

Public Session

Report Reference Number: L/18/1

Agenda Item No: 7

To: Licensing Committee
Date: 2nd July 2018
Author: Sharon Cousins, Licensing Manager
Lead Officer: Jade Reynolds, Legal Officer

Purpose of the Report and Summary:

Richard Harrop, 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 Mercedes 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 is an existing, licensed Private Hire Operator known as Galaxy Executive Travel.

2. The Report

- 2.1 On Monday 23 May 2018, Richard Harrop applied to Selby District Council (see Appendix A) for a Mercedes E Class, Registration Number YD17 VTG 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 Richard Harrop was granted a Private Hire Driver’s Licence on 12 May 2015 and received a Private Hire Operator’s Licence on 27 May 2015.
- 2.3 A Private Hire Vehicle Licence for a Mercedes E220 Class, operated by Mr Richard Harrop was issued on 17th March 2017.
- 2.4 The Applicant’s business has been in operation for a number of years. The Applicant states that due to progression and expansion of the business they now require another discreet licensed vehicle for the corporate business. The letter outlines their reasons for making such an Application and gives reference to the company’s website. The application 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 four 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 four occasions since.

a) To display a vehicle plate:

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 district council shall prescribe by condition attached to the grant of the licence”.

b) The driver to wear his badge in such position and manner as to be plainly and distinctly visible:

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”.

c) Exemption to display a vehicle licence and to wear a badge in a plainly and distinctly visible position:

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

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 as set out above shall not apply to the vehicle and to the driver of 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. Email of application from Richard Harrop
- B. Referee email from Guangping Dong.
- C. Referee email from Ella Plaisted.
- D. Reference email from Michelle Gibson

E. Copy of disc