



<u>Committee and Date</u>
Strategic Licensing Committee
17 January 2012

<u>Item</u>
7
Public

## LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

### PRIVATE HIRE VEHICLE POLICY IN RESPECT OF EXECUTIVE STYLE VEHICLES

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#### 1. Summary

- 1.1 This report is to clarify Members intentions in relation to 'executive' vehicles. Shropshire Council's policy for licensed private hire vehicles is that 'All private hire vehicles (with the exception of executive style vehicles) are required to display an identifying plate and will have Council issued signage on the side of the vehicle. This will carry the Council logo, PHV licence number and the words 'Pre-booked Only'.
- 1.2 Since the introduction of revised policies in October 2011, the Council's Licensing and Safety Committee has considered four reports from private hire operators that have requested that their vehicle(s) be classed as 'executive style'. This would enable them to display an executive plate that is more discreet than a standard plate and would exempt them from displaying the Council issued signage.
- 1.3 Operators considered that the Council issued signage would have a detrimental effect on their businesses that provide chauffeur services for executive personnel that need to be transported around the country.
- 1.4 The requests have been refused by the Licensing and Safety Committee as Members did not consider that the vehicle(s) were of an 'executive style'. The policy does not define what make and models would be classed as executive style so it is difficult for the trade to make adjustments to their fleet to be able to fall within the exemption.
- 1.5 Members are requested clarify the position in relation to what vehicles should be permitted to either display an executive style plate or be entitled to be issued with a notice (in accordance with Section 75(3) of Local Government (Miscellaneous Provisions) Act 1976) that would exempt them from displaying any plate or signage.

## **2. Recommendations**

- 2.1 That the policy in respect of signage for private hire vehicles be amended to read as follows:

### Appearance

The plate identifying the vehicle as a private hire vehicle as issued by the Council and required to be exhibited on the vehicle pursuant to Section 48(6) of the Local Government (Miscellaneous Provisions) Act 1976 (unless exempted by the Council) shall be securely fixed to the outside rear of the vehicle in a conspicuous position kept clean and displayed at all times and in such a manner as to be easily removable by an authorised Officer of the Council or a Constable.

### Signs and Notices

No vehicle shall display a roof sign.

All private hire vehicles are required to display an identifying plate and will have Council issued signage on the side of the vehicle. This will carry the Council logo, PHV licence number and the words 'Pre-booked Only'.

Vehicles that offer an executive service which solely involves long distance work and not traditional local private hire work would be permitted to display an executive hire plate and be exempt from displaying council issued signage. In order to qualify for an executive plate, Operators would be expected to produce six months of booking records to show that the work undertaken fulfils the criteria.

- 2.2 That the proposed changes go out to consultation for two weeks.
- 2.3 That the recommendation and replies to consultation be considered by Cabinet for final determination.

## **3. Risk Assessment and Opportunities Appraisal**

- 3.1 There are no risks associated with the amendment to the policy wording, although it is recognised that clarification is needed as to what should be classed as an 'executive style' vehicle.

## **4. Financial Implications**

- 4.1 There are no financial implications associated with this report.

## Report

### 5. Background

- 5.1 Since the introduction of revised taxi policies in October 2011, there have been four requests from private hire operators that specialise in offering an executive chauffeur service, to be exempted from displaying the standard identifying plate and Council issued signage on their private hire vehicle(s).
- 5.2 As from 1<sup>st</sup> October 2011 the private hire vehicle policy in respect of signage is as follows:

#### Appearance

The plate identifying the vehicle as a private hire vehicle as issued by the Council and required to be exhibited on the vehicle pursuant to Section 48(6) of the Local Government (Miscellaneous Provisions) Act 1976 (unless exempted by the Council) shall be securely fixed to the outside rear of the vehicle in a conspicuous position kept clean and displayed at all times and in such a manner as to be easily removable by an authorised Officer of the Council or a Constable.

#### Signs and Notices

No vehicle shall display a roof sign.

All vehicles (with the exception of executive style vehicles) will be required to display Council issued signage on the side of the vehicle. This will carry the Council logo, PHV licence number and the words "Pre-booked Only".

- 5.3 Section 75(3) of the Local Government (Miscellaneous Provisions) Act 1976 does allow for the Council to issue a notice to the proprietor of a vehicle that, for the period of time or on any occasion specified in such a notice, section 48(6) (as detailed in paragraph 3.3 above) will not apply.
- 5.4 Prior to the introduction of revised policies on 01 October 2011, there were 17 vehicles that had been issued with executive style plates, these plates are more discreet than the standard plate and had been issued to persons that either had a limousine or that had requested them due to the nature of their business. The majority of vehicles would not be classed as executive style to enable them to now be exempt from displaying Council issued signage when their vehicle licence is due for renewal.
- 5.5 Officers consider that the existing wording of the policy is ambiguous and is open to interpretation from the trade as to what the Council would class as an executive style vehicle. The exemption under Section 75(3) of the Local Government (Miscellaneous Provisions) Act 1976 (as detailed in paragraph 3.4 of this report) offers the option for Councils to determine that in exceptional circumstances, where there is a requirement to provide an unmarked car, a plate and signage need not be displayed. In practice though, Shropshire Council has offered an executive plate rather than an exemption

notice. An executive plate is more discreet than the standard size plate, but offers members of the public the reassurance that the vehicle is regulated.

## **6.0 Options for Consideration**

- 6.1 The options available to the Committee are to maintain the existing wording and to provide a detailed list of vehicles that would be classed as 'executive style', or to amend the wording to enable operators that solely offer an executive service to be able to apply to display an executive plate and be exempt from displaying Council signage.
- 6.2 The advantage of providing a list of vehicles to be classed as 'executive style' is that the trade would be able to make adjustments to their fleet to be able to fall within the exemption of displaying signage. However there are so many different makes and models of vehicle it would be hard to cover every possibility and no two persons interpretation of what should be an executive style vehicle would be the same.
- 6.3 To amend the policy wording to enable operators of businesses that offer an executive service to apply for an executive plate would mean that officers would only provide exemption from displaying of signage in exceptional circumstances where there was proof (by way of pre-booked records) that the nature of business conducted was solely an executive service offering a long distance chauffeur service.

## **7.0 Conclusion**

- 7.1 The wording of the current policy is open to interpretation as to what would be classed as an 'executive style' vehicle and as such there have been four executive hire reports considered by the Licensing and Safety Committee since the introduction of revised policy came into force in October 2011.
- 7.2 Officers consider that to display an executive plate would be preferable to issuing an exemption notice (in accordance with Section 75(3) of the Local Government (Miscellaneous Provisions) Act 1976) where the nature of a private hire business warrants it.
- 7.3 Although there are exemptions under the private hire legislation for some vehicles, such as those used for wedding and funerals; vehicles that offer an executive/chauffeur service need to be licensed. It is recognised that there are different types of private hire business and the wording of the current private hire vehicle policy recognises that for some vehicles it may not be appropriate to display signage on the side of a vehicle.

## **8.0 Standard of Decision Making**

- 8.1 Reports will be updated at the meeting if necessary to take account of any additional relevant information received after publication.

- 8.2 Members should not allow themselves to pre-determine or to be prejudiced in favour of or opposed to the request until they have had an opportunity to consider all the pertinent facts.
- 8.3 Members should be aware that as they are acting in a quasi-judicial role as regards this licensing matter, they should remain in the room so that they hear all the evidence on which the decision will be based.

**List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)**

Private Hire Vehicle Policy

Local Government (Miscellaneous Provisions) Act 1976

**Human Rights Act Appraisal**

The Committee is required to consider the consequences of this request on the human rights of private hire operators.

**Environmental Appraisal**

Not applicable.

**Risk Management Appraisal**

Not applicable.

**Community / Consultations Appraisal**

Not applicable.

**Cabinet Member**

Cllr Steve Charmley

**Local Member**

**Appendices**

Appendix A - Private Hire Vehicle Policy