

Licensing and Regulatory Committee



Forest Heath
District Council

Title of Report:	Adoption of Conditions in Respect of Hackney Carriage and Private Hire Drivers/Vehicles/Operators	
Report No:	LIC/FH/17/006	
Report to and date/s:	Licensing and Regulatory Committee	19 June 2017
Portfolio holder:	Councillor Lance Stanbury Portfolio Holder for Planning and Growth Tel: 07970 947704 Email: lance.stanbury@forest-heath.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 recommended that proposed guidance and conditions (attached at Appendix 1) be approved and adopted so that they can be applied by the Licensing Authority.	
	<i>Is this a Key Decision and, if so, under which definition?</i> No, it is not a Key Decision - <input checked="" type="checkbox"/>	
Consultation:	<ul style="list-style-type: none"> • none 	
Alternative option(s):	<ul style="list-style-type: none"> • 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 protection of the public. 	

Implications:			
Are there any financial implications? If yes, please give details		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Are there any staffing implications? If yes, please give details		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Are there any ICT implications? If yes, please give details		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Are there any legal and/or policy implications? If yes, please give details		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Are there any equality implications? If yes, please give details		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
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
Ward(s) affected:		All	
Background papers: <i>(all background papers are to be published on the website and a link included)</i>		FHDC Taxi and Private Hire Handbook http://www.westsuffolk.gov.uk/Business/Regulation_and_Licensing/Licensing/Taxi_licensing/upload/FHDC-Taxi-Handbook-April-2017.pdf	
Documents attached:		Appendix 1 – s75 proposed draft conditions Appendix 2 – s75 proposed draft application form Appendix 3 – Taxi and Private hire handbook	

Key issues and reasons for recommendation(s)

1. Background

- 1.1 The Council licences the following:
 - Hackney Carriage and Private Hire Vehicle Drivers
 - Hackney Carriage Vehicles
 - Private Hire Vehicles
 - Private Hire Operators.
- 1.2 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 Forest Heath District 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.
- 1.3 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.
- 1.4 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.
- 1.5 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.
- 1.6 There is currently no set format for applying for an exemption, other than a request letter at point of application. No real checks are done on the applicant but mostly only chauffeur services apply. This will formalise our process.

2.0 Conditions

It is not intended that all private hire vehicles licensed by Forest Heath District 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. P 32 shows the current exemption legislation and the ability to apply to the council.
- 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 3 years 3 months of age at first grant.
 - 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 Forest Heath District 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. An Internal plate showing the exemption and plate number will still need to be displayed inside the windscreen on the passenger side.
- 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.