

WYRE FOREST DISTRICT COUNCIL

COUNCIL
WEDNESDAY 20TH MAY 2009

Private Hire Vehicle - Identification Plate Exemption Policy

OPEN	
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APPENDICES:	Appendix 1 - Private Hire Vehicle Identification Exemption Policy Appendix 2 - Licence Conditions <i>These Appendices have been circulated electronically and a public inspection copy is available on request (see front cover for details)</i>

1. PURPOSE OF REPORT

- 1.1 To provide information to determine whether the Council should adopt a policy that will allow certain private hire vehicles which are deemed to be of an “executive” type to be exempt from the requirement to display an external identification plate (otherwise known as a licence plate), door decals and for the drivers of such vehicles to be exempt from wearing a drivers badge.

2. RECOMMENDATION**2.1 The Committee recommends to Council:**

- That the proposed Private Hire Exemption from Displaying Plates/Decals Policy/Conditions set out in Appendices 1 and 2 of this report be adopted
- That authority to determine such applications in accordance with the proposed Policy be delegated to the Director of Planning and Regulatory Services
- That a fee of £25.00 is set for a copy of a Replacement Plate or Exemption Notice.

3. BACKGROUND

- 3.1 The displaying of the external identification plate on a licensed private hire vehicle, and the wearing of a driver’s badge is important in terms of public safety and reassurance.

- 3.2 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 safety.
- 3.3 However, 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.
- 3.4 The display of identification 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.
- 3.5 This Council has no policy in place to consider applications for such an exemption.

4. KEY ISSUES

- 4.1 Research has indicated that Councils who consider exemptions do so for individual vehicles only and not on a fleet basis; and take into account some or all of the following factors:
- The make and model of the vehicle;
 - The type of work undertaken by the private hire vehicles;
 - How the work differs significantly from that of regular private hire work;
 - The type of customer;
 - The number of regular private hire journeys carried out by the vehicle;
 - Any relevant history of the applicant in respect of breaches of condition or legislation;
 - The cost of a vehicle is not sufficient reason alone for requesting an exemption; vehicles must be of a high specification standard;
 - When considering the use of the vehicle, Councils do not grant an exemption if it can be shown that the number and length of journeys for regular private hire work account for at least 50% of the work carried out by the vehicle.
- 4.2 Where Councils grant an exemption the Council will /may require one or more of the following to apply:
- The Council will issue a written notice which must be carried in the vehicle at all times when being used for hire and reward (Section 75(3) of the Local Government (Miscellaneous Provisions) Act 1976);
 - It may require the vehicle to display a smaller less conspicuous plate, on the rear of the vehicle (often referred to as an “Executive Plate”);
 - It may require the vehicle to display a small identifying discrete plate in the style of a tax disc or similar in the windscreen near to the vehicle duty licence;
 - In all cases the requirement to display a drivers badge is dispensed with if an exemption is granted;
 - The display of ‘No Smoking’ stickers inside the vehicle is subject of other legislation and remains a condition of any exemption granted.

5. FINANCIAL IMPLICATIONS

- 5.1 The Council is entitled to recover its costs relating to the administration of applications for an exemption notice and the issue of the exemption notice when it is granted.

5.2 The fee for a replacement plate or exemption notice will be £25.00.

5.3 Such fee must accompany an application for an exemption notice.

6. LEGAL and POLICY IMPLICATIONS

6.1 The Local Government (Miscellaneous Provisions) Act 1976 requires that private hire vehicles display an external identification plate and drivers of those vehicles wear a driver's badge.

6.2 The same legislation also allows the 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.

6.3 It is not intended that all private hire vehicles licensed by the 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.

6.4 In creating its policy Wyre Forest District Council does not seek to provide a definitive list of vehicles it considers to be suitable (subject to use) for exemption from the requirement to display external identification plates.

6.5 This policy provides guidance to potential applicants on the standards of vehicle comfort and equipment that the Council considers should be the minimum standard of comfort and vehicle type before the Council would consider such an application. This policy should be read in conjunction with the Council's existing policy 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.

6.6 Copy of this proposed Policy has been placed on the Council's website for public consultation and will be on the Agenda for a liaison meeting with the Taxi Trade at the end of April 2009. If no representations are made by the Licensing and Environmental Committee against the proposed policy, a report will be presented to Cabinet and Council for its adoption.

7. RISK MANAGEMENT

7.1 It is clear that when drafting the Local Government (Miscellaneous Provisions) Act 1976, the legislators recognised that there would be circumstances when it would be appropriate for a vehicle to be exempted from the requirement to display external identification plates and that in applying legislation different Councils have approached the issue of Exemption in different ways.

8. CONCLUSION

8.1 This Council's present licensing policy does not allow for vehicles to be exempt from displaying information plates and the Council can expect to receive formal applications for exemptions from specialist operators providing "Executive" type hire

facilities. When it does not receive such applications it is important that the Council determines them in a consistent manner and against agreed policy.

9. CONSULTEES

- Local Authorities
- Taxi Trade liaison group.
- Worcestershire County Licensing Officers
- Legal and Corporate Services

10. BACKGROUND PAPERS

10.1 Taxi Licensing by J. T.H.Button