

## GENERAL PURPOSES AND LICENSING COMMITTEE – 12 SEPTEMBER 2008

### PRIVATE HIRE VEHICLES – LICENCE PLATE EXEMPTION

#### 1. INTRODUCTION

- 1.1 Generally, it is a legal requirement that Private Hire Vehicles display the Council's plate to identify the vehicle as a licensed private hire vehicle. The driver must also wear a driver's identity licence badge. The information contained on such licences should provide as much information as possible for use by members of the public, the issuing authority and the police and be easily visible.
- 1.2 New Forest District Council has the following conditions attached to Private Hire Vehicle Licences & Driver's Licences in respect of identifying and displaying licences:
- The proprietor shall cause to be clearly marked and maintained inside the vehicle in such a position as to be visible at all times to persons conveyed therein the number of this licence and the number of passengers prescribed in this licence.
  - The licence plate shall be fixed and displayed outside and on the rear of the vehicle in a position which shall be approved by an authorised officer, so as to ensure that the vehicle's registration mark is not obscured, with the particulars thereon facing outwards and in such a manner and place that the licence plate is clearly visible by daylight from the road at the rear of the vehicle.
  - Self advertising on Private Hire Vehicles is permitted on one door of each side of the vehicle, these being the driver's and front passenger's door only, subject to the size, design and content being approved by the Licensing Officer
  - The Licensee shall, when driving a licensed vehicle wear in a conspicuous position the driver's identity licence badge issued to the Licensee by the Council.
- 1.3 A request has been received from Mr Richard Bartelot, a PHV Operator and Driver licensed by New Forest District Council to be allowed an exemption from displaying licence plates. See Appendix 1.
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- 1.4 New Forest District Council does not allow dispensation from displaying licence plates under its current policy. As a result of Mr Bartelot's request, this report is to review that policy and to consider the appropriateness of any changes to that policy.

#### 2. DISPENSATION FROM DISPLAYING LICENCE PLATES

- 2.1 Section 75 (3) of the Local Government (Miscellaneous Provisions) Act 1976 allows the Local Authority to specify either certain occasions when the plate need not be displayed or, alternatively, that the District Council can issue a notice which can be carried effectively in lieu of the plate being displayed. This is often used in relation to vehicles that provide chauffeur services and 'executive hire', as opposed to regular private hire short-haul bookings. In such cases the requirement that the driver has to wear a badge is also waived.

- 2.2 Most local authorities in Hampshire operate dispensation policies with varying degrees of enquiry and conditions, usually for the 'prestige/limousine/vintage car' type services. Proprietors may apply to those councils for an exemption from displaying the council's standard plate and door stickers (if applicable). If it is granted, the exemption provides a degree of anonymity for the vehicle and the attention of the public will not necessarily be drawn to the vehicle in the same way as if it displayed the plate and door stickers. Accordingly, this places a higher level of responsibility on the proprietor who will still be expected to provide a service for the public which is both safe and reliable. The exemption also places greater expectation on the proprietor to comply fully with the conditions and any transgression may result in the exemption being immediately withdrawn.

### 3. **CONSIDERATIONS FOR AN EXEMPTION**

Councils that consider exemptions do so only on an individual vehicle basis and not a fleet basis and take into account some or all of the following factors:

- The make, model and registration number of the vehicle;
- The type of work undertaken by the private hire vehicle;
- How the work differs **significantly** from that of regular private hire work;
- The type of customer;
- The number of journeys that are not regular private hire work;
- The length of each journey that is not regular private hire work;
- The number of non regular private hire journeys carried out by the vehicle;
- 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 but vehicles must be of a high standard;
- When considering the number and length of regular private hire journeys, councils do not grant an exemption if it can be shown that the number and length of journey's for regular private hire work account for at least 50% of the work carried out by the vehicle.

### 4. **DECISIONS ON APPLICATIONS FOR AN EXEMPTION**

- 4.1 Generally, the councils that consider an exemption decide on one or more of the following actions/requirements:
1. Refuse to grant the exemption in which case the vehicle must display the council's standard plate and door stickers (if applicable) at all times when being used for hire or reward; or
  2. Agree to exempt the vehicle entirely from displaying any licence plates. The council will issue a written notice which must be carried in the vehicle at all times when being used for hire or reward. This option is available by virtue of section 75(3) of the Local Government (Miscellaneous Provisions) Act 1976; or
  3. Agree to exempt the vehicle from displaying the council's standard plate and door stickers (if applicable) but require the vehicle to;
  4. Fix the normal outside plate inside the boot compartment so as to be visible when the boot is opened for luggage; or

5. Display a smaller, less conspicuous plate, on the rear of the vehicle (often referred to as an executive plate); or
6. Display a small id style card in the windscreen near to the vehicle duty licence; and in all cases.
7. Carry in the vehicle at all times a written notice of exemption issued by the council when the vehicle is being used for hire or reward.
8. The requirement to display a driver's badge licence is dispensed with if an exemption is granted
9. The display of 'No Smoking' stickers inside the vehicle is still a condition of any exemption granted

## **5. HACKNEY CARRIAGE & PRIVATE HIRE OWNERS' ASSOCIATION VIEWS**

- 5.1 The Association feels that it is not appropriate for the Council to change its current policy in respect of this matter. The current policy assists taxi drivers in self regulating the fleet, thereby ensuring that public safety is maintained at all times.

## **6. FINANCIAL IMPLICATIONS**

- 6.1 Should a change be made to the existing policy there would be additional costs to the Council if different executive plates or window discs were required to be provided. This could be recovered from an applicant. If existing plates were used within the luggage/boot compartment then no additional costs would be incurred. The administrative costs to produce exemption letters would be absorbed into existing budgets.

## **7. ENVIRONMENTAL IMPLICATIONS**

- 7.1 There are no environmental implications directly arising as a result of this report.

## **8. CRIME AND DISORDER IMPLICATIONS**

- 8.1 There are no direct crime and disorder implications arising from exemption procedures, although the easy identification of PHVs by enforcement staff is removed.

## **9. EQUALITY AND DIVERSITY IMPLICATIONS**

- 9.1 There are no equality and diversity implications directly arising from this report.

## **10. RECOMMENDATIONS**

- 10.1 That the General Purposes and Licensing Committee debate and consider the implications of this report and decide whether to:
1. Continue with its current policy of not allowing exemptions from displaying PHV licence plates; or
  2. To change the existing policy and allow exemptions from displaying PHV licence plates, and if so state which conditions should be applied to such exemptions as detailed in paragraphs 3 & 4 of this report; and
  3. Any additional expenses to the Council in supplying specialised plates to be recovered from applicant.

### **Further information**

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### **Background papers**

**Nil**

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6 May 2008

**PRIVATE HIRE LICENSING: REQUEST FOR EXEMPTION FROM  
REQUIREMENT TO DISPLAY LICENCE PLATE**

1 This letter is intended to provide the New Forest District Council licensing officers with information required in order to take an administrative decision to grant an exemption, as well as to develop an overall policy position if necessary. I hope that you will be able to take this forward promptly.

Applicant

2 I have held a PHV driver licence issued by NFDC for two years. I have also been granted a PHV operator licence, and have just applied for a new PHV vehicle licence.

3 I am self-employed as a registered tourist guide, holding the Blue Badge of the Institute of Tourist Guiding, the country's highest professional qualification. My operation aims to provide top quality tourist driver-guiding services based in the New Forest. It will launch fully from 1 June 2008. It needs to be PHV-licensed by my local authority in order to meet not only legal requirements concerning carriage for hire and reward, but also the strict requirements of the professional tourist guide associations governing the operation and promotion of driver-guiding activities.

4 Typical bookings originate with individuals and tour companies, often contacting me from overseas. Normal assignments include half-day and daytrips within the local area, or to London, or anywhere across southern England, or even extended tours abroad. I am particularly geared to serve clients from top hotels in the New Forest and the region, cruise liner shore excursions, corporate events, and foreign inward visitors to the region. I also guide walking or coach tours and undertake voluntary duties (eg in Salisbury Cathedral). For any further background, please refer to my PHV Operator Business Plan filed with you.

Exemption requested

5 I would like NFDC to exempt my vehicle from the requirement always to display the Council's licence plate at the rear.

## Reasons for request

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- Exceptional circumstances:
  - my operation is not a typical PHV-licensed service
  - I expect to cover a fraction of the passenger-carrying mileage of other PHV vehicles (say 4000-5000 miles a year); and I travel 8000-10000 miles a year alone in the vehicle to guiding jobs undertaken eg in a coach or on foot.
- To strike the right image in the market place and meet the expectations of customers. The service I provide is much narrower than that of other PHV-licensed operations, and the relationship with the client is different and more highly developed. It is more akin to personal executive chauffeur services. Clients expect a clean and prestigious external image to be presented. The licence plate implies narrow geographic scope, and is a distinguishing feature which detracts from the overall appeal of the service.
- For almost all of my driver-guiding work, I am competing with guides in London or elsewhere in the south who are outside the NFDC's jurisdiction. Those who are allowed not to display a plate have a distinct competitive advantage as they can more easily project their image and capabilities. As an example, a direct competitor of mine in the New Forest and nationally is exempted by Salisbury DC.( remainder of paragraph deleted)
- The licence plate adds little regulatory value as regards my work:
  - Consumers do not suffer materially reduced protection. They are protected by having a more informed relationship with me (or via a tour operator) before the trip. They see clear evidence of licensing within the vehicle.
  - Competitors are almost wholly unaffected. There is only one other registered tourist guide in the New Forest area who is also a PHV-licensed driver-guide. I do not compete in practice with other PHV operations. Most work is performed away from the licensing area, including in London or abroad.
  - Enforcement should be no obstacle since I am unlikely to be in situations where external evidence of licensing is of use to the authorities.
- It would be reasonable for licensing officers to have and to exercise flexibility in this matter. Please see the attached table of practice in other licensing areas as I understand it. I believe that NFDC could be said to be out of line with general practice. It seems that almost everywhere, an applicant in my case could reasonably expect the grant of an exemption as an appropriate and proportionate response to exceptional circumstances.

## Would exemption cause an undesirable precedent?

7 Other PHV operators would be free to submit their own applications for flexibility to be judged on its merits, but there is no reason to expect extra workload or complications for admin or enforcement. Exemption could be granted either for my operation alone or for any qualified tourist guides. I do not compete directly with other PHV-licensed operations. I do not advertise myself as available for minicab-type work or airport runs. I am of course aware that some PHV operators offer local

tours, and I respect their skills and knowledge, but they are generally neither primarily tourist guides nor qualified as such.

Should the licensing officers place any conditions on the grant of an exemption?

8 This should not be necessary, but if it were, possibilities might be: applicant to market only tour guide services and not “typical” private hire services; applicant to reattach plate temporarily if/whenever non-tour guide private hire work undertaken; exemption to be reviewed after 1 or 2 years.

Conclusion

9 I apply for exemption from the requirement to display a PHV licensing plate on my vehicle. I request a letter from the Licensing Manager setting out the exemption, to be kept with the plate in the vehicle so as to be produced when appropriate. It would be useful if this matter could be resolved before 1 June 2008.

10 This request is supported by Frances Brook, the only other New Forest-based PHV-licensed registered tourist guide, who will write to you separately.

RICHARD BARTELOT

To: Martyn Powell Esq  
Licensing Manager  
New Forest District Council

**DISPLAY OF LICENCE PLATE: EXAMPLES OF LOCAL PRIVATE HIRE LICENSING PRACTICE**

	<b>New Forest DC</b>	<b>Salisbury DC</b>	<b>Southampton City Council</b>	<b>London TfL PCO</b>
<b>Display of PHV licence plate:</b>	Always required	Routine exemption where not “normal” PHV work – eg prestige or limo service, or tourist guiding	Exemption possible for executive cars/chauffeur work	Specific procedure and application form for exemption
<b>Policy on exemptions or extra conditions:</b>	No stated policy or procedure, and no relevant cases to date. No specific delegation in place, but is within existing discretionary powers.	Wide and routinely exercised powers to exempt or impose conditions	Avoids granting <u>other</u> concessions or imposing conditions, on grounds of lack of enforcement capacity	“...may exempt a vehicle from any requirements if so requested by vehicle licence applicant and is satisfied that, having regard to exceptional circumstances, it is reasonable to do so”