

# LICENSING COMMITTEE

## LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

### VEHICLE LICENSING – EXEMPTION REQUEST

#### Executive Hire Exemption Notice for Private Hire Vehicles Section 75 (3) Local Government (Miscellaneous Provisions) Act 1976

14<sup>th</sup> October 2022

#### Report of the Licensing Officer

##### PURPOSE OF REPORT

For members to consider a request from Mr Peter Hobart to issue his private hire vehicle with a s75(3) exemption notice. The notice would exempt the vehicle from displaying licence plates.

Members should also consider the request to waiver the conditions relating to door signs and stickers.

**The report is public**

##### RECOMMENDATIONS

**That members consider the request from Mr Peter Hobart to issue his private hire vehicle with a s75(3) exemption notice. Consideration should also be given to waiver the vehicle licence conditions relating to door signs and stickers.**

##### 1.0 Background

1.1 The Local Government (Miscellaneous Provisions) Act 1976 requires that a District Council must issue a private hire vehicle with an identity plate or disc and that the proprietor should not use, or permit the use of, that vehicle without displaying the plate as directed by the Council. The Act also gives a district Council the discretion to grant a proprietor an exemption from displaying the licence plates on their licensed private hire vehicle.

1.2 A request has been received from Mr Hobart to exempt the requirement to display licence plates on his private hire vehicle, in addition Mr Hobart has requested that conditions relating to the display of door-signs and stickers are waived.

- 1.3 Historically, exemptions have not been granted as a matter of course. A clear case for the exemption has had to be made by the proprietor. The new hackney carriage/private hire policy states the following:

The Council will consider requests for exemption from private hire vehicles used exclusively for the purposes of executive hire. There is no legal definition of “executive hire” but the Council will generally consider the following when determining any requests for exemptions from displaying plates/ signage:

- The majority of the work should be for businesses which maintain an account with the private hire operator
- The vehicle may be used for one or more contracts, but these would be booked on account with payment made by invoice or card payments. No payments are to be made to the driver in the vehicle
- The type of vehicle to which the application relates should reflect the executive hire status, i.e. a high value luxury vehicle
- The driver of an executive hire vehicle should wear a uniform befitting of the executive status

The vehicle cannot be used for any standard private hire work. If an exemption notice is granted it would apply to the duration of the licence. Failure to comply with the requirements above or the conditions attached to the grant of the private hire licence will result in the exemption being withdrawn and or the licence being revoked.

- 1.4 In determining an application it will normally be the status of the passenger and the executive nature of the work that will indicate whether or not the exemption should be granted. The high quality of the vehicle being used will be supportive of an application, but has not been the sole determining factor.

- 1.5 Executive travel is considered to be a speciality private hire service in a luxury vehicle rather than a standard vehicle. Examples of luxury vehicle types include for example Mercedes, BMW, Audi, Jaguar and Lexus models. Members may wish to provide a prescriptive list of acceptable vehicles but this may be subjective and will require frequent updates.

- 1.6 Examples of the type of work, which is considered to be executive vehicle hire, are as follows:

- Corporate bookings to transport employees and clients on business related journeys.
- Other journeys where the client specifically requires a vehicle without any private hire plates or signage on it at the time of booking.

- 1.7 Mr Hobart’s letter outlining his request and business model is attached at **Appendix 1**.

Mr Hobart’s business proposal suggests that the work carried out in the licensed vehicle will be used for escorting passengers for the Ministry of Defence (MOD). If the plates/signage remain on the vehicle, it is not permitted to enter the MOD base. Mr Hobart confirms within the proposal that the vehicle is a Mercedes E220D estate high class vehicle and that all payments for services are made by way of invoice.

1.8 Mr Hobart has been invited to attend Licensing Committee to provide supplementary information regarding his request and also present the vehicle to which his request relates for members inspection.

## 2.0 Options

2.1 Options available to members are as follows:

- 1) To issue an s75 (3) exemption notice.
- 2) To refuse to issue the s75 (3) exemption notice; and
- 3) To approve or reject the request to waiver the vehicle licence conditions relating to door signs and stickers.

## 3.0 Conclusion

3.1 Officers are satisfied that Mr Hobart's request for an exemption meets the requirements outlined within the private hire/hackney carriage policy.

3.2 Members are asked to consider each vehicle on a case-by-case, individual basis and decide whether they are satisfied to allow the exemption of display of licence plates and waiver of the standard vehicle licence requirement relating to door-signs and stickers.

3.3 Consideration should be given to the vehicles suitability in terms of its executive status. Relevant considerations as to whether a vehicle is an executive hire car include but are not limited to cost, reputation, specification, appearance, perception and superior comfort levels.

### CONCLUSION OF IMPACT ASSESSMENT

(including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)

None.

### FINANCIAL IMPLICATIONS

Financial Services have not been consulted, as there are no financial implications.

### LEGAL IMPLICATIONS

There is no right of appeal against the decision to refuse to grant an exemption under section 75(3) of the Local Government (Miscellaneous Provisions) Act 1976., however the requirement to display additional signage over the plate is a condition to which any person aggrieved has a right to appeal to the Magistrates Court within 21 days of the grant of the licence under Section 48(7) of the Local Government (Miscellaneous Provisions) Act 1976.

### BACKGROUND PAPERS

None.

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