

Agenda

Meeting: **LICENSING COMMITTEE**
Date: **MONDAY 5 JUNE 2017**
Time: **10.00AM**
Venue: **COMMITTEE ROOM**
To: **Councillors C Pearson (Chair), K Ellis (Vice Chair), D Buckle, Mrs J Chilvers, Mrs S Duckett, M Hobson, B Marshall, R Sweeting, J Thurlow and Mrs D White**

1. Apologies for absence

2. Minutes

To confirm as a correct record the minutes of the Licensing Committee held on 15 May 2017 (pages 1 to 6 attached).

3. Disclosures of Interest

A copy of the Register of Interest for each Selby District Councillor is available for inspection at www.selby.gov.uk.

Councillors should declare to the meeting any disclosable pecuniary interest in any item of business on this agenda which is not already entered in their Register of Interests. Councillors should leave the meeting and take no part in the consideration, discussion or vote on any matter in which they have a disclosable pecuniary interest.

Councillors should also declare any other interests. Having made the declaration, provided the other interest is not a disclosable pecuniary interest, the Councillor may stay in the meeting, speak and vote on that item of business.

If in doubt, Councillors are advised to seek advice from the Monitoring Officer.

4. Start time of Licensing Committee Meetings

To confirm the start time of Licensing Committee meetings for the municipal year 2017/18.

5. Procedure

To confirm the procedure to be followed at the meeting, including Appendix C of the Taxi Licensing Policy (pages 7 to 10 attached).

6. Chair's Address to the Licensing Committee

7. Application for a discreet Private Hire Vehicle Licence (L/17/1)

To determine an application for a discreet Private Hire Vehicle Licence (pages 11 to 18 attached).

8. Taxi Licensing Policy (L/17/2)

To receive the report of the Solicitor, which asks the Committee to consider whether changes should be made to the Taxi Licensing Policy with regard to conditions and exemptions relating to applications for 'discreet' vehicle licences (pages 19 to 22 attached).

9. Private Session

That, in accordance with Section 100(A) (4) of the Local Government Act 1972, in view of the nature of the business to be transacted, the meeting be not open to the Press and public during discussion of the following items as there will be disclosure of exempt information as defined in paragraph 3 of Schedule 12(A) of the Act.

10. Application for a Hackney Carriage Driver's Licence (L/17/3)

To determine an application for a Hackney Carriage Driver's Licence (pages 23 to 26 attached).

11. Enforcement Update (L/17/4)

To receive an update from the Solicitor regarding recent enforcement activity by council officers (pages 27 to 28 attached).

**Gillian Marshall
Solicitor to the Council**

Enquiries relating to this agenda, please contact Daniel Maguire on:
Tel: 01757 705101 Email: dmaguire@selby.gov.uk.

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Minutes

Licensing Committee

Venue:	Committee Room, Civic Centre, Selby.
Date:	Monday 15 May 2017
Time:	10.00 am
Present:	Councillors C Pearson (Chair), D Buckle, Mrs J Chilvers, S Duckett, K Ellis, M Hobson, B Marshall, and Mrs D White.
Apologies:	Councillor R Sweeting.
Officers present:	Gillian Marshall, Solicitor to the Council; Clare McMicham, Licensing Assistant; Rebecca Ware, Solicitor; and Janine Jenkinson, Democratic Services Officer.
Public:	0
Press:	0

64. MINUTES

The Committee considered the minutes of the Licensing Committee meeting held on 6 March 2017.

RESOLVED:

To approve the minutes of the Licensing Committee meeting held on 6 March 2017, for signature by the Chair.

65. DISCLOSURES OF INTEREST

Councillor K Ellis declared that he had a personal interest in relation to agenda item 9 – Application for a Private Hire Operators Licence (L/16/25), as the applicant was known to him. He said he would withdraw from the meeting when the application was considered.

66. PROCEDURE

The Committee noted the Licensing Committee procedure.

67. CHAIR'S ADDRESS TO THE LICENSING COMMITTEE

The Chair reported the following:

House of Lords Select Committee

The Committee was informed that the House of Lords had appointed a Select Committee on 25 May 2016 to undertake post legislative scrutiny on the Licensing Act 2003. The Chair reported that the Committee had looked at the provisions of the Act in its original form, its subsequent amendments, its implementation, and at related developments. The Select Committee had reported its findings on 4th April 2017. Members were informed that the report contained some interesting recommendations including a suggestion that licensing functions be exercised by planning committees rather than licensing committees and that appeals be considered by the Planning Inspectorate.

The Chair reported that a briefing note had been prepared for Licensing Committee members. Members were also informed that it would be for the new Government to decide which, if any of the recommendations of the Select Committee would be taken forward.

Revised Guidance under s182 Licensing Act 2003

The Chair reported that the Home Office had issued revised Guidance under Section 182 of the Licensing Act 2003. Members were informed that the Licensing Committee was required to have regard to the Guidance if it was dealing with alcohol licensing matters.

The Chair advised that one of the key areas of change had been to include the amendments brought about by the Immigration Act, to ensure that Licensing Authorities checked that people had the right to work in the UK before issuing licences. The new Guidance also confirmed that the Home Office Immigration Enforcement had become a 'responsible authority'.

Members were advised that another key change had been the introduction of Chapter 12, which dealt with Summary Reviews. Summary Review guidance had previously been contained in separate documentation issued by the Home Office. The Chair advised that Summary Reviews were powers the police had to deal with premises suspected of selling alcohol associated with serious crime or serious disorder. The powers allowed for interim conditions to be attached to a licence and for a fast-track licence review to take place.

The Chair reported that Paragraph 4.5 of the Guidance dealt with the introduction of the Police and Crime Act 2017 power for Licensing Authorities to revoke or suspend personal licences, with effect from 6 April 2017. The Chair stated that this was a discretionary power. Members were informed that when a Licensing Authority had granted a personal licence and became aware that the licence holder had been convicted of a relevant offence, foreign offence or had been required to pay an immigration penalty, the

Licensing Authority may revoke the licence or suspend it for a period of up to six months. The Chair reported that a paper on the use of the power would be presented to the next Licensing Committee meeting.

The Chair informed the Committee that he would consider agenda items 7 and 9 before agenda item 6, to avoid the applicants having to wait.

68. APPLICATION FOR A DISCREET PRIVATE HIRE VEHICLE LICENCE (L/16/24)

The Solicitor presented the report which asked the Committee to determine an application for a discreet Private Hire Vehicle Licence.

The applicant, Mark Wright had applied to the Council for exemption from the following requirements:-

- To display a vehicle plate.
- That the driver (of said vehicle to which the exemption related) should 'wear his badge in such position and manner as to be plainly and distinctly visible'.

The Solicitor explained that the application was for two vehicles, both of which had existing Private Hire Vehicle Licences.

The applicant was present and was able to answer questions from Committee members.

The applicant and Solicitor left the meeting whilst the Committee considered the application.

The Solicitor and applicant re-entered the meeting and the Solicitor to the Council confirmed the Committee's decision to grant the application.

RESOLVED:

To GRANT the application for a discreet Private Hire Vehicle Licence to Mr Mark Wright.

Reason for decision:

The Committee was required to determine the application in accordance with the Council's Licensing Policy.

69. PRIVATE SESSION

RESOLVED:

That, in accordance with Section 100(A)(4) of the Local Government Act 1972, in view of the nature of the business to be transacted the meeting be not open to the press and public during discussion of the following items as there will

be disclosure of exempt information as described in paragraph 3 of Schedule 12(A) of the Act.

Note – Following his declaration of interest, Councillor K Ellis left the Committee Room at this point in the meeting.

70. APPLICATION FOR A PRIVATE HIRE OPERATORS LICENCE (L/16/25)

The Solicitor presented a report which asked the Committee to determine an application for a second Private Hire Operators Licence.

The applicant was present and was able to answer questions from Committee members.

The Solicitor and applicant left the meeting whilst the Committee considered the application.

The Solicitor and applicant re-entered the meeting and the Solicitor to the Council confirmed the Committee's decision to grant the application.

RESOLVED:

To GRANT the application for a Private Hire Operators Licence.

Reason for decision:

The decision was in-line with Section 55 of the Local Government (Miscellaneous Provision) Act 1976, that required the Licensing Committee to be satisfied that the applicant was a fit and proper person to hold an Operator's Licence.

71. PUBLIC SESSION

RESOLVED:

To return to public session.

Reason for decision:

The nature of the business to be considered was no longer considered to be exempt, as described in Schedule 12A of the Local Government Act 1972 (as amended)

72. ENFORCEMENT UPDATE

The Committee considered a report that provided an update regarding recent enforcement action taken by officers, in accordance with their delegated functions in relation to the licensing of Hackney and Private Hire Taxis.

RESOLVED:

To note the report.

The meeting closed at 11.00 am.

LICENSING COMMITTEE

PROCEDURES TO BE FOLLOWED

The Licensing Committee acts in a quasi judicial capacity to give a fair hearing to an applicant where a hearing is required by law or equity. When considering the case the only evidence the Members of the Committee can take into account is evidence previously submitted to form the agenda and any verbal evidence given at the actual meeting by Officers representing the Council and by the applicant or his/her representative, and their witnesses. The following procedures must be followed.

1. Procedures to be followed when submitting an application to the Licensing Committee for consideration;
 - i) The Council's Officers will liaise with the Committee Section to arrange a suitable date for the meeting. The applicant and Members of the Committee will be informed of this date in writing and a copy of the procedure note will be included for the applicant.
 - ii) The applicant and Council's Officers will submit any written evidence to the Committee Section for inclusion in the agenda by a given date. If the evidence is to be verbal, this should be stated.
 - iii) If witnesses are to be called the Committee Section must be notified prior to the hearing.
 - iv) Any application for adjournment because of late submission of papers, will in principle be considered sympathetically by the Committee.
2. The procedure to be followed by the Licensing Committee:
 - i) For each individual case the applicant and any representatives will be shown into the Committee Room at the same time as the appropriate Council's Officers. Witnesses will enter the room at the same time unless there are any objections.
 - ii) The District Solicitor will introduce the applicant, any representatives, witnesses and the Council's Officers to the Members of the Committee.
 - iii) The Chair will introduce Members of the Committee.
 - iv) The Chair will then go through the procedure as follows:

- a) Officers representing the Council will present the case for the Council. They may present such witnesses as they believe are appropriate.
- b) Officers representing the Council, and any witnesses, will then answer questions from the applicant or his/her representative, and from Members of the Committee.
- c) The applicant or his/her representative will then present the applicant's case. They may present such witnesses as they believe are appropriate.
- d) The applicant or his/her representative, and any witnesses, will then answer questions from the Committee and the Council's Officers.
- e) The Council's Officers will then sum up on behalf of the Council.
- f) The applicant or his/her representative will then sum up.
- g) The applicant and his/her representative will then be asked whether they consider they have had an opportunity to say anything that they wish to say and the Committee will take into account any comments, which are then made. The Chair of the Committee will then ask the Council's Officers presenting the case the same question and will again take account of any comments made.
- h) The Council's Officers, the applicant and his/her representative, all witnesses, press and public, will then be asked to withdraw from the meeting whilst the Committee makes their decision on the evidence presented.
- i) The applicant and his/her representative, the Council's Officers, all witnesses, press and public, will be invited back into the meeting to be informed of the Committee's decision.

Following the Committee meeting the Legal Advisor will inform the applicant in writing of the decision of the Licensing Committee and any appeal rights.

Appendix C – Relevance of convictions

The guidance for the relevance of convictions that we use has regard to the joint circular distributed by the Department of Transport and the Home Office (DOT 2/92, HO 13/92).

1. Each case will be decided on its own merits.
2. A person with a current conviction for serious crime need not be permanently barred from obtaining a licence but should be expected to remain free of convictions for 3 to 5 years, according to the circumstances, before an application is entertained. Some discretion may be appropriate if the offence is isolated and there are mitigating circumstances. However, the overriding consideration should be the protection of the public.
3. The following examples afford a general guide on the action to be taken where convictions are admitted.

(a) Minor Traffic Offences

Convictions for minor traffic offences, e.g. obstruction, waiting in a restricted street, speeding etc, should not prevent a person from proceeding with an application. If sufficient points have been accrued to require a period of disqualification of the applicant's driving licence then a Hackney Carriage or Private Hire Driver's licence may be granted after its restoration but a warning should be issued as a future conduct.

(b) Major Traffic Offences

An isolated conviction for reckless driving or driving without due care and attention etc. should normally merit a warning as to future conduct and advice on the standard expected of Hackney Carriage and Private Hire Vehicle Drivers. More than one conviction for this type of offence within the last two years should merit refusal and no further application should be considered until a period of 1 to 3 years free from convictions has elapsed.

(c) Drunkenness

(i) With Motor Vehicle

A serious view should be taken of convictions of driving or being in charge of a vehicle while under the influence of drink. An isolated incident should not necessarily debar an applicant but strict warnings should be given as to future behaviour. More than one conviction for these offences should raise grave doubts as to the applicant's fitness to hold a licence. At least 3 years should elapse (after the restoration of the driving licence) before an applicant is considered for a licence. If there is any suggestion that the applicant is an alcoholic, a special medical examination should be arranged before the application is entertained. If the applicant is found to be an alcoholic a period

of 5 years should elapse after treatment is complete before a further licence is considered.

(ii) Not in Motor Vehicle

An isolated conviction for drunkenness need not debar an applicant from gaining a licence. However, a number of convictions for drunkenness could indicate a medical problem necessitating critical examination (see (i) above). In some cases, a warning may be sufficient.

(d) Drugs

An applicant with a conviction for a drug related offence should be required to show a period of at least 3 years free of convictions before an application is entertained or 5 years after detoxification treatment if he/she was an addict.

(e) Indecency Offences

As Hackney Carriage and Private Hire Vehicle Drivers often carry unaccompanied passengers, applicants with convictions for indecent exposure, indecent assault, importuning, or any of the more serious sexual offences, should be refused until they can show a substantial period (at least 3 to 5 years) free of such offences. More than one conviction of this kind should preclude consideration for at least 5 years. In either case if a licence is granted a strict warning as to future conduct should be issued.

(f) Violence

As Hackney Carriage and Private Hire Vehicle Drivers maintain close contact with the public, a firm line should be taken with applicants who have convictions for grievous bodily harm, wounding or assault. At least 3 years free of such convictions should be shown before an application is entertained and even then a strict warning should be administered.

(g) Dishonesty

Hackney Carriage and Private Hire Vehicle Drivers are expected to be persons of trust. The widespread practice of delivering unaccompanied property is indicative of the trust that business people place in drivers. Moreover, it is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal fare etc. Overseas visitors can be confused by the change in currency and become "fair game" for an unscrupulous driver. For these reasons a serious view should be taken of any conviction involving dishonesty.

In general, a period of 3 to 5 years free of conviction should be required before entertaining an application.

Public Session

Report Reference Number: L/17/1

Agenda Item No: 7

To: Licensing Committee
Date: 5 June 2017
Author: Rebecca Ware, Solicitor
Lead Officer: Gillian Marshall, Solicitor to the Council

Purpose of the Report and Summary:

Paul Clayden has applied to the Council for exemption from the requirements:-

1. To display a vehicle plate;
2. That the driver (of said vehicle to which the exemption relates) should “wear his badge in such position and manner as to be plainly and distinctly visible”.

The Application relates to a BMW vehicle, which has an existing Private Hire Vehicle Licence.

If the Committee grant exemption, the vehicle will be ‘discrete’ in nature.

Recommendations:

That Committee consider this matter having listened to the Applicant and determine whether the Applicant should be granted permission for the vehicle to be discretely identifiable.

1. Background

There are a number of companies who provide what they refer to as ‘Executive Hire Cars’.

Although these vehicles are licensed Private Hire Vehicles, they are often used by companies and firms to transport visitors, senior staff members etc and are more akin to a chauffeur driven vehicle than a private hire vehicle.

The Applicant, Paul Clayden is an existing, licensed Private Hire Operator.

2. The Report

- 2.1 On Monday 15 May 2017, Paul Clayden applied to Selby District Council (see Appendix A) for a BMW, 730, Registration Number LM06 GBO to be exempt from the following requirements:-
- a) The requirement to display a vehicle plate;
 - b) The requirement that the driver (of said vehicle to which the exemption relates) should “wear his badge in such position and manner as to be plainly and distinctly visible”.
- 2.2 Paul Clayden was granted a Private Hire Driver’s Licence on 4 April 2011 and received a Private Hire Operator’s Licence on 12 April 2011.
- 2.3 A Private Hire Vehicle Licence for a BMW, 730, operated by Mr Paul Clayden was issued on 17 March 2017.
- 2.4 The Applicant’s business has been in operation for a number of years. The Applicant states that the corporate side of his business has increased significantly with additional business coming from the private flight arrivals at Leeds East Airport and the Mammoth Screen Film Studios. The letter outlines their reasons for making such an Application and is supported by letters from 3 customers (see Appendices B, C and D).
- 2.5 Other Authorities have issued licences in the form of a disc which is discreet in nature. Selby District Council has granted such licences on twenty five previous occasions, and all licences are currently in operation.
- 2.6 A copy of the disc (see Appendix E), which will be provided on a red background when issued thereby replicated the colour of the Private Hire Vehicle plate, is available for scrutiny.

3. Legal/Financial Controls and other Policy matters

3.1 Legal /Policy Issues

The Council first granted a Private Hire vehicle licence in terms of discreet identification on 16 August 2004 and has done so on twenty five occasions since.

Section 48(6)(a) of the Local Government (Miscellaneous Provisions) Act 1976 provides:-

“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 manner as the discreet council shall prescribe by condition attached to the grant of the licence”.

Section 54(2)(a) of the Local Government (Miscellaneous Provisions) Act 1976 provides:-

“A driver shall at all times when acting in accordance with the driver’s licence granted to him wear such badge in such position and manner as to be plainly and distinctly visible”.

Under Section 75(3) of the Local Government (Miscellaneous Provisions) Act 1976, the Local Authority can:-

“by notice in writing given to the proprietor of the vehicle, provide that Sections 48(6)(a) and 54(2)(a) of the Local Government (Miscellaneous Provisions) Act 1976 shall not apply to the vehicle on any occasion specified in the notice”.

3.2 Financial Issues

The Application has no significant financial implications.

4. Options and Risk Assessment

The options open to the Committee are:-

- a) Grant the exemption.
- b) Grant the exemption with conditions, i.e. restricting the vehicle to “executive use”.
- c) Refuse to grant the exemption.

5. Conclusions

A copy of the relevant legislation is available from Legal Services.

Contact Officer: Licensing Team: licensing@selby.gov.uk

Appendices:

- A. Letter of application from Paul Clayden
- B. Referee letter from Karl Hebden.
- C. Referee letter from Elaine Everett.
- D. Letter of support (will be available at the meeting)
- E. Copy of disc

APPENDIX A

FLYER PRIVATE HIRE

2 Barley Horn Road

Ulleskelf

Tadcaster

North Yorkshire

LS24 9DP

To The Licencing Committee

Selby District Council

Dear Members,

We would like to make an application for obscure plates for our BMW 730LD limousine plate number PHV101. We currently run one Mercedes Viano on obscure plates but the corporate side of our business has increased such that we do not have the capacity to serve our existing clients the bulk of this coming from Leeds East Airport from private jet arrivals also the Mammoth Screen film studios currently filming the second series of Victoria where we are transporting actors, directors and producers to local airports, stations and hotels. In addition, we are providing transport for British Gypsum executives and Optaire bus company all in addition to the existing work we were currently carrying out for existing customers for which we provided references previously.

Kind Rega

Paul Clayden

[REDACTED]

FTAO Selby district Licensing Committee

With regards to Flyer Private Hire we consistently require VIP transport as opposed to marked Taxi Vehicles for our executive customers and management requirements. Which has been consistently supplied by the above company, and we find this an invaluable service and will continue to require their services in the future.

Regards

Karl H Hebden MRICS. Bsc (Hons)
Contracts Manager
IB Interiors Ltd

[REDACTED]

Unit 10B, Appleton Court, Calder Park, Wakefield WF2 7AR



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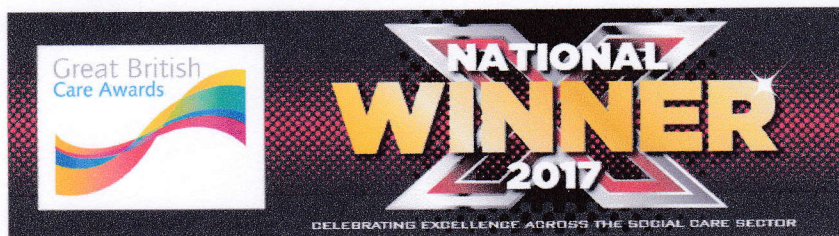
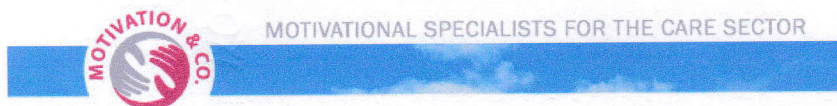
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[REDACTED]

To whom it may concern at Selby licencing committee

We are writing to confirm that we use Flyer Private Hire VIP vehicles for transportation with discreet plates for company use for customers and management use.

Yours sincerely
Elaine Everett Managing Director



tel: 01937 557 166 | web: <http://www.motivationandco.com/>
| blog: motivationandco.wordpress.com

Head Office, Motivation House, 16 Northfield Terrace, Church Fenton, Tadcaster, North Yorkshire, LS24 9RQ

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**SELBY DISTRICT COUNCIL
Licensed Private Hire Vehicle**

PHV
Vehicle Registration No
Make Colour
Licence Expires

All enquiries in respect of this licence
should be addressed to the Licensing
Department at Selby District Council,
Doncaster Road,
Selby YO8 9FT

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Public Session

Report Reference Number: L/17/2

Agenda Item No: 8

To: Licensing Committee
Date: 5 June 2017
Author: Rebecca Ware, Solicitor
Lead Officer: Gillian Marshall, Solicitor to the Council

Purpose of the Report & Summary

The Council are receiving a number of applications for 'discreet' vehicle licences.

In view of the same, the purpose of this Report is to enable the Licensing Committee to give consideration as to whether there should be an exemption policy / conditions introduced in respect of said vehicles to ensure the highest standards of public safety.

Recommendation

- That the Committee recommend that upon the review of the Taxi Licensing Policy, Officers take steps to amend the policy to include and implement conditions with regards to the displaying of licence plates and signage on a licensed private hire vehicle which undertakes executive contract work.
- That in the interim, the Committee give consideration to the implementation of conditions upon the grant of a 'discreet' vehicle licence.

1. Introduction and Background

The purpose of this Report is to provide the Licensing Committee with information to enable them to give consideration to implementing an exemption policy / conditions with regards to applications for discreet vehicle licences.

2. The Report

2.1 The Committee will be aware that a number of conditions are already imposed on all private hire vehicle licences. These conditions relate to issues such as:

- a) Vehicle standards – condition of vehicle, MOT tests, inspection programmes, etc;
- b) Requirements of the proprietor – notification of accidents, documentation required for inspections, etc.

2.2 Conditions are also in place that relate to the displaying of licence plates and signage, these conditions are as follows:-

- a) The large licence plates must be securely attached to the back of the vehicle;
 - b) The small licence plates must be fixed in a position easily visible to passengers –in most cases this will be the dashboard;
 - c) In addition, private hire vehicles are given a second licence plate for the front of the vehicle.
- 2.3 The Committee will be aware that there are a number of companies who provide what they refer to as ‘Executive’ vehicles and indeed the Committee is seeing an increase in the number of applications for vehicles that are ‘discreetly licensed’.
- 2.4 Although these vehicles are licensed Private Hire Vehicles, they are often used by companies and firms to transport visitors, senior staff members etc and are more akin to a chauffeur driven vehicle than a private hire vehicle.
- 2.5 The Council already recognises the very distinct role of Executive vehicles in the ‘discreet’ arena of public transport and to date has granted 25 discreet vehicle licences.
- 2.6 The issues around the operating of a business involving Executive vehicles has the same business, legal and public safety principles as other areas of transport licensed by the Local Authority. Public safety is paramount.
- 2.7 The distinction between an Operator of standard Private Hire vehicles and the Operator of Executive vehicles is significant in terms of the type of client catered for and the type of service offered.
- 2.8 In addition, the absence of identification features might cause problems, particularly if those vehicles are still being used as non-executive, private hire vehicles.
- 2.9 As a result of the same, a number of Licensing Authorities put in place a policy and/or a specific set of conditions for Executive vehicles.
- 2.10 Selby District Council does not have a policy / conditions in place in relation to the granting of an exemption from displaying licence plates / signage.
- 2.11 By way of example, below is a list of conditions imposed by some Licensing Authorities in respect of Executive vehicles:-

Type of Vehicle

Example 1: A range of general criteria that leaves it open to the private hire vehicle trade to put forward vehicles of its own choice which can be shown to meet the criteria;

Example 2: To ensure a distinct category of Executive vehicle which divides Executive and standard Private Hire saloons the Executive vehicle will have an initial retail value of not less than £39,000 at the point of first registration.

General Exemption Conditions

Example 1: Only vehicles which are used solely for Executive Hire may be granted exemption; i.e. the vehicle will need to be used 100% for Executive Bookings.

Example 2: The External Licence plate must be affixed inside the boot-lid.

Example 3: The Internal licence plate must be affixed inside the glove-box.

Example 4: When the booking is made, the operator must provide the hirer with the registration number of the vehicle and the name of the driver.

Communication Equipment

Example 1: Radio or other data communication equipment for use in the communication of bookings from the Private Hire Operators base station cannot be fitted.

Executive Drivers

Example 1: Male drivers are required to wear a suit or jacket and trousers plus a shirt and tie at all times. Female drivers must follow an equivalent dress code but will not be required to wear a tie.

3. Legal/Financial Controls and other Policy matters

3.1 Legal Issues

The Local Government (Miscellaneous Provisions) Act, 1976 (LGMP), was created to enable Conditions of safety to be placed upon drivers, vehicles and Operators making private contracts for vehicle with driver hire services. Private Hire at that time was concentrated on saloon vehicles offering, in the main, local journeys.

All licences issued by the Council in connection with the driving and operation of Private Hire Executive vehicles are in accordance with the provisions of the 1976 Act. Drivers, Operators and Proprietors should be familiar with this Act, the provisions of the Town Police Clauses Act and the Disability Discrimination Act effecting Private Hire Executive licences.

Section 48(6)(a) of the Local Government (Miscellaneous Provisions) Act 1976 provides:-

“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 manner as the discreet council shall prescribe by condition attached to the grant of the licence”.

Section 54(2)(a) of the Local Government (Miscellaneous Provisions) Act 1976 provides:-

“A driver shall at all times when acting in accordance with the driver’s licence granted to him wear such badge in such position and manner as to be plainly and distinctly visible”.

Under Section 75(3) of the Local Government (Miscellaneous Provisions) Act 1976, the Local Authority can:-

“by notice in writing given to the proprietor of the vehicle, provide that Sections 48(6)(a) and 54(2)(a) of the Local Government (Miscellaneous Provisions) Act 1976 shall not apply to the vehicle on any occasion specified in the notice”.

Policy Issues

If the Committee are minded to recommend an amendment to the existing policy, then a formal consultation will need to be entered into. As part of the consultation, all private hire vehicle licence proprietors should be contacted. Furthermore, this an amendment to policy is an executive function and will require the approval of the Executive Committee.

If the Committee are minded to recommend the implementation of conditions upon the grant of a ‘discreet’ vehicle licence, this is a non-executive, Council function which can be authorised by the Licensing Committee.

3.3 Financial Issues

Currently, there is no charge for an ‘Exemption Certificate’.

4. Conclusion

Given the increasing number of companies providing ‘Executive’ vehicles and the increased number of applications for vehicles that are ‘discreetly licensed’ coming before Committee, it is recommended that the Committee give consideration to implementing an exemption policy / conditions on the grant of a ‘discreet’ vehicle licence.

Contact Officer: Rebecca Ware (rware@selby.gcsx.gov.uk)