



Derby City Council

TAXI LICENSING & APPEALS COMMITTEE
23 April 2015

ITEM 6

Report of the Strategic Director of
Neighbourhoods

Executive Car Exemption Policy

SUMMARY

- 1.1 The Taxi Licensing and Appeals Committee have considered the executive use of private hire vehicles previously and, following a consultation exercise, requested a Cross Party Working Group to consider the comments received and develop a policy to deal with them.
- 1.2 The report sets out the proposed policy that has been developed by the Cross Party Working Group for consideration.

RECOMMENDATION

- 2.1 To approve the Executive Car Exemption Policy attached at Appendix 2 and associated fees and charges.

REASONS FOR RECOMMENDATION

- 3.1 The Cross Party Working Group have considered the comments received from the consultation exercise and developed a policy to deal with the exemption of executive cars.

SUPPORTING INFORMATION

- 4.1 In February 2015, Committee considered a report on the executive use of private hire vehicles which included the results of a consultation exercise that had been carried out. Committee resolved to appoint a Cross Party Working Group to consider the comments that had been received from the consultation exercise and formulate a policy that dealt with the exemption of executive cars.
- 4.2 The Cross Party Working Group met on 18 March 2015 to consider the consultation comments that had been received and develop an Executive Car Exemption Policy, which is set out at Appendix 2 for consideration.

- 4.3 In formulating the proposed policy, members of the Cross Party Working Group are satisfied that the proposals do not compromise public safety or effective compliance.
- 4.4 The fees and charges considered necessary for dealing with exempt vehicles are set out for information at Appendix 4. At the time of writing the report, they are being finalised and will be available at the meeting. They will be similar to the fees and charges currently in place for other hackney carriage and private hire licences we issue and will be set to recover the total costs incurred in providing the service.

OTHER OPTIONS CONSIDERED

- 5.1 None. The Committee have agreed an approach to deal with this matter.

This report has been approved by the following officers:

Legal officer	Olu Idowu
Financial officer	n/a
Human Resources officer	n/a
Estates/Property officer	n/a
Service Director(s)	n/a
Other(s)	Michael Kay

--	--

For more information contact:	Sandra Mansell 01332 641931 sandra.mansell@derby.gov.uk
Background papers:	None
List of appendices:	Appendix 1 – Implications Appendix 2 – Proposed Executive Car Exemption Policy Appendix 3 – Executive Car Exemption Fees and Charges

IMPLICATIONS

Financial and Value for Money

- 1.1 None arising from this report.

Legal

- 2.1 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, including those that operated as executive cars.
- 2.2 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 Act. Once licensed, Private Hire Vehicles are licensed for all purposes of private hire work; there is no provision in law for a restricted licence.
- 2.3 Under Section 75(3) of the Local Government (Miscellaneous Provisions) Act 1976, there is the ability for a Private Hire Vehicle proprietor and driver to be exempt from the requirements of Sections 48(6)(a) and 54(2)(a) of the Act respectively, which relates to the displaying of a licence 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.
- 2.4 As there is no definition of an 'executive car', it is for individual local authorities to determine any criteria for exemption if it is considered appropriate. It is possible that this may include a change of conditions; a clear criteria of what an 'executive car' is and policies and procedures to manage the licensing process.

Personnel

- 3.1 None arising from this report.

IT

- 4.1 None arising from this report.

Equalities Impact

- 5.1 None arising from this report.

Health and Safety

6.1 None arising from this report.

Environmental Sustainability

7.1 None arising from this report.

Property and Asset Management

8.1 None arising from this report.

Risk Management

9.1 None arising from this report.

Corporate objectives and priorities for change

10.1 The proposals set out in this report will deliver **better outcomes for our communities.**

Appendix 2

Proposed Executive Car Exemption Policy

1.	Statement of intent
1.1	The aim of this policy is to ensure public safety whilst taking a balanced approach to licensing requirements. Its objective is the provision of an exemption to allow 'executive vehicles' to operate without displaying external identification plates and the driver to undertake the work without wearing their identification badge.
2.	Introduction
2.1	The displaying of the external identification plate on a licensed vehicle and the need for a driver to wear their badge is important in terms of public safety and reassurance. They indicate to the travelling public that prior to being issued with a licence; both the vehicle and the driver have been subjected to checks to ensure their (the public's) safety.
2.2	However, there are occasions when the requirement to display an external identification plate may have the opposite effect in terms of customer safety and could have commercial implications for the operating business. The display of Local Authority licence plates externally may also deter some corporate customers from using the service; and in some circumstances the identification of the vehicle as a licensed vehicle may allow "high risk" passengers to be more readily targeted putting both them and the driver at risk.
2.3	The Local Government (Miscellaneous Provisions) Act 1976 requires that private hire vehicles display an identification plate (licence plate) and drivers of those vehicles wear a driver's badge. The same legislation also allows Derby City Council to exempt vehicles from the need to display an identification plate and, where that exemption applies, the requirement to wear a private hire driver's badge.
2.4	It is not intended that all private hire vehicles licensed by Derby City Council should be exempt from the Council's requirement to display an external identification plate, however the Council recognises that there may be circumstances when it would be appropriate for vehicles operating the type of service to be considered suitable for such an exemption.
2.5	In creating this policy, Derby City Council does not seek to provide a definitive list of vehicles it considers to be suitable (subject to use) for exemption from the requirement to display external identification plates.
2.6	This policy provides guidance to potential applicants on the standards of vehicle comfort and equipment that Derby City Council considers should be the minimum standard of

	comfort and vehicle type before the Authority would consider such an application. This policy should be read in conjunction with the Council's existing policies, conditions and specifications that relate to private hire vehicles and establishes additional criteria that the Council (and its officers) will take into account when determining applications for a private hire vehicle to be exempt from displaying external identification plates.
3.	The Policy
3.1	Exemptions from displaying external identification plates (vehicle licence plates) may be in respect of individual vehicles only. Applications for exemptions relating to a fleet of vehicles will not be allowed.
3.2	Each application will be assessed on its own merit and each vehicle will be inspected by an authorised council officer to ensure that it is fit for purpose.
3.3	The following may be indicative (but not conclusive) that a vehicle is an Executive Hire Car and that the exemption may be appropriate: <ul style="list-style-type: none"> a) Engine size of 2000cc or greater. b) Each seat is of adequate dimension and permits direct access into and out of the side doors of the vehicle without the need to move, remove or fold down any seat. Vehicle types which are capable of seating more than four passengers will be considered for the exemption but will only be licensed for, in the opinion of the authority, the number of passengers who can travel comfortably. This consideration relates to the level of comfort that the average person may believe an Executive Hire Car should afford. c) Evidence to show that the vehicle is a prestige or top of the range as represented by the vehicle manufacturer. d) 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. e) The vehicle has a minimum specification of climate control, all electric windows, central locking, suitable front and rear headrests for each passenger and additional legroom.
3.4	The vehicle will be in pristine condition with no visible defects, dents or blemishes to the external bodywork or internal trim and seating.
3.5	The type of work undertaken is 'executive' in nature. This means that the vehicle is used specifically to provide transport under a written contract to a company or person, or by the type of clients who, for security or personal safety reasons, would not want the vehicle to be identifiable.
3.6	Applications may only be made by a person holding a private hire operator's licence issued by Derby City Council.

3.7	Where a proprietor wishes to make an application for a vehicle to be exempt from displaying an external identification plate, they will be required to complete the appropriate application form. The application form will be accompanied by documentation that supports the application and the application fee; which will be non-refundable.
3.8	The Council may require applicants to provide any additional documentation as reasonably necessary to allow the Council to make an informed decision. Where such documentation is not provided to the satisfaction of the Council, the application will be refused.
3.9	Derby City Council is entitled to recover its costs relating to the administration of applications for an exemption notice and the issue of the exemption notice where applications are granted and may charge such fees as it believes are appropriate to recover all or part of those costs. The setting of fees is delegated to the appropriate policy committee in accordance with the Council's scheme of delegations.
3.10	The fee to accompany an application for an exemption notice will form part of the hackney carriage and private hire published fees and is non-refundable.
3.11	Where an application is granted and a vehicle is exempted from displaying its external identification plate, an exemption notice will be issued as soon as practical after the decision is made.
3.12	Irrespective of when an exemption notice is granted, the initial exemption notice will expire on the same day as the expiration of the vehicles current private hire licence, unless it is otherwise surrendered or revoked. Thereafter, any renewed exemption notice will last for a period of time that is coterminous with that vehicle's private hire licence unless either the licence or notice is otherwise surrendered or revoked.
3.13	Exemption notices may be renewed annually subject to the vehicle continuing to be fit for purpose. The annual renewal fee for an exemption notice will form part of the hackney carriage and private hire published fees and is non-refundable.
3.14	The fee for a replacement exemption notice, plate or card will form part of the hackney carriage and private hire published fees and is non-refundable.
3.15	The authority to determine any application for an exemption notice is by virtue of this policy delegated to the Council's licensing officer(s).
3.16	In the event of an applicant being dissatisfied with the decision of the officer, the applicant may make a written application for a review of the decision by the Taxi Licensing and Appeals Committee which will be final.
3.17	Other than where to do so would conflict with the requirements of this policy, all vehicles granted an exemption notice must, in addition to the requirements of this policy, comply

	with the Council's Private Hire Vehicle Licence Conditions and Specifications.
3.18	A breach of any exemption requirement set out in this policy will be considered by the Council's Taxi Licensing and Appeals Sub Committee who will decide any appropriate action to take.
3.19	The following conditions will apply to all Private Hire Vehicles granted an exemption by Derby City Council from the requirement to display an external identification plate, and are in addition to the Council's Private Hire Vehicle Licence Conditions and Specifications;
(E1)	The identification plate and exemption notice provided by the Council pursuant to requirements of the Local Government (Miscellaneous Provisions) Act 1976 shall remain the property of the Council.
(E2)	The exemption notice issued by the Council will be carried in the vehicle at all times and will be produced upon request to an authorised officer of the Council or any Police Officer.
(E3)	Any vehicle granted an exemption from displaying an external identification plate will be required to have the identification plate normally displayed on the rear of the vehicle affixed securely inside the boot in a visible location.
(E4)	Any vehicle granted an exemption from displaying an external identification plate will be required to display an internal licence card in the nearside corner of the front windscreen.
(E5)	In the event of loss or damage rendering such notice, plate or card unserviceable, the proprietor shall make immediate application for a replacement for which a fee is payable.
(E6)	When issued with an exemption notice, the vehicle will not be required to display any other signs which the Council may at any time require private hire vehicles to display, other than those identified in E3 and E4 above.
(E7)	The proprietor will not display in, on or from the vehicle any advertisement, signage, logos or insignia advertising the operating company or the vehicle's status as a private hire vehicle.
(E8)	During the period of the exemption notice, the driver shall not be required to wear the private hire driver's identification badge but it must be available for immediate inspection by an authorised officer of the Council, any Police Officer, or client on request.
(E9)	During the period of the exemption notice, the driver of the vehicle whilst engaged on executive hire work will be smartly dressed in either a formal chauffeur's uniform or a business suit with collar and tie.
(E10)	The proprietor shall within 1 working day, notify the Council of any change in the use of the vehicle or forfeit the exemption.
(E11)	The proprietor shall not use the vehicle for private hire purposes other than for executive

	use (i.e. not for 'normal' airport journey's or daily private hire use).
(E12)	The front side windows and the front windscreen must be clear. Tinted glass can be fitted to the rear side windows and rear windscreen of the vehicle. Tinted film will not be accepted.
(E13)	The exemption will cease to have effect on selling or transferring the vehicle to another party. The person to whom the exemption is granted must inform the Council of the sale/transfer of ownership immediately and in writing, and provide details of the new owner. The exemption notice must be returned to the Council along with the private hire vehicle identification plate unless being sold to another private hire operator licensed by the Council; in which case, only the exemption notice has to be returned.
(E14)	A taximeter will not be installed in the vehicle.

Appendix 3

Executive Car Exemption Fees and Charges	CHARGE (£)
New Application for Exemption Certificate (incl. Private Hire Vehicle Licence)	TBC
Renewal Application for Exemption Certificate	TBC
Existing Private Hire Vehicle Application for Exemption Certificate	TBC
Replacement Exemption Certificate	TBC
Replacement Licence Card	TBC
Replacement Licence Plate	TBC