

**To:** General Purposes Licensing Sub Committee

**Date:** 22 February 2012 **Item No:**

**Report of:** Head of Environmental Development

**Title of Report:** Audio and Visual Recording Equipment in Licensed Vehicles – Provision to exempt “Chauffeur” Vehicles

## Summary and Recommendations

**Purpose of report:** To determine whether to amend the provisions for Audio and Visual Recording Equipment to be fitted to “Chauffeur” style Private Hire vehicles.

**Report Approved by:** Head of Environmental Development

**Finance:** Emma Burson

**Legal:** Daniel Smith

**Policy Framework:** A vibrant and sustainable economy

**Recommendation:**

**i) To determine whether to exempt from the requirement for audio and visual recording equipment to be fitted, Private Hire Vehicles that hold an Exemption Notice.**

## **Introduction**

1. The Local Government (Miscellaneous Provisions) Act 1976 at sections 47 and 48 allows the Licensing Authority to attach to vehicle licences such conditions as it considers reasonably necessary.
2. Following previous reports submitted to this Committee during 2011, Members approved the implementation of an audio and visual recording equipment scheme to be a mandatory requirement for all vehicles licensed for the first time by this Authority from 1<sup>st</sup> April 2012, and to allow until 31<sup>st</sup> March 2015 for all currently licensed vehicles to have such systems fitted to them.
3. Since that decision was made, the Information Commissioner’s Office (I.C.O.) has contacted the Council for further information. The Council is currently working with the I.C.O. and this report should be read in that context.

## **Background**

4. An “Exemption Notice” is issued under Section 75 (3) of the Local Government (Miscellaneous Provisions) Act 1976 to the proprietor of a vehicle that carries out a “Chauffer” style of executive hire, by way of invoiced work with the business user.
5. Vehicles issued with such an “Exemption Notice” are permitted to not display the otherwise mandatory door stickers and licence plate applicable to standard Private Hire vehicles.
6. The Chauffeur Trade have raised concerns to the Chair and Vice-Chair that the work that they carry out, will be negatively impacted upon as a result of the audio and visual recording equipment scheme, for the reason that those customers choosing to pay for their premium services to enhance their privacy, will lose this expected right, and as such many lucrative contracts may be lost.
7. Having reviewed the data held by the Licensing Authority, no complaints have been received regarding any journeys undertaken by vehicles that have been granted an “Exemption Notice”. It could therefore be argued that the concerns that led to the proposal for audio and visual recording equipment in licensed vehicles do not apply in this instance.
8. Given the content of the above paragraphs, it is proposed to allow such vehicles that have been granted an “Exemption Notice” to be exempt from the requirements of the scheme, until such time that the Committee have reason to believe that such vehicles should be included.
9. A meeting to discuss this proposed amendment was held with the Chair and Vice-Chair of the Committee on 6<sup>th</sup> January 2012, and both agreed that such vehicles should not have been subject to the original proposal, and therefore agreed to this amendment.

## **Financial Considerations**

10. There are no additional financial implications to the Council regarding the content of this report.

## **Legal Considerations**

11. There are no additional legal considerations contained within this report.

## **Recommendations**

12. The Committee is recommended to:
  - i) Determine whether to exempt from the requirement for audio and visual recording equipment to be fitted, Private Hire vehicles that hold an Exemption Notice.

**Name and contact details of author:** Julian Alison  
Licensing Team Leader  
Tel: 01865 25(2381)  
Email: [jalison@oxford.gov.uk](mailto:jalison@oxford.gov.uk)

**Background papers:**

**Version number: 1.0**

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