

GENERAL PURPOSES AND LICENSING COMMITTEE – 19 SEPTEMBER 2014

PRIVATE HIRE VEHICLES – LICENCE PLATE EXEMPTION

1. INTRODUCTION

- 1.1 All New Forest District Council licensed vehicles (private hire and hackney carriage) must display the Council's external plate and internal badge to identify the vehicle as a licensed vehicle. Both the external plate which is affixed to the outside rear of the vehicle and the smaller internal ID badge which is displayed inside the front windscreen contains the following information; name of the issuing council, type of vehicle (either private hire or hackney carriage), individual plate number, vehicle registration number, licence expiry date, and the number of passengers permitted to travel.
- 1.2 Licensed drivers must also wear a driver's identity badge, which should be worn in such a position as to be plainly and distinctly visible. The badge contains the following information: name of the issuing council, individual driver number, name of badge holder, and licence expiry date.
- 1.3 The Local Government (Miscellaneous Provisions) Act 1976, section 48(5) provides as follows: *"Where a district council grant under this section a vehicle licence in respect of a private hire vehicle they shall issue a plate or disc identifying that vehicle as a private hire vehicle in respect of which a vehicle licence has been granted."*
- 1.4 Section 75(3) of the Local Government (Miscellaneous Provisions) Act 1976 enables a Council to give a written notice exempting a private hire vehicle from the obligation to display the Council's plate. However, at present New Forest District Council's Statement of Licensing Principles does not make provision for the operators of private hire vehicles in the district to apply for such a notice.
- 1.5 This report relates to private hire vehicles only. Private hire vehicles must be pre-booked and cannot pick up passengers in the street without a booking. Hackney carriages, which are able to pick up passengers without a booking, cannot be exempt from the requirement to display the plate.
- 1.6 A proposal has been received from Ms Rebecca Compton-Bennett of Allports, a licensed operator and proprietor of private hire vehicles, that the Council allow exemptions from the requirement to display the rear identification plate on "executive style" private hire vehicles. The proposal is summarised in section 4 of this report.
- 1.7 Ms Compton-Bennett's proposal does not represent the first occasion on which the Council has received a request to permit exemptions from the obligation to display the Council's plate on the outside of the vehicle. Such a request was last considered by the General Purposes and Licensing Committee in 2008, when it was decided that the Council's Statement of Licensing Principles would not be altered to allow exemptions of this nature. This is the first formal request to revisit this subject since 2008, although there have been several verbal discussions between the Council's Licensing officers, and operators that undertake 'executive' hire during the interim period.
- 1.8 This reports sets out the options available to the committee, including the adoption of a policy which would allow for plate exemption for certain private hire vehicles.

2. LEGISLATION

- 2.1 The requirement for licensed vehicles to display a plate or disc, and for the driver to wear a badge is set out in the Local Government (Miscellaneous Provisions) Act 1976. However section 75(3) of that Act permits the Council to grant an exemption to the vehicle operator from the requirement to display a plate or disc. The exemption must be set out in a notice which can either state a specific occasion on which the exemption applies, or state that the exemption applies at all times that the notice is carried in the vehicle. In such circumstances the requirement for the driver to wear a badge is also waived.

3. POLICY

- 3.1 At present, New Forest District Council issues all licensed private hire vehicles with an external plate and an internal badge. All licensed drivers are issued with an identity badge. New Forest District Council's Statement of Principles includes the following relevant conditions for private hire vehicle licences and driver licences:

"The proprietor shall observe and perform the following terms and conditions in respect of private hire vehicles:-

2.1 the proprietor shall cause to be clearly marked and maintained inside the vehicle in such a position and in a manner as issued by the Council so as to be visible at all times to persons conveyed therein the number of the licence and the number of passengers prescribed in this licence;

2.2 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..."

"Licence Conditions to be Observed by all Drivers Licensed by New Forest District Council

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 bearing the number corresponding with the number assigned to the Licensee in the register kept by the Council for that purpose."

4. THE PROPOSAL

- 4.1 Ms Compton-Bennett makes two alternative proposals: -

4.1.1 Proposal A

- All operators should be apply to apply for an exemption for their vehicle from the obligation to display a rear plate.
- Each application would be assessed on its own merits to determine whether the vehicle was suitable for an exemption.
- The vehicles should be required to carry their private hire licence plate in the luggage compartment, together with a letter of exemption for the vehicle.

- Drivers of these vehicles must wear suits, and will be exempt from wearing their driver's identification badge (but would be required to carry their badge with them whilst on duty).
- Applications to be determined by a senior office of the Council.
- The remainder of conditions for a private hire vehicle would continue to apply.

4.1.2 **Proposal B**

- All operators of an executive style vehicle could apply to display a disc in the rear window of the vehicle, rather than displaying a plate on the rear of the vehicle.
- The disc should mirror the licence disc which is currently displayed in the front windscreen, and would be applied to the interior rear window of the vehicle without the tax disc holder.

4.1.3 Ms Compton-Bennett suggests that an "executive vehicle" be defined as follows: -

- All vehicles to be of executive style: Mercedes, BMW, Chrysler Grand Voyager.
- Vehicles are non-metered and display no signage or advertising.
- The majority of work is long distance.

4.2 Ms Compton-Bennett submitted a detailed proposal. Her main reasons for asking the Council to amend its policy are as follows: -

"Broadly there are two types of operators, those that supply vehicles for local "taxi" metered work and those that offer a more refined longer distance service. Both categories are of equal value to the New Forest community. The latter category is often a forgotten aspect of the area travel network.

The local metered vehicle "taxi" is without doubt a much needed part of local life. The journeys are metered and the vehicles are sign written to attract more custom, often with advertising. These vehicles can be used by 20 plus fares a day ... Passenger expectation is much lower for this style of vehicle. The fares can be for schools, pub and restaurant or local doctors etc.

The Executive private hire operator generally offers longer distance travel and may only have one or two journeys per vehicle per day. The expectation of clients is to receive a high quality and discreet service. The drivers are suited, the quality of the vehicle are of a significantly higher standard, unmetered and carry no signs or advertising. All work is pre-booked and formally confirmed with the clients. The majority of transactions are electronically processed. Vehicles are often booked by a business for the conveyance of important employees or clients. The vehicle and service provided is a reflection of the esteem within which the employee or client is held by the business and operator. The drivers present themselves with an appearance and manner befitting the status of the client. It is as this type of operator that I am proposing plate exemption."

....

"We live in an area heavily populated with business leaders and people with a local and national media profile. The majority of my clients are very frequent travellers to and from airports, their places of work and their various homes.

One of the key factors for such clientele is their personal and professional safety. Travelling in a plated vehicle can highlight their frequent travel movements...The personal and professional security of my clients is of paramount importance and plate exemption would help safeguard their interests and deter the unscrupulous trespasser.

Many of my clients have multiple residences of which London is a common location. Transport for London (TFL) offer plate exemption. Many of my clients, when in London, use the services of the executive chauffeur companies from the TFL area as they provide discretion and privacy. Neighbouring councils in the Hampshire and Dorset region already offer plate exemption and these include Test Valley, Southampton, Christchurch and West Dorset councils. My aim is to ensure that business is not lost unnecessarily to companies from these other districts and is shared with operators in the New Forest. I am seeking to develop and safeguard the prosperity of my company and that of my drivers in gaining as much of an equal advantage as possible against these districts.”

....

“The business sector is a growing market with more business trips abroad an emerging factor. This is an excellent opportunity to enable New Forest operators to develop their professional standing and operation within the executive travel business. I am therefore seeking the assistance and support of the New Forest District Council in permitting the plate exemption for this style of business so that the executive chauffeur companies within the district are not disadvantaged.”

5. CONSULTATION

- 5.1 Following an initial enquiry from Ms Compton-Bennett of Allports a consultation on the proposal to allow plate exemptions for private hire vehicles was undertaken with all New Forest District Council Private Hire Operators. The consultation document said the following:-

“A request has been made by a Private Hire Operator to be allowed an exemption from displaying licence plates on their private hire vehicle. As you are aware New Forest District Council does not allow any dispensation for this under the current policy. The matter will therefore have to be put before the General Purposes and Licensing Committee to determine this request and decide if there should be a change to policy.

I write to ascertain your views on this subject and invite you to complete and return the following questionnaire to this office in the pre-paid envelope provided as soon as possible but by the END of April 2014.

Should NFDC change its current policy and allow a plate exemption to private hire vehicles?”

Respondents were invited to tick ‘Yes’ or ‘No’ and state (if yes) whether they considered that any additional conditions should apply.

5.2 The results are detailed in the table below:

Consultations Sent	113
NO Vote	28
YES Vote	31
Spoilt returns	1
TOTAL Returns	60

5.3 A number of respondents made comments in relation to the consultation:

- # • A summary of the comments made by respondents who were against the proposal are detailed in **Appendix 1**.
- # • A summary of the comments made by respondents who were in favour of the proposal are detailed in **Appendix 2**.

6. EXEMPTION CONSIDERATIONS

6.1 The majority of licensing authorities in Hampshire allow the proprietor of a private hire vehicle to apply to the licensing authority for an exemption from displaying the standard vehicle identification plate. Below are some examples of the factors which other councils take into account when considering exemption applications:

- The make, model and registration number (private plate) of the vehicle;
- The type of work undertaken by the private hire vehicle;
- How that work differs from that of regular private hire work;
- Whether the vehicle has a meter fitted;
- Whether the vehicle displays any advertisement either self promoting or on behalf of a third party;
- Is the vehicle used for school contracts;
- The type of customer;
- Any relevant history of the operation in respect of non compliance with conditions or legislation;
- The cost and standard of a vehicle

6.2 The purpose of the plate is to ensure that each private hire vehicle can be easily identified. Passengers can tell at a glance that the vehicle they are getting into is licensed by the local authority and vehicles can be easily identified by the police. The plate can be easily seen and read even whilst the vehicle is in motion.

6.3 A disc in the rear windscreen, which is the alternative proposal made by Ms Compton-Bennett, would be visible from very nearby when the vehicle is stationary, but it is unlikely to be legible (to members of the public or the police) when the vehicle is moving. The Committee might therefore query what would be the purpose or benefit of such a disc.

6.4 The requirement for all private hire vehicles to display the internal identification badge on the inside of the front windscreen will remain should the proposal to allow exemptions, or to provide discs, be approved.

7. EXEMPTION APPLICATIONS AND CONDITIONS

- 7.1 The Committee may decide to do any of the following: -
- 7.1.1 Retain the current policy whereby all private hire vehicles must display the rear plate;
 - 7.1.2 Allow proprietors of “executive style” private hire vehicles to apply for an exemption from the obligation to display the rear plate;
 - 7.1.3 Allow proprietors of “executive style” private hire vehicles to apply to display a disc in the rear windscreen, rather than a rear plate.
- 7.2 Should the Committee decide to change the current policy to either allow applications for plate exemptions, or to display a disc rather than a plate, the Council will prepare an application form for vehicle proprietors to complete.
- 7.3 Each individual application would be assessed on its merits by the Licensing Officer (or appropriately delegated manager in his absence), and in light of the below draft policy. Applications would relate to individual vehicles, and not to fleets of vehicles. (The draft policy refers to applications for plate exemption, but would be amended as appropriate should the Committee decide to proceed with the “disc” proposal).

Policy for the Determination of applications for Private Hire Vehicle Plate Exemption.

Each application will be considered on its individual merits upon submission of the appropriate application form, and each vehicle will be inspected by the Licensing Officer (or appropriately delegated manager in his absence).

Vehicles

In view of the vast numbers of makes and models of vehicles available it is preferred not to produce a definitive list of vehicle makes and models that might be approved. The approval of an exemption will be based on the cost, reputation, specification, appearance, perception and superior comfort levels of a vehicle. However, the following will be minimum requirements in relation to any vehicle applying for an exemption: -

1. Executive saloon, hatchback or estate vehicles designed to be licensed for 4 passengers, allowing sufficient space for adult passengers to travel comfortably.
2. Engine size 1900cc or greater.
3. A range of vehicles capable of carrying in excess of 4 passengers will be considered provided they meet a higher specification for that make and model.
4. An exemption will only be considered for a vehicle that can seat more than 4 passengers only where this is provided with comfort. Each seat must be of adequate dimensions and must permit direct access into and out of the vehicle without the need to move, remove, fold down, pass over or slide any seat. No vehicle modifications from the manufacturer’s specification are acceptable.
5. The vehicle must have a minimum specification of at least air conditioning, climate control, electric windows, central locking and headrests for each passenger.
6. The vehicle must be in immaculate condition, without damage, dents, defects or blemishes to the external bodywork, trim or seating.

Type of work

Applications will only be considered from the proprietors of vehicles which undertake exclusively “executive” type work, with all bookings to be of an executive nature and made under written contract (which may include bookings made electronically and by email). For example:

1. Corporate bookings to transport employees and/or clients on corporate business journeys; and/or
2. Airport and other ‘special’ journeys where the client specifically requests a vehicle of a prestige specification at the time of booking and pays a recognisable higher fee for that service compared to that charged for a non exempt vehicle.

Additional Conditions Relating to Private Hire Vehicles with a Plate Exemption

The following conditions will apply to any private hire vehicle which is granted an exemption from the requirement to display the rear licence plate, and are in addition to the standard private hire vehicle licensing conditions as currently issued.

1. The vehicle will only be used for “executive” work, where the booking has been made by written contract and not for any other type of private hire work.
2. The following must be carried in the vehicle at all times and must be produced upon request to an authorised officer of the Council or a police officer:
 - A) The exemption notice.
 - B) The private hire vehicle licence plate.
 - C) The vehicle licence conditions.
3. The (small) internal vehicle identification badge will be displayed in the front window of the vehicle at all times.
4. The vehicle will NOT have a meter fitted.
5. The vehicle will not display any company or third party numbers, adverts or promotional material of any type.

Additional Conditions for Drivers of Exempted Private Hire Vehicles

1. Male drivers are required to wear a suit or jacket and trousers plus shirt and a tie at all times. Female drivers must follow an equivalent dress code, generally recognised as ‘smart office’. This dress code must be followed at all times the vehicle is used to undertake a booking or contract. Jackets may be removed where weather conditions require it.
2. The driver of an exempted vehicle is not required to wear their driver’s identification badge, but must carry their badge with them at all times.

Please Note: Drivers of private hire vehicles that do not display a private hire vehicle plate will no longer be exempt from the seat belt legislation and **MUST** wear a seat belt while driving the vehicle at all times.

8. FINANCIAL IMPLICATIONS

- 8.1 The administrative costs to consider exemption applications and produce exemption notices would be absorbed into existing licensing costs.

9. CRIME AND DISORDER IMPLICATIONS

- 9.1 There are no direct crime and disorder implications arising from exemption procedures, although the easy identification of Private Hire Vehicles by enforcement staff, police and other agencies is removed.

10. ENVIROMENTAL, EQUALITY AND DIVERSITY IMPLICATIONS

- 10.1 There are no environmental, equality and diversity implications arising from this report.

11. RECOMMENDATION

- 11.1 That the Committee consider the implications of this report and decide whether to:
- a) Continue with its current policy of not allowing any exemptions from the requirement to display the rear plate;
 - b) Amend the existing policy to allow private hire operators who operate “executive” type vehicles to apply for an exemption from the requirement to display the external private hire vehicle licence plate, in accordance with the conditions stipulated in section 7 of this report; or
 - c) Amend the existing policy to allow private hire operators who operate “executive” type vehicles to apply to display a rear disc, rather than a plate, in accordance with the conditions stipulated in section 7 of this report.

Further Information:

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Background Papers:

GPLC Report 12 Sept 2008

APPENDIX 1

Comments (verbatim) received from respondents **against** the proposal to permit an exemption from the obligation to display the Council plate on the rear of the vehicle

- “You should stick to your policy of plate being on vehicle! Otherwise anyone will be able to drive round claiming to be a private hire operator.”
- “It is an essential requirement to ensure compliance with regulations.”
- “There would be no control as to the use of private hire vehicles or drivers.”
- “1. The plate shows the vehicle is licensed. 2. “It” prevents unlicensed vehicles being used.”
- “The idea of a plate is to protect the public from unlicensed vehicles.”
- “I would like to investigate a “smaller size” PH plate or maybe rear window “sticker” type plate. Apart from wedding/funeral cars I feel all licensed vehicles should have a form of identification.”

APPENDIX 2

Comments (verbatim) received from respondents **supporting** the proposal to permit an exemption from the obligation to display the Council plate on the rear of the vehicle

- “Perhaps a small sticker in rear window similar to London.”
- “With particular reference to those of us who are doing Corporate’ work and offering ‘Executive’ type vehicles for our customers – I have some Corporate Customers who are very happy with my vehicle but are not too keen on the Private Hire Plate showing. Why can’t a smaller circular plate be considered which can be displayed on the front or rear windscreen like so many of the Operators are able to do in London.”
- “The plate should be on board the vehicle for inspection if necessary.”
- “Like the card that’s displayed in the windscreen I think there should be a card or sticker displayed in the bottom right-hand corner of the back window. I feel we do not need a plate on the back of the car as long as identification is displayed in the windows. This could apply to private-hire only and possible only companies that have contracts set up with businesses.”
- “On occasions when asked for an unmarked car it would be helpful. However operators should be reminded that if not displaying a plate and carrying passengers they would then be required to wear a seat belt.”
- “Maybe store it in the boot of a vehicle.”
- “Exemption certificate to be in vehicle at all times OR disc to be displayed on rear window as per T.F.L.”
- “I think that only executive vehicles such as chauffeur cars should have an exemption. A small sticker in the front windscreen showing the plate number would be fine, as Southampton City Council and Eastleigh Borough Council currently operate. The private hire plate must be kept in the boot if any checks are made.”
- “It should only be for prestige cars but it should be carried in the car either in the boot or glove box at all times.”
- “No additional conditions should apply.”
- “I would vote yes if you run a more ‘chauffeur’ business. If you run a more ‘taxi’ style and run school children about I would say they would need to be displayed. This could be overcome by simple question on the operator’s licence renewal form. Other than that issue small plate/sticker in line with London and most other authorities.”
- “I feel that the current situation that each licence authority has a different policy on this subject is crazy. There should be standards that are kept to throughout the whole country.”
- “Should be always in the car for proof if needed. The front licence sticker on the windscreen should stay must. P.S. – I would welcome the change as well and make this only as an option to choose whether I want to or not to use the back private hire licence plate.”

- “Any cars that cost more than £40,000.”
- “Maybe a discreet windscreen sticker to confirm exemption.”
- “Being as we pickup Exxon refinery manager or other hierarchy for the site it would be advantageous not to have plates on the car for security reasons, we have always said this. Exxon are top notch with security of their personnel and great big plates have never been appreciated. A discreet smaller sticker for the inside of the vehicle (front or back) would be excellent, this is what London have.”
- “This is of value to operators offering a ‘chauffeur’ service or supplying cars to some businesses who ask for anonymous cars. Discrete but easily visible licensing information should be shown in front (and possibly rear) screens to protect the travelling public and aid enforcement.”
- “Even if it could be placed inside the rear window it would be controlled better.”
- “Suggestion of a stick on plate to be displayed on the interior rear window.”
- “I think the PH badge should remain in the front window so it still shows the vehicles licensing authority in case a complaint needs to be made. I think the special dispensation should be made to executive hire vehicles i.e. for chauffeur, weddings and executive contract as well as airport contracts but think private hire in general from pubs, clubs etc should still show the rear ph plate on the vehicle.”