

Plate exemption policy for licensed private hire vehicles

1. Statement of intent

- 1.1. The aim of this policy is to ensure public safety whilst taking a balanced approach to licensing requirements. The principal objective is to formalise the use of discretionary power to allow 'chauffeur driven vehicles' to operate without displaying external licence plates.

2. Introduction (not part of Policy).

- 2.1. The Local Government (Miscellaneous Provisions) Act 1976 requires that identification (licence) plates be displayed on licensed private hire vehicles, and that licensed drivers of those vehicles wear a driver's badge.
- 2.2. For vehicles used by the "general public," display of identification plates on a licensed vehicle and of the driver's badge is important in terms of public safety and reassurance. They indicate to the travelling public and to enforcement authorities that prior to being licensed both the vehicle and the driver have been subjected to checks to ensure their (the public's) safety.
- 2.3. 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. For example, vehicles used by Government Ministers or celebrities.
- 2.4. Until January 2008, chauffeurs and vehicles exclusively hired for more than seven days by a single client were exempted from licensing requirements (S75 of the Act). Chauffeurs are now included in the ordinary "private hire" licensing requirements and must secure PH licences for their cars and drivers – and comply with all of the conditions and legal requirements including display of vehicle licence plates and driver badges. Chauffeurs must also obtain an operators' licence and have premises in this district where bookings are taken and records kept.

There are a number of companies currently offering traditional chauffeur services across the United Kingdom, based in Wychavon.

- 2.5. The legislation does give us discretion to exempt vehicles from the need to display the Council's approved identification plate and, where that exemption applies, the requirement for the driver to wear a private hire driver's badge.
- 2.6. We will only exercise these discretionary powers in rare cases, where we are satisfied that there is a genuine operational business need and business requirement, and where we are certain that the safety of the public will not be compromised as a result.
- 2.7. There is no "right" to plate exemption, nor is there any right of appeal against the Council's decision NOT to exercise its discretion and allow an exemption.
- 2.8. In creating a policy Wychavon District 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.
- 2.9. The policy outlines the type of operational business need and business requirement and describes the minimum standard of vehicle comfort and type appropriate before we will consider an application for plate exemption. The policy should be read in conjunction with our existing

policy relating to private hire vehicles and establishes additional criteria that the Council (and its officers) will take into account when determining an application 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. We will only exercise these discretionary powers in rare cases, where we are satisfied that there is a genuine operational business need and business requirement and that the safety of the public will not be compromised as a result.

Temporary exemption:

- 3.4. A properly authorised officer of the Council will have delegated power to issue a plate exemption notice for a specific licensed private hire vehicle to exempt it from displaying a licence plate on a specified date for a period of time not exceeding one week if he is satisfied that the vehicle proprietor has shown that there is a genuine operational business need and business requirement – such as the examples below.

- *use at a wedding or a funeral,*
- *use by a civic dignitary or in connection with a civic ceremony,*
- *chauffeur driven guided tours wholly or mainly for overseas clients,*
- *uniformed chauffeur driven services wholly or mainly for business clients*
- *use by HM Prison Service where there are security considerations,*
- *or use in similar situations where the display of a plate may affect the dignity or security of the persons carried.*

Where in the opinion of the authorised officer no genuine operational business need exists or the plate exemption period falls outside delegated limits the vehicle proprietor may ask the Licensing Sub-Committee to exercise the Council's discretion.

General exemption:

- 3.5. Applications for exemption from the requirement to display an external identification plate on the rear of a private hire vehicle for the duration of the licence will generally only be considered where the requirements listed below are met:

- * Work undertaken is exclusively "chauffeured" in nature. The chauffeur and vehicle are specifically hired to provide transport to a company or person, and/or where the display of a licence plate may affect the dignity or security of the persons carried.
- * Vehicles must be of a standard of comfort and equipped to a level equal or above luxury models of vehicles such as Mercedes Benz E or S Class, BMW 7 Series, Lexus GS or LS, Audi A8, Rolls Royce and Bentley saloons. (The highest specification executive type saloon cars from other manufacturers may also be considered).
- * Vehicles models must be four door saloon or coach built bespoke vehicles.
- * Vehicles will generally be black, silver or grey to accord with chauffeuring convention.
- * Vehicles must be in pristine condition with no visible defects, dents or blemishes to the external bodywork, wheels or internal trim and seating.

- * Vehicles will be not more than two years old when first licensed and not older than five years when re-licensed. If the vehicle is a current model this to be extended until twelve months after production ceases of that model.
- * The safety of the travelling public will not be compromised by exempting the specified vehicle from displaying an identity plate.

3.6. An application for a vehicle to be exempted from displaying an external identification plate must be made by the vehicle proprietor using the appropriate application form.

Additional documentation may be requested 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. The Council will maintain commercial confidentiality.

- 3.7. Officers will assess whether or not there is a genuine operational business need and whether or not the vehicle is considered to meet the criterion at 3.5.
- 3.8. 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 Licensing Sub-Committee.
- 3.9. The Licensing Sub-Committee, when considering a review of the Officer's decision, will hear oral or written representation made by the proprietor of the vehicle or his agent together with any other relevant oral, documentary or physical evidence.
- 3.10. If the Licensing Sub-Committee is satisfied a genuine operational business need exists and the vehicle is suitable for its purported purpose a plate exemption notice may be issued for the specified vehicle. The Licensing Sub-Committee can specify the dates and times the exemption will apply or exempt the vehicle for the whole period the vehicle licence is in force and attach any conditions to the exemption.
- 3.11. If the Licensing Sub-Committee considers no genuine operational business need exists for a plate exemption the vehicle proprietor will be notified of the refusal and advised there is no statutory right of appeal against the decision.
- 3.12. Where an application is granted and a vehicle is exempted from displaying its external identification plate an exemption notice will issued as soon as practical after the decision is made.
- 3.13. Where a vehicle is exempted from the requirement to display an external identification plate the vehicle will also be exempted from the need to display the internal licence plate.
- 3.14. Irrespective of when an exemption notice is granted the initial exemption notice will expire on the same day as the expiration of the vehicle's 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.
- 3.15. Exemption notices may be renewed annually subject to the vehicle under going a re-inspection by a licensing officer to ensure that it continues to be fit for purpose.
- 3.16. The Head of Environmental Services and Commercial Services Manager will authorise appropriate officers (in accordance with the Council's constitution) to determine any application for renewal of an exemption notice.
- 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 driver and vehicle conditions.

3.18. The below conditions apply to all private hire vehicles granted an exemption by Wychavon District Council from the requirement to display an external identification plate, and are in addition to the criteria and conditions set out in the council's general requirements and conditions pertaining to licensed private hire vehicles and drivers.

- a. 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.
- b. 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.
- c. When issued with an exemption notice, the vehicle will not be required to display any other signs (including the internal licence plate) which the Council may at any time require private hire vehicles to display.
- d. 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.
- e. During the period of the exemption notice, the driver shall not be required to wear the private hire driver's identification badge but will have it available for immediate inspection by an authorised officer of the Council or any Police Officer on request.
- f. During the period of the exemption notice the driver of the vehicle whilst engaged on private hire work will be smartly dressed in a plain navy, black or grey formal chauffeur's uniform (or equivalent for a chauffeuse).
- g. The proprietor shall within 1 working day notify the Council of any change in the use of the vehicle.
- h. The proprietor shall not use the vehicle for private hire purposes other than for chauffeur use (i.e. not for 'normal' airport journey's or daily private hire use).
- i. The driver and passenger front side window glass and the front windscreen must be clear. However, tinted windows can be fitted to the side and rear window glass of the vehicle provided that they comply with current legislation.
- j. 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.
- k. A taximeter will not be installed in the vehicle.