

WAVERLEY BOROUGH COUNCIL

LICENSING (GENERAL PURPOSES) SUB- COMMITTEE – 07 JULY 2016

Title:

APPLICATION FOR EXEMPTION FROM PRIVATE HIRE PLATE DISPLAY MR GLEN GOURLAY

[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 vehicle 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 Glen Gourlay of Glenn’s Private Hire, a licensed driver and operator with Waverley, for exemption from display of his licence plate at any time. 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. Mr Gourlay would like to have plate exemption for two S Class Mercedes limousines. Since submitting his written request Mr Gourlay has purchased one, a Mercedes S350 Blue Tec and licensed it with Waverley, plate no. 301. The vehicle passed its inspection at the Guildford testing station on 27 April 2016, a copy of the test sheet is reproduced at Annexe 1.
8. Correspondence and photographs requesting plate exemption from Mr Gourlay are reproduced at Annexe 2. Attached at Annexe 3 are letters in support of Mr Gourlay’s application for exemption.
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 Gourlay in respect of his vehicle, Private Hire Plate no 301 and for a further S class Mercedes yet to be purchased.

Background Papers

Correspondence from Mr Gourlay

CONTACT OFFICER:

Name: Paul Hughes

Telephone: 01483 523189

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