

**Draft Proposal for Committee
Consideration**

LICENSING GUIDANCE PROCEDURE

**Exemption from Requirement to
Display Identification Plates and
Signs (Private Hire Vehicles Only)**

**Uttlesford
District
Council**

March 2021

INTRODUCTION

The Local Government (Miscellaneous Provisions) Act 1976 requires that a Council must issue a private hire vehicle with a licence plate and that the proprietor should not use, or permit the use of, that vehicle without displaying the plate as directed by the Council.

The clear and visible identification of a licensed vehicle is considered a safety aspect, particularly when visiting such places as airports, seaports and large town or city centers. Therefore the overriding consideration when determining any request for an exemption will be the impact on public safety

Section 75 of the Act also gives a Council the discretion to grant a request for exemption from displaying the licence plate on a private hire vehicle which it licenses by way of written notice.

There are occasions when the requirement to display an external identification plate, and other signage as ordinarily required by the Council, may have a detrimental effect upon an operating business as some corporate customers may be deterred from using the service. There may also be legitimate circumstances where the identification of a vehicle as a licensed private hire vehicle could allow "high risk" passengers to be more readily targeted, resulting in a placing of the safety of both the passenger/s and the driver at risk.

.A clear case for the exemption must be made by the vehicle proprietor, in writing, to the Council. In determining such an application it will normally be the status of the passengers and the nature of the work that will indicate whether or not the exemption should be granted. The quality of the vehicle being used may be supportive of an application, but it will not be the sole determining factor.

A request for exemption shall only be considered for an individual vehicle and not for a fleet, and each request shall be considered on its own merits.

PROCESS

In order to apply for an exemption from the requirement to display identification plates and signs, the proprietor of the private hire vehicle must produce;

- A completed exemption application form and payment of the appropriate fee.
- Documentation in support of the application evidencing that the vehicle carries out or is intended to carry out 'executive work'. *This is expected to include formal written contracts from companies and/or clients who for security or personal safety reasons would not want the vehicle to be identifiable and a standard paragraph upon a booking form or other contract document supplied by the operator will not be sufficient evidence..*
- The previous three months of booking records for the relevant vehicle. (For new applications, unless for a replacement vehicle, three months of booking records must be provided after a provisional exemption has been granted).

When an exemption is granted, the Council will issue the vehicle proprietor with a written certificate of exemption. The certificate will impose the following additional conditions upon the vehicle licence;

- The certificate must be retained within the vehicle at all times and the driver must produce it when requested to do so by an authorised local authority officer, Police constable, or passenger.

The private hire vehicle licence plate must be retained within the boot of the vehicle and the driver must produce it when requested to do so by an authorised local authority officer, Police constable, or passenger. The driver must be in possession of their private hire/hackney carriage driver badge at all times while working under the terms of the exemption and produce it when requested to do so by an authorised local authority officer, Police constable or passenger.

- The vehicle proprietor must ensure there is no logo, advertisement or device on the vehicle interior or exterior which may lead members of the public to think it was a taxi or private hire vehicle. This includes external door signs issued by the Council.
- The driver must wear a chauffeur's uniform, business suit and tie or comply with such other dress code as may have been agreed in advance with the client.
- The exemption must only be used for executive hire work where there is genuine need not to display the vehicle licence plate, and only as has been agreed prior by the Licensing Authority.
- The vehicle proprietor is responsible for ensuring that the driver of the vehicle conforms to these conditions.
- The vehicle proprietor shall notify the Council in writing immediately of any change in use of the vehicle.

If the vehicle proprietor is found to be in breach of any of the conditions listed above, the Council may revoke the exemption with immediate effect, and further action against the vehicle licence may be considered.

The exemption once granted shall, unless revoked or surrendered, continue for the duration of the private hire vehicle licence. This is considered to be up to and including the expiry date listed on the licence plate. In exceptional circumstances an exemption may be applied for part way through the period of an existing private hire vehicle licence. The grant of such an exemption is in the sole discretion of the Licensing Manager.

If the vehicles ceases to be used for the type of work set out in the exemption certificate the vehicle proprietor must surrender the exemption by returning the written certificate to the Council if they no longer require use of such exemption. If the Council discovers the vehicle has been or is being used primarily for private hire work that is not considered to be 'executive hire', it may revoke the exemption with immediate effect and further action may be taken against the private hire vehicle licence, and/or private hire operator licence if both are the same person/s or company.