

GENERAL LICENSING SUB-COMMITTEE

TUESDAY, 24TH OCTOBER, 2017, 2.00 PM

CROSS ROOM, CIVIC CENTRE, WEST PADDOCK, LEYLAND PR25
1DH

AGENDA

- | | | |
|----------|--|-----------------|
| 1 | Apologies for absence | |
| 2 | Declarations of Any Interest | |
| 3 | Application for an exemption from the requirement to display a private hire vehicle licence plate | (Pages 3 - 10) |
| | Report of the Director of Development, Enterprise and Communities (enclosed). | |
| 4 | Application for an exemption from the requirement to display a private hire vehicle licence plate | (Pages 11 - 18) |
| | Report of the Director of Development, Enterprise and Communities (enclosed). | |

Heather McManus
CHIEF EXECUTIVE

Electronic agendas sent to Members of the General Licensing Sub-Committee
Councillors Mike Nelson (Chair), Harry Hancock, Jim Marsh, Mary Green and
David Watts

The minutes of this meeting will be available on the internet at
www.southribble.gov.uk

Forthcoming Meetings

3.00 pm Wednesday, 31 January 2018 - Wheel Room, Civic Centre, West Paddock,
Leyland PR25 1DH

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Agenda Item 3

REPORT TO	ON
GENERAL LICENSING SUB-COMMITTEE PANEL	24 OCTOBER 2017

September 2017



TITLE	REPORT OF
APPLICATION FOR AN EXEMPTION FROM THE REQUIREMENT TO DISPLAY A PRIVATE HIRE VEHICLE LICENCE PLATE	DENISE JOHNSON

Is this report confidential?	No
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1. PURPOSE OF THE REPORT

A report on an application to apply for an exemption from the requirement to display licence plates on a Private Hire vehicle.

2. RECOMMENDATIONS

Members are requested to;

2.1 Determine whether to apply an exemption to the requirement to display a Private Hire vehicle licence plate and associated markings on the exterior of a vehicle

2.2 Members can decide to either grant the application for exemption or refuse the application.

3. CORPORATE PRIORITIES

The report relates to the following corporate priorities

Clean, green and safe	x	Strong and healthy communities	
Strong South Ribble in the heart of prosperous Lancashire		Efficient, effective and exceptional council	

4. BACKGROUND TO THE REPORT

4.1 An application for an exemption to display the Private Hire vehicle licence plate or other associated markings has been received from [REDACTED INFORMATION] (Proprietor of South Ribble Licensed Operator; [REDACTED]). A copy of the application is attached to this report as Appendix 1.

4.2 The vehicle is a Silver Mercedes Vito, registration mark V14 MRH and is currently licensed as PHV113; granted 8th August 2017. Mr [REDACTED] has been asked to make the vehicle available for the Committee's inspection to ensure that it is given full consideration in determining its suitability.

Agenda Item 3

- 4.3 Mr [REDACTED] intends to use the vehicle for executive account work within his own firm [REDACTED] and members may wish to take into consideration whether any specific contracts of work are dependent upon the use of the vehicle. The criteria for determining whether a vehicle is of exceptional quality (and therefore suitable for executive hire work), which would enable the plate exemption to be applied, is set out in Paragraph 7.13 of the Council's current Licensing Policy. The text of paragraph 7.13 is reproduced as Appendix 2 to this report.
- 4.4 Section 48 (6) of the Local Government (Miscellaneous Provisions) Act 1976 requires that a plate is issued in relation to, and displayed on, all licensed Private Hire Vehicles.
- 4.5 Under section 75(3) of the Local Government (Miscellaneous Provisions) Act 1976, the Council can waive the requirement to display the licence plate, other markings and the driver's badge, by issuing a notice which can be carried effectively in lieu of the licence plate being displayed. This is common practice in relation to vehicles used for chauffeur driven/executive hire as opposed to regular Private Hire bookings
- 4.6 The Council has formally considered such requests before and, in appropriate circumstances, has given approval where it was felt that either the vehicle and/or type of use warranted a notice under Section 75(3).
- 4.7 For reference [REDACTED] holds Private Hire Drivers Licence PHD406 and is the proprietor of [REDACTED] Private Hire Operators Licence PHO061 and the business has been licensed with our Authority since March 2009.
- 4.8 The Committee is requested to consider the application in light of the above.

5. WIDER IMPLICATIONS AND BACKGROUND DOCUMENTATION

In the preparation of this report, consideration has been given to the impact of its proposals in all the areas shown below.

5.1 Comments of the Statutory Finance Officer

There are no financial issues arising from this report.

5.2 Comments of the Monitoring Officer

Subject to the provisions of this part of this Act, no person shall use or permit to be used in a controlled district as a private hire vehicle a vehicle in respect of which a licence has been granted under this section unless the plate or disc issued in accordance with subsection (5) of this section is exhibited on the vehicle in such a manner as the district council shall prescribe by condition attached to the grant of the licence.

Where a licence under section 48 of this Act is in force for a vehicle, the council which issued the licence, may by a notice in writing given to the proprietor of the vehicle, provide that paragraph (a) of subsection 6 (refers to the fixing of plates or discs) of that section shall not apply to the vehicle on any occasion specified in the notice or shall not apply when the notice is carried in the vehicle; and on any occasion by virtue of this subsection that paragraph does not apply to a vehicle section 54(2)(a) (the wearing of a badge by the driver) of this Act shall not apply to the driver of the vehicle.

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Other implications:	
▶ Risk	The Panel must consider whether public safety would be compromised in allowing the exemption.
▶ Equality & Diversity	None identified
▶ HR & Organisational Development	None identified
▶ Property & Asset Management	None identified
▶ ICT / Technology	None identified

6. BACKGROUND DOCUMENTS

6.1 Appendix A - Formal request to apply for an exemption from [REDACTED] *Please be advised we are only considering PHV113, Silver Mercedes Vito registration mark V14 MRH as the other two Vehicles linked to [REDACTED] are already exempt from the requirement to display plates which has previously been agreed by this General Licensing Committee).*

6.2 Appendix B - Extract taken from South Ribble Borough Councils Taxi Licensing Policy

Report Author:	Telephone:	Date:
Stephanie Fairbrother	625337	29 th September 2017

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25th September 2017

South Ribble Borough Council
Civic Centre
West Paddock
Leyland
PR25 1DH

Dear Sirs

Re: Private Hire Vehicles 006 and 057 and 113

I operate a small chauffeur company specialising in business travel. I have arrangements with several companies throughout the UK.

The three executive vehicles I use are licenced with South Ribble Borough Council,
Plate 006 – Chrysler Grand Voyager [REDACTED]
Plate 057 – Mercedes Viano Ambient [REDACTED]
Plate 113 --Mercedes Vito 114 Tourer [REDACTED]

All bookings are pre-arranged and rarely involve local journeys. I do not undertake general bookings.

The vehicles are insured for any person over 25. [REDACTED] (PHD385) and I (PHD406) are licenced to drive the vehicles for hire or reward and use whichever vehicle suits the company requirements for the journey. (The Viano can be set up as an office.)

I appreciate The Local Government (Miscellaneous Provisions) Act 1976 requires that private hire vehicles display an external licence plate and drivers of those vehicles wear a driver's badge. The displaying of the external identification plate on a licensed vehicle and a driver's badge are important as they indicate to the travelling public that prior to being licensed both the vehicle and the driver have been subjected to checks to ensure their (the public's) safety.

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 my business. The display of Local Authority licence plates externally may also deter some of my corporate customers from using the service.

I ask that South Ribble Borough Council uses its powers under the same Act and exempt my three vehicles from the need to display an external identification plate and, where that exemption applies, the requirement to wear a private hire driver's badge.

Yours faithfully

[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

7.12 CCTV

The Council recommends the use of CCTV systems in vehicles for the safety of both the driver and passenger.

CCTV or any other image recording device may be used within a Hackney Carriage subject to the Council being given prior notification of the installation.

CCTV systems must comply with the current data protection requirements as directed by the Information Commissioner.

Where CCTV is installed in a vehicle, there must be a minimum of 2 signs which are clearly visible to passengers, advising them of the presence of CCTV.

CCTV systems must be capable of storing image/audio files in a manner which prevents them being downloaded or viewed by the driver or any other person travelling in the vehicle.

The storage device must be encrypted and image/audio files may only be downloaded by an authorised officer of the Council or a Police Constable. The CCTV system supplier shall furnish the Council with de-encryption software at no cost to the Council, along with a lifetime licence for the use of such software as may be required.

7.13 Display of external plates

Where a private hire vehicle is of exceptional quality and is to be used exclusively for executive hire work, the proprietor may apply for an exemption from the requirements to display the licence plate on the exterior of the vehicle and the private hire door stickers.

Such applications will be considered at the next scheduled meeting of the General Licensing Committee.

The Committee will take into account factors including, but not restricted to:

- The make and model of the vehicle
- The exceptional condition of the vehicle, including the bodywork and interior passenger accommodation
- Whether any particular contracts rely on the specific use of the vehicle.
- The nature of the Operator's business
- How and where the vehicle is advertised and marketed

The Committee will not take into account the personal or financial circumstances of a proprietor when considering a departure from this policy

7.14 Application procedure

Applicants, whose vehicle has not been licensed as a Private Hire vehicle by the Council previously, must contact the Licensing Unit before submitting any paperwork to make arrangements for the vehicle to be inspected.

The Council invites applications from vehicle proprietors via the on-line forms that can be found on its website.

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Agenda Item 4

REPORT TO	ON
GENERAL LICENSING SUB-COMMITTEE PANEL	24 OCTOBER 2017

September 2017



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Is this report confidential?	No
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1. PURPOSE OF THE REPORT

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2. RECOMMENDATIONS

Members are requested to;

- 2.1 Determine whether to apply an exemption to the requirement to display a Private Hire vehicle licence plate and associated markings on the exterior of a vehicle.
- 2.2 Members can decide to either grant the application for exemption or refuse the application.

3. CORPORATE PRIORITIES

The report relates to the following corporate priorities

Clean, green and safe	x	Strong and healthy communities	
Strong South Ribble in the heart of prosperous Lancashire		Efficient, effective and exceptional council	

4. BACKGROUND TO THE REPORT

- 4.1 An application for an exemption to display the Private Hire vehicle licence plate or other associated markings has been received from [REDACTED INFORMATION] (Proprietors of South Ribble Licensed Operator; Chauff/Air). A copy of the application is attached to this report as Appendix 1.
- 4.2 The vehicle is a Black Jaguar XJ, registration mark PN63 BFO and is currently licensed as PHV025; granted 1st September 2017. [REDACTED] have been asked to make the vehicle available for the Committee's inspection to ensure that it is given full consideration in determining its suitability.

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- 4.3 [REDACTED] intend to use the vehicle for executive account work within their own firm
Chauff/Air and members may wish to take into consideration whether any specific contracts of work are dependent upon the use of the vehicle. The criteria for determining whether a vehicle is of exceptional quality (and therefore suitable for executive hire work), which would enable the plate exemption to be applied, is set out in Paragraph 7.13 of the Council's current Licensing Policy. The text of paragraph 7.13 is reproduced as Appendix 2 to this report.
- 4.4 Section 48 (6) of the Local Government (Miscellaneous Provisions) Act 1976 requires that a plate is issued in relation to, and displayed on, all licensed Private Hire Vehicles.
- 4.5 Under section 75(3) of the Local Government (Miscellaneous Provisions) Act 1976, the Council can waive the requirement to display the licence plate, other markings and the driver's badge, by issuing a notice which can be carried effectively in lieu of the licence plate being displayed. This is common practice in relation to vehicles used for chauffeur driven/executive hire as opposed to regular Private Hire bookings.
- 4.6 The Council has formally considered such requests before and, in appropriate circumstances, has given approval where it was felt that either the vehicle and/or type of use warranted a notice under Section 75(3).
- 4.7 For reference [REDACTED] holds Private Hire Drivers Licence PHD003 and [REDACTED] holds Private Hire Drivers Licence PHD006. Together they are the proprietors of Chauff/Air Private Hire Operators Licence PHO004 and the business has been licensed with our Authority since April 2007.
- 4.8 The Committee is requested to consider the application in light of the above.

5. WIDER IMPLICATIONS AND BACKGROUND DOCUMENTATION

In the preparation of this report, consideration has been given to the impact of its proposals in all the areas shown below.

5.1 Comments of the Statutory Finance Officer

There are no financial issues arising from this report.

5.2 Comments of the Monitoring Officer

Subject to the provisions of this part of this Act, no person shall use or permit to be used in a controlled district as a private hire vehicle a vehicle in respect of which a licence has been granted under this section unless the plate or disc issued in accordance with subsection (5) of this section is exhibited on the vehicle in such a manner as the district council shall prescribe by condition attached to the grant of the licence.

Where a licence under section 48 of this Act is in force for a vehicle, the council which issued the licence, may by a notice in writing given to the proprietor of the vehicle, provide that paragraph (a) of subsection 6 (refers to the fixing of plates or discs) of that section shall not apply to the vehicle on any occasion specified in the notice or shall not apply when the notice is carried in the vehicle; and on any occasion by virtue of this subsection that paragraph does not apply to a vehicle section 54(2)(a) (the wearing of a badge by the driver) of this Act shall not apply to the driver of the vehicle.

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Other implications: <ul style="list-style-type: none">▶ Risk▶ Equality & Diversity▶ HR & Organisational Development▶ Property & Asset Management▶ ICT / Technology	<p>The Panel must consider whether public safety would be compromised in allowing the exemption. None identified</p> <p>None identified</p> <p>None identified</p> <p>None identified</p>
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6. BACKGROUND DOCUMENTS

6.1 Appendix A - Formal email request from [REDACTED]

6.2 Appendix B - Extract taken from South Ribble Borough Councils Taxi Licensing Policy

Report Author:	Telephone:	Date:
Stephanie Fairbrother	625337	26 th September 2017

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Fairbrother, Stephanie

From: [REDACTED]
Sent: 31 August 2017 11:44
To: Fairbrother, Stephanie
Subject: Non Displayal of Plates

To Whom it May Concern

Chauff-Air has acquired a new, luxury vehicle and wishes to go before the next Licensing Committee Meeting for their confirmation that this is a luxury vehicle and therefore is exempt from displaying external plates and stickers

We would appreciate your letting us know asap when the next Licensing Committee Meeting will be held

Thankyou

[REDACTED]

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Appendix B

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The Committee will take into account factors including, but not restricted to:

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