

**REPORT TO THE SPECIAL REGULATORY COMMITTEE
MEETING OF 27th JULY 2011**

Status: Decision
Title: Application for Exemption from Private Hire Plate Display
Originator: Sarah Greenway – Senior Licensing Officer
Where from: Applicant request
Where to next: Not Applicable

1 Purpose of report:

1.1 To consider a request from Mr Johnson for an exemption from the requirement to display the private hire licence plate on private hire vehicles licensed by the Council.

2.0 Recommendation

2.1 That the Committee approves the request for exemption from the requirement to display a private hire vehicle licence plate on any occasion.

2.2 That a condition of the licence be that the Council's display card showing the plate number and the expiry date be placed in the front of the vehicle. This will ensure that sufficient evidence is in place to assure any hirer of the vehicle's licence status.

3. Key Facts

3.1 A Private Hire Vehicle must not pick up passengers without a prior booking made by the hirer direct with the operators for which the Vehicle works. Private Hire Vehicles and their drivers may be pre-booked only via a licensed private hire operator. There are three types of licences, one for the operator, the vehicle and the driver must be issued by the same licensing authority. Under Section 48 (6) of the Local Government (Miscellaneous Provisions) Act 1976, private hire vehicle proprietors (licensees) are required to exhibit on their vehicles the licence plates provided by the Council. These plates are 24cm in width x 18cm in height and contain information relating to the Private Hire Vehicle Licence Number, Vehicle registration and Licence expiry.

3.2 Notwithstanding this provision, Section 75 1) of the above Act also provides:

The above Act requires:-

- (1) Nothing in this Part of the Act shall –
- (d) require the display of any plate, disc or notice in or on any private hire vehicle licensed by a Council under this part of this Act during such period that such vehicle is used for carrying passengers for hire or reward – (ii) under a contract for the hire of the vehicle for a period of not less than 24 hours.

3.3 The Act also enables a local authority, generally, to grant exemption from the requirement to display licence plates on private hire vehicles on *occasions specified* by the authority, or on *any occasion*, provided that the notice of exemption is carried in the vehicle (Section 75 (3)). If exemption from display on any occasion is granted, the driver of the vehicle is also exempted from the requirement in Section 54 (2) (a) that he should wear his private hire driver’s badge. The driver must, however, be a private hire driver licensed by the Council. If granted an exemption, the plate and the letter of exemption must be carried in the vehicle and produced for inspection when requested. It should be borne in mind that the request from Mr Johnson has been made because the operator wishes to have a specific vehicle for more exclusive work that the daily “to and fro” type of work which these vehicles may undertake.

3.4 The Licensing department has received a request from Mr A Johnson for exemption from display of his licence plate at any time. A Private Hire Operator would normally have a good reason to request exemption, such as that the vehicle is primarily used in professional executive chauffeur-driven vehicle hire.

3.5 Mr A Johnson states that he has been providing executive chauffeur-driven vehicle hire for celebrities and members of the Royal family . This Committee granted exemption from private hire display for two vehicles in January 2008. These two vehicles have are no longer licensed by this authority. Mr Johnson now wishes to licence a new vehicle – Mercedes Viano.

3.6 The provision of an identifying licence plate on the rear of the vehicle and also the driver’s badge (which the driver must wear) are an assurance for hirers that they are using a safe and properly licensed vehicle and not a bogus one. If an exemption is approved, the Private Hire Licence plate must be carried, together with the Council’s letter of approval of exemption, but these will not be evident or immediately obvious to the hirer.

4 Legal Issues

4.1 None

5 Resource Issues

5.1 Currently within existing budget provision.

6.0 Equality Impact Assessment Implications/Outcomes

6.1 Not Applicable

7.0 Impact on the Organisation

7.1 Not Applicable

8.0 Community Safety Implications

8.1 It is the responsibility of the Council to license Private Hire Vehicles and to ensure that the public are protected and dealt with in a safe manner.

9.0 Carbon Management Implications

9.1 None arising from this report.

10.0 Risk Management Implications

10.1 None arising from this report.

11.0 Consultation

11.1 None arising from this report

12.0 Options Considered

12.1 Option 1 to do nothing would not allow the exemption to take place.

13.2 Option 2 is to allow the private hire exemption

13 Background Papers

13.1 File held in Licensing Section, in relation to Private Hire Vehicle Plate Exemption.

Previous report(s) :

Sensitive Issue Procedure – Local Member notified : No

Appendices

Appendix A Equality Impact Assessment