

Committee:	Licensing & Environmental Health	Date:	10 th May 2021
Title:	Review of Exemption from the requirement to exhibit a private hire plate		
Report Author:	Steve Mahoney, Senior Licensing & Compliance Officer, 01799 510326	Item for decision:	Yes

Summary

- 1 Members will be aware that the Committee have previously adopted an exemption policy to allow two categories of private hire work to use unmarked vehicles, namely customers who wish to give the appearance of using a chauffeur driven car and not a private hire vehicle and customers who require an unmarked vehicle for security reasons - **attached as Background Paper A** - which came into effect on 20 January 2016 and has not been revised since.
- 2 In brief, the Policy requires vehicles licensed by Uttlesford District Council to provide evidence of the type of specialised work undertaken and the type of vehicle used in order to be provided with an exemption to display a licensed plate.
- 3 With the introduction of the additional safeguarding requirement to make UDC licensed vehicles more visible by displaying UDC licensed vehicle door signs we anticipate the number of requests for plate exemptions will slowly increase and it is probably now appropriate that there should be a review of the written policy in which exemptions will be granted – **attached Background Paper B**

Recommendations

- 4 Members are asked to consider whether the draft process referenced in 1.3 'Background Papers B' should be adopted or the current policy retained.
- 5 In considering whether to adopt the draft amendments referenced in 1.3, members should note that this would only impact the current exempted vehicles licensed by Uttlesford District Council upon their subsequent annual vehicle licence renewal.

Financial Implications

- 6 The current one off fee of £11 for processing applications for plate exemptions will remain, but it is proposed to be payable each time the vehicle plate is renewed. This will cover the cost of the service and not make any profit for the council.

Background Papers

- 7 The following papers were referred to by the author in the preparation of this report a copy of which are attached:
- A: Current exemption from the requirement to exhibit a private hire plate.
 - B: Draft amendments to the current policy.
 - C: Responses to the consultation

Impact

Communication/Consultation	None
Community Safety	None
Equalities	None
Health and Safety	None
Human Rights/Legal Implications	None
Sustainability	None
Ward-specific impacts	None
Workforce/Workplace	None

Situation

- 8 The Local Government (Miscellaneous Provisions) Act 1976 requires licensing authorities to issue license plates in respect of licensed private hire vehicles and requires the plate to be displayed in such a manner as should be prescribed by conditions contained in the licence. The Act also provides that private hire drivers are to be issued with a badge with must be worn in such a manner to be plainly and distinctly visible when a licensed vehicle is being driven. Generally failure to display a plate or wear a badge is a criminal offence.
- 9 Section 75(3) of the 1976 Act provides that a local authority may by notice in writing waive the requirement to display a licence plate and if such a waiver is granted the requirement for the driver to wear the licence badge is not effective. There is no corresponding provision regarding hackney carriages which must display a plate and the driver of which must wear a badge at all times.
- 10 Section 75(3) does not provide for the circumstances in which an exemption may be granted and this is therefore left as a matter for a local authority's discretion. The Dept. for Transport's most recent guidance (Taxis and Private Hire Vehicle Licensing: Best Practice Guidance published July 2020) is silent

on the issue of plate exemptions.

- 11 There are a number of reasons why a driver may not wish to display the licence plate. Some clients (e.g. government departments, employees of companies in sensitive industries etc.) require private hire vehicles not to display a plate for reasons of security. There is also a distinct executive market where the customer prefers to give the impression that he or she is travelling in a chauffeur driven car rather than a private hire vehicle. Typically this sector of the market includes those engage in the entertainment industry and senior directors or board members of companies. This is a sector of the private hire trade which ought to be encouraged.
- 12 For some years the council has granted exemptions to the requirement to display licence plates. There is a written policy dealing with how requests for exemptions would be dealt with that states the person seeking an exemption is required to supply the specification of the vehicle and confirm the vehicle will only be used for executive work.
- 13 Members may be interested to know that at the time of preparation of this report of circa 2500 private hire vehicles licensed by this council over 100 currently have plate exemptions.
- 14 Having prepared the draft amendments to the council's policy, this was circulated with a consultation document to all private hire operators in the district and to ULODA and comments were invited. Few responses were received. Those which were are attached – **Background paper C**

Risk Analysis

Risk	Likelihood	Impact	Mitigating actions
The council has a policy regarding the granting of exemptions for the requirement to display plates for private hire vehicles	Members are likely to adopt the amendments	There will be an increase in the amount of exemptions we have to issue	Updated policy is adopted

1 = Little or no risk or impact

2 = Some risk or impact – action may be necessary.

3 = Significant risk or impact – action required

4 = Near certainty of risk occurring, catastrophic effect or failure of project.