



Waverley Borough Council
Council Offices, The Bury's,
Godalming, Surrey
GU7 1HR
www.waverley.gov.uk

To: All Members and substitute members of
the LICENSING (GENERAL
PURPOSES) SUB-COMMITTEE
(Other Members for Information)

When calling please ask for:

Maureen Brown, Democratic Services Officer
Policy and Governance

E-mail: maureen.brown@waverley.gov.uk

Direct line: 01483 523225

Calls may be recorded for training or monitoring

Date: 8 April 2016

Membership of the Licensing (General Purposes) Sub-Committee

Cllr Simon Inchbald (Chairman)

Cllr Anna James

Cllr Patricia Ellis (Vice Chairman)

Cllr Bob Upton

Cllr Peter Isherwood

Substitutes

Cllr Maurice Byham

Cllr Carole King

Dear Councillors

A meeting of the LICENSING (GENERAL PURPOSES) SUB-COMMITTEE will be held as follows:

DATE: MONDAY, 18 APRIL 2016

TIME: 10.00 A.M.

PLACE: COUNCIL CHAMBER, COUNCIL OFFICES, THE BURYS GODALMING

The Agenda for the meeting is set out below.

Yours sincerely

ROBIN TAYLOR

Head of Policy and Governance

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NOTE FOR MEMBERS

Members are reminded that contact officers are shown at the end of each report and members are welcome to raise questions etc in advance of the meeting with the appropriate officer.

AGENDA

1. **MINUTES**

To confirm the Minutes of the Meeting held on 28 January 2016 (to be laid on the table half an hour before the meeting).

2. **APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

To receive apologies for absence and to report any substitutions

3. **DECLARATIONS OF INTEREST**

To receive from members declarations of interest in relation to any items included on the agenda for this meeting, in accordance with the Waverley Code of Local Government Conduct.

4. **APPLICATION FOR EXEMPTION FROM PRIVATE HIRE PLATE DISPLAY**
(Pages 5 - 10)

This report enables the Sub-Committee to consider a request for exemption from the requirement to display the private hire licence plate on a private hire vehicle licensed by the Council. There are no environmental or resource implications arising as a result of this report. Approval of a certificate of exemption could have community safety implications, which are set out in the report.

Recommendation

It is recommended that the Sub-Committee gives consideration to the request for exemption from the requirement to display a private hire licence plate on any occasion when the vehicle is used for chauffeur purposes, as submitted by Mr Phillips in respect of his vehicle, Private Hire Plate no 259.

5. **EXCLUSION OF PRESS AND PUBLIC**

To consider the following recommendation on the motion of the Chairman:-

Recommendation

That pursuant to Procedure Rule 20 and in accordance with Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of the following items on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during the items, there would be disclosure to them of exempt information (as defined by Section 100I of the Act) of the description specified in paragraph 1 of the revised Part 1 of Schedule 12A to the Act in respect of the following item:

Information relating to any individual (paragraph 1)

6. APPLICATION FOR A PRIVATE HIRE DRIVER'S LICENCE (REQUESTING EXEMPTION FROM THE GOOD CONDUCT CERTIFICATE REQUIREMENT IF RESIDENT FOR LESS THAN 5 YEARS) (Pages 11 - 26)

To consider the attached [Exempt] report.

7. REVIEW OF HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE (Pages 27 - 52)

To consider the attached [Exempt] report.

8. APPLICATION FOR A HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE (Pages 53 - 114)

To consider the attached [Exempt] report.

9. LEGAL ADVICE

To consider any legal advice relating to any items in the agenda.

**For further information or assistance, please telephone
Maureen Brown, Democratic Services Officer, on 01483 523225 or by
email at maureen.brown@waverley.gov.uk**

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WAVERLEY BOROUGH COUNCIL

LICENSING (GENERAL PURPOSES) SUB-COMMITTEE – 18 APRIL 2016

Title:

APPLICATION FOR EXEMPTION FROM PRIVATE HIRE PLATE DISPLAY

[Wards Affected: All]

Summary and Purpose

This report enables the Sub-Committee to consider a request for exemption from the requirement to display the private hire licence plate on a private hire vehicle licensed by the Council. There are no environmental or resource implications arising as a result of this report. Approval of a certificate of exemption could have community safety implications, which are set out in the report.

How this report relates to the Council's Corporate Priorities:

This report relates to improving lives in the Borough.

Equality and Diversity Implications:

There are no equality implications.

Resource/Value for Money Implications

There are no immediate resource implications in this report.

Legal implications:

The Local Government (Miscellaneous Provisions) Act 1976 enables the Council, at its discretion, to grant an exemption from the requirement to display a private hire vehicle's licence plate.

Introduction

1. Private Hire Vehicles and their drivers may be pre-booked only via a licensed private hire operator. Each of the three licences, for the operator, the vehicle and the driver, must be issued by the same licensing authority, i.e. the licences must 'match'. 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 vehicle licence plates provided by the Council.
2. Notwithstanding this provision, Section 75(1) of the Act provides:
 - “(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. In addition, the Act enables the Council, generally, to grant an 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 an exemption from display on specified occasions/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. For the Sub-Committee's information, no such exemptions exist for hackney carriages (taxis).
4. If granted an exemption, the plate and the letter of exemption must be carried in the vehicle and produced for inspection when requested. The Sub-Committee has authorised several vehicles for exemption from plate display in the past, and the requests for such exemption are usually because the operator wishes to have a specific vehicle for more exclusive work than the daily 'to and fro' type of work which these vehicles may undertake.
5. The primary function of a chauffeur/executive driver and vehicle is to transport passengers from a to b, albeit in a higher quality vehicle than a conventional minicab. Whilst recognising that the drivers might have a more dedicated focus on higher quality customer care, chauffeur vehicles fall within the Private Hire regime.

Applications for Exemption and Transfer

6. As set out in the summary, a request has been received from Mr Andrew Phillips of Accor Cars, Farnham, a licensed Hackney Carriage/Private Hire driver with Waverley, for exemption from display of his licence plate at any time. Mr Phillips has recently submitted an application for a Private Hire Operator's Licence. A Private Hire Operator/Driver would normally need to have a good reason to request exemption, such as that the vehicle is primarily used in professional executive chauffeur-driven vehicle hire.
7. A copy of Mr Phillip's email requesting plate exemption and supporting documentation is attached at Annexe 1.
8. Mr Phillips has recently purchased and licensed as a private hire vehicle, a Black Mercedes R320L, first registered on 1 January 2008. Plate 259 has been assigned to the vehicle.
9. Officers are seeking generally to ensure that plate exemption should not be an automatic procedure and that applicants produce suitable evidence of their reasons for requesting an exemption. It is important that full details of the work should be submitted to the Council with any application for exemption, before the Committee is asked to consider the details.

Community Safety Implications

10. The provision of an identifying licence plate on the rear of a 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. An exemption from the requirement to display the licence plate could have community safety implications if the vehicle was then used for more routine and day-to-day private hire work. If an exemption is approved, the Private Hire Licence plate must be carried in the vehicle, together with the Council's letter of approval of exemption, but these will not be evident or immediately obvious to the hirer.
11. However, with the Council's vehicle licence-plate system introduced in 2005, there is now an obligation for all vehicles, including 'exempted' private hire vehicles, to display the internal small version of the plate in the front window of the vehicle. This should help to ensure that enough evidence is in place to assure any hirer of the vehicle's licence status. This is an important community safety issue.

Recommendation

It is recommended that the Sub-Committee gives consideration to the request for exemption from the requirement to display a private hire licence plate on any occasion when the vehicle is used for chauffeur purposes, as submitted by Mr Phillips in respect of his vehicle, Private Hire Plate no 259.

Background Papers

Correspondence from Mr Phillips.

CONTACT OFFICER:

Name: Paul Hughes

Telephone: 01483 523189

E-mail: paul.hughes@waverley.gov.uk

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Paul Hughes

From: Andrew Phillips <andrewphillips59@me.com>
Sent: Tuesday 01 March 2016 13:15
To: Paul Hughes
Subject: Plate exemption

Dear Paul

I trust you have received the photos of my new vehicle I have purchased this particular vehicle to service the needs of 2 clients I have, TAG Aviation in Farnborough and ElitAvia Aviation

Both require unmarked Mercedes, with built in wifi for their passengers and crew

ElitAvia is a Russian owned private airline operating 18 private jets out of Slovenia into many airports around the world, but for my purposes Farnborough, Luton and Stansted

Please let me know if you require any further information

Regards
Andrew

Sent from my iPhone



By virtue of paragraph(s) 1 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Agenda Item 6.

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