

To: General Purposes Licensing Committee
Date: 13th October 2010 **Item**
Report of: Head of Environmental Development
Title of Report: Private Hire Vehicle Exemption

Summary and Recommendations

Purpose of Report: To agree the Criteria for Private Hire Vehicles that are granted exemption from displaying licence identification.

Report Approved by:

Finance: (Verbal Report at Meeting)

Legal: Daniel Smith

Policy Framework: Improve the local environment, economy and quality of life

Recommendation(s):

- i) to note the contents of this report,
- ii) agree to adopt the amended Criteria for Private Hire Vehicles as set out in Appendix Two

Background

1. Under Section 75(3) Local Government (Miscellaneous Provisions) Act 1976 a district council can grant exemption to a licensed Private Hire Vehicle from displaying an identification plate on the rear of the vehicle. The requirement for a licensed vehicle to display identification stickers on both front doors and an Operators sticker on both rear doors is a condition of a Private Hire Vehicle license that has been agreed by Committee. Exemption would normally be granted for licensed vehicles that provide chauffeur services and 'executive hire' as opposed to standard private hire bookings.

2. Standard private hire work means any bookings for a journey that does not have a written contract already in place. For the purpose of this report a vehicle that has been granted exemption from having an identification plate and door stickers will be referred to as an 'Exempt' vehicle.
3. An Operator can request exemption for a vehicle working through his / her company from displaying an identification plate and/or the door stickers if the vehicle is not going to carry out standard private hire work and he / she can demonstrate that the vehicle will only carry out contract work.
4. On receiving a request from an Operator for a vehicle to be granted exemption, officers have issued an exemption notice that is carried in the vehicle. **Appendix One** example of current exemption notice.
5. Since 2007 the number of private hire vehicle licenses issued has increased from 379 to currently 510, this has also meant an increase of the number of vehicles which has been granted exemption from displaying the identification plate and/or the door stickers. The increase in numbers has made checking that unlicensed vehicles do not pick up passengers in the City, illegally, increasingly difficult. Similarly, checks of vehicles with exemption granted by this office to ensure that the Operator, proprietor and/or the driver are working within the conditions of the licences, can be problematic. Therefore, how an exemption is granted needs to be reviewed.
6. The committee are therefore requested to agree the new criteria for officers to consider when granting a vehicle exemption at **Appendix Two**. It is not proposed to significantly change the current exemption notice at Appendix One.
7. To ensure that enforcement can be carried out effectively it is recommended that if a vehicle is granted exemption that the vehicle will be required to display two Oxford City Council vehicle internal plates showing that the vehicle is a licensed Private Hire Vehicle. Each internal plate must be displayed within its holder, one to be displayed at the top of the windscreen on the nearside and the second at the top of the rear window on the offside. This would be in line with other authorities, including the Public Carriage Office.
8. The Trade has been consulted regarding this recommendation and letters were sent to all Operators requesting comments. At a Trade meeting on the 31st August 2010 it was agreed that the new criteria at Appendix Two was a good idea and that some form identification on vehicles that have been granted exemption was needed, primarily to stop unlicensed vehicles picking up passengers. A response from the operators that have vehicles with exemption has been entirely positive, and not one negative response was received.
9. The Taxi and Private Hire Vehicle Licensing Best Practice Guidance has been taken into consideration in regards to vehicle identification, public safety and enforcement.

10. There are no financial requirements for consideration contained within this report.

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Background papers:

Appendix One : Exemption Notice

Appendix Two : Recommended Exemption Criteria

Version number: 1

Appendix One

Exemption under Section 75(3) Local Government (Miscellaneous Provisions) Act 1976

www.oxford.gov.uk



This exemption is valid until the expiry of the vehicle licence on
XXXXXXXXXXXXXXXXXXXX

Private Hire Vehicle No. XXXX Registration number **XXXXXXXXXXXX**

The above vehicle is granted exemption from the requirement under Section 49 (6) (a) of that Act to display a licence plate on the rear of the vehicle provided that the conditions listed below are complied with.

Conditions.

1. This notice is carried in the vehicle.
2. The licence identification plate is carried in the boot of the vehicle.
3. The vehicle is not used on conventional private hire work but is operated only on 'chauffeur-driven' work ^{*}.
4. The proprietor of the vehicle remains **XXXXXXXXXXXX**
5. The vehicle is only operated through **XXXXXXXXXXXX**

The vehicle is also exempt from Oxford City Council's requirement for private hire vehicles to display a door sign indicating that it is a private hire vehicle with its number and a door sign containing details of the Operator.

Jill Cramer
Taxi Licensing Officer

*** This exemption does NOT include school contracts or similar work for which a fully signed vehicle must be used.**

Appendix Two

Conditions for Private Hire Vehicles Requesting Exemption

Under Section 75(3) Local Government (Miscellaneous Provisions) Act 1976 a district council can grant exemption to a licensed Private Hire Vehicle from displaying an identification plate on the rear of the vehicle. The requirement for a licensed vehicle to display identification stickers on both front doors and an Operators sticker on both rear doors is a condition of a Private Hire Vehicle license. Exemption would normally be granted for licensed vehicles that provide chauffeur services and 'executive hire' as opposed to standard private hire bookings.

Standard private hire work means any bookings for a journey that does not have a written contract already in place. For the purpose of this condition a vehicle that has been granted exemption from having an identification plate and door stickers will be referred to as an 'Exempt' vehicle.

An Operator can request exemption for a vehicle working through his company from displaying an identification plate and/or the door stickers if the vehicle is not going to carry out standard private hire work and he can demonstrate that the vehicle will only carry out contract work. That the vehicle will be used for executive contract work and not the usual local work carried out by standard Private Hire work.

1. Application must be made to the Council for a Private Hire Vehicle to be considered for Exempt status and each case will be determined on its own merits. The decision to grant or refuse an exemption for the display of an identification plate and door stickers will be delegated to the Head of Environmental Services. To qualify as Exempt, the vehicle must be an executive type vehicle of a higher standard than a 'normal' vehicle used for private hire work.
2. Any bookings for an Exempt vehicle must be made by way of a written contract. Exempt vehicles may not undertake standard private hire work.
3. Vehicles that have been granted exemption will be issued with an identification plate that must be kept securely in the boot of the car.
4. The proprietor of the vehicle will be issued an exemption notice which should be kept in the vehicle. The notice will state :-

- The expiry date of the licence
 - The licence number and registration of the vehicle
 - The name of the proprietor
 - The name of the operator
5. Exempt vehicles will be required to display two Oxford City Council vehicle internal plates showing that the vehicle is a licensed Private Hire Vehicle. Each internal plate must be displayed within its holder, one to be displayed at the top of the windscreen on the nearside and the second at the top of the rear window on the offside.
 6. Exempt vehicles that undertake standard private hire work without a written contract in place as per condition 2 may have their Exempt status withdrawn.
 7. Exempt vehicles shall not display an Operators details in the vehicle.
 8. The display of 'No Smoking' stickers inside the vehicle is still a condition of any exemption granted.