

Executive Use of Private Hire Vehicles

SUMMARY

- 1.1 In January 2008, the ability for certain vehicles to be exempt from the private hire licencing regime was repealed.
- 1.2 In April 2008, following concerns raised by companies that would now need to be licensed, the Taxi Licensing and Appeals Committee considered the matter and decided that door signage and a rear vehicle plate should be displayed on any private hire vehicle irrespective of what type of private hire work was being undertaken.
- 1.3 At the last Licensed Trade Meeting on 16 January 2014, a formal request for the decision to be reviewed was made to the Chair. A briefing paper was considered at the meeting.

RECOMMENDATION

- 2.1 To authorise the Licensing Team to undertake research and review the original decision of Full Council.
- 2.2 To report back to the Taxi Licensing and Appeals Committee with recommendations for amendment to the policy, where appropriate, following consultation with relevant stakeholders.

REASONS FOR RECOMMENDATION

- 3.1 To review the current policy for Private Hire Operators who undertake '*executive work*' to ensure current Derby City licensing policies remain fit for purpose.

SUPPORTING INFORMATION

- 4.1 Both Private Hire and Hackney Carriages drivers undertake similar roles; however case law does identify that a Private Hire Vehicle is always a Private Hire Vehicle and anyone who drives one must hold a current licence.

- 4.2 The Local Government (Miscellaneous Provisions) Act 1976 section 46(1)(b) details the requirement for a Private Hire Vehicle to be licensed. The licence is granted under section 51 of the same Act.

Under section 75(3) of the Local Government (Miscellaneous Provisions) Act 1976 there is the ability for a Private Hire Vehicle to be exempt from the requirements of section 48(6)(a) and 54(2)(a) of the Act, which relates to the displaying of a plate or disc in such manner as the local authority shall prescribe by conditions and display their badge to be plainly and distinctly visible.

The exemption is provided by the issue of a notice in writing to the proprietor of the vehicle.

- 4.3 In January 2008 the ability for some vehicles to be exempt from the licensing regime by virtue of the so called '*contract exemption*' was repealed.

Subsequently in April 2008 the Taxi Licensing and Appeals Committee considered the requirement for all Private Hire Vehicles to be licensed following the removal of the contract exemption. This was following companies who required licensing under the new regime raising concerns. The issues of concern to the companies related to the requirement for a knowledge test, the failure of some vehicles used for executive work to comply with the council's current conditions for Private Hire and the requirement for the company to display door signs and a plate on the rear of the vehicle.

The committee resolved to defer the matter so that officers could meet with trade representatives to seek their views which would be reported to a Cross Party Working Group to enable them to make recommendations.

On 9 July 2008 the recommendations of the Cross Party Working Group were considered. The committee resolved to note the report and approve the amendments within it. These included that Private Hire Operator Conditions would remain unaltered and require company signs to be displayed and a plate to be securely fixed to the vehicle. On 15 July 2008 Full Council resolved to defer the matter. On 10 September 2008 Full Council resolved to approve the minutes and recommendations of the 9 July 2008 report.

- 4.4 The Licensing Team has received a request from Oakwood Executive Cars Ltd via the Licensed Trade Meeting for the decision to be reviewed with regard to the requirement for company signs and a plate to be displayed on licensed Private Hire Vehicles operating as an executive car hire business.

- 4.5 Private Hire vehicles once licensed are licensed for all purposes of private hire work i.e. there is no provision in law for a restricted licence. In addition, as previously stated, case law identifies that a Private Hire Vehicle is always a Private Hire Vehicle. There is no definition of ‘*executive car*’ and it is for individual local authorities to determine the criteria for exemption; if it is considered appropriate. This would, if considered necessary require a change of conditions, clear criteria of an ‘*executive car*’ and policies and procedures to manage the licensing process. Member should also need to be satisfied that any relaxation does not compromise effective enforcement, or public safety. A consultation process would also need to be undertaken.

OTHER OPTIONS CONSIDERED

- 5.1 To not reconsider the request to review the previous decision made by the Taxi Licensing and Appeals Committee.

This report has been approved by the following officers:

Legal officer Financial officer Human Resources officer Estates/Property officer Service Director(s) Other(s)	Olu Idowu - - - John Tomlinson -
For more information contact: Background papers: List of appendices:	Sandra Mansell 01332 641931 sandra.mansell@derby.gov.uk Taxi Licensing and Appeals Committee Report: 4 July 2013 Appendix 1 – Implications

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IMPLICATIONS

Financial and Value for Money

- 1.1 None arising from this report.

Legal

- 2.1 As set out in the report.

Personnel

- 3.1 None arising from this report.

Equalities Impact

- 4.1 No particular group(s) will be disadvantaged by issues arising from information contained in this report.

Health and Safety

- 5.1 None arising from this report.

Environmental Sustainability

- 6.1 None arising from this report.

Property and Asset Management

- 7.1 None arising from this report.

Risk Management

- 8.1 The absence of up-to-date guidelines could result in challenges against decisions made by the Taxi Licensing and Appeals Committee.

Corporate objectives and priorities for change

- 9.1 The information set out in this report supports the corporate priorities that the Council provides good quality services that meet local needs.