safety and reassurance. They indicate to the travelling public that prior to being licensed both the vehicle and the driver have been subjected to checks to ensure their (the public's) safety.

1.6 There are occasions when the requirement to display an external identification plate may have the opposite effect in terms of customer safety and could have commercial implications for the operating business. The display of Local Authority licence plates externally may also deter some corporate customers from using the service; and in some circumstances the 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.

1.7 Currently, the proprietors can apply for a plate exemption but this is only by way of a letter to the Licensing Officers. No checks are made on paperwork or vehicles as such under the current process, although, applicants are mostly executive operators.

2. Conditions

2.1 It is not intended that all private hire vehicles licensed by St Edmundsbury Borough Council should be exempt from the Council's requirement to display an external identification plate, however the Council recognises that there may be circumstances when it would be appropriate for vehicles operating the type of service to be considered suitable for such an exemption.

- 2.2 This conditions/procedure should be read in conjunction with the council's existing conditions relating to private hire vehicles and establishes additional criteria that the Council (and its officers) will take into account when determining applications for a private hire vehicle to be exempt from displaying external identification plates. Please see **Appendix 3**, current taxi and private hire handbook. There is a section on p30 in the handbook about the potential to apply for an exemption under the correct legislation.
- 2.3 Potential applicants will need to demonstrate that the vehicle will be used exclusively for executive clients and/or special occasions. Examples of these journeys Corporate Events, Conferences, Exhibitions and Meetings, Chauffeured services, School Proms, Celebrity and guarded personnel transport service.

3 The Procedure/Guidance Conditions

- 3.1 Exemptions from displaying external identification plates (vehicle licence plates) may be in respect of individual vehicles only. Applications for exemptions relating to a fleet of vehicles will not be allowed.
- 3.2 Each application will be assessed on its own merit and each vehicle will be inspected by an authorised council officer to ensure that it is fit for purpose. Please see **Appendix 2** application form.
- 3.3 Applications for exemption from the requirement to display an external identification plates on the front and rear of a private hire vehicle along with side stickers may be considered where the following requirements are met;
- Vehicles may be of any colour.
 - The vehicle to be exempted is of a high quality both in terms of brand and condition. The Vehicle must also meet with the exceptional quality waiver if it is more than 7 years of age.
 - Vehicles will be larger than the Ford Mondeo class vehicles and will normally be the accepted luxury brands such as Mercedes Benz, BMW, Jaguar, Rolls Royce, Bentley and Lexus. The highest specification executive type cars from other manufacturers may also be considered. American style stretched vehicles may also qualify for exemption.
 - The vehicle will be in an immaculate condition with no visible defects, dents or blemishes to the external bodywork or internal trim.
 - The vehicle is to be used for executive or special occasion work only, good examples of these are:
 - Transport to and from Business Corporate Events, Conferences, Exhibitions and Meetings.
 - Chauffeured services, guarded personnel.
 - School Proms
- 3.4 Applications may only be made by a person holding a private hire operator's licence issued by St Edmundsbury Borough Council.
- 3.5 Where a proprietor wishes to make an application for a vehicle to be exempt from displaying an external identification plate they will be required to complete the appropriate exemption application form and have their vehicle and supporting documents assessed by a Licensing/Enforcement Officer.

- 3.6 Where such supporting documentation is not provided to the satisfaction of the Council the application will be refused. Where a refusal is contested by the Proprietor, they can request a referral to the Licensing Sub-Committee.
- 3.7 Where an application is granted and a vehicle is exempted from displaying its external identification plate an exemption notice will issued as soon as practical after the decision is made
- 3.8 Irrespective of when an exemption notice is granted the initial exemption notice will expire on the same day as the expiration of the vehicles current private hire licence, unless it is otherwise surrendered or revoked. Thereafter any renewed exemption notice will last for a period of time that is coterminous with that vehicle's private hire licence unless either the licence or notice is otherwise surrendered or revoked.
- 3.9 Exemption notices may be renewed annually subject to the vehicle undergoing a re-inspection by a Licensing/Enforcement Officer to ensure that it continues to be fit for purpose.
- 3.10 The authority to determine any application for an exemption notice is by virtue of this procedure is delegated to the Council's Licensing or Enforcement Officer.