



Public Session

Report Reference Number: PR/17/5

Agenda Item No: 7

To: Policy Review Committee
Date: 16 January 2018
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Lead Officer: Gillian Marshall, Solicitor to the Council

Title: Executive Hire Working Group - Update

Summary:

On the 12 December 2017, the Executive Hire Working Group met for the second time to consider conditions to be placed on discreet vehicle licenses and amendments to the application process. They made the following recommendations which were considered by the Licensing Committee yesterday:

Recommendations:

- i. That Policy Review Committee note and endorse the following changes to The Application Process:**
 - (a). That a formal application form be used for applications for a discreet vehicle licence, which should be accompanied by 3 references from potential customers who would use the executive service (Appendix 1).**
 - (b). That the Licensing Committee should consider executive hire vehicle suitability on a case by case basis, aided by the submission of photographs of the vehicle with the application for a discreet licence.**
 - (c). That the applications for discreet licenses continue to be considered by the Licensing Committee until such time as Members are satisfied that consideration can be delegated to officers.**
- ii. That the Policy Review Committee note and endorse the following Conditions upon the Grant of Discreet Vehicle Licences:**

That it be made a condition upon the grant of a discreet vehicle licence that:

- (a). The vehicle must only be used for executive hire – this included no school contracts, or other contracts that involved the transport of children, young people, or vulnerable adults.
 - (b). The private hire licence plate must be carried in the vehicle at all times, although they need not be visible to the passenger.
 - (c). The driver of the vehicle must wear visible photo identification at all times.
 - (d). The executive hire vehicle is kept to a high standard both internally and externally at all times.
 - (e). The exemption certificate (granting the discreet vehicle licence) is displayed on the left of the dashboard/ bottom left of the windscreen.
 - (f). A record is kept of all executive hire contracts undertaken by the vehicle and is to be made available for inspection by the Council's Licensing and Enforcement officers upon request.
 - (g). A dress code is adhered to by drivers, to include a collar and tie.
 - (h). The Discreet plate is renewed annually.
- iii. That a working group made up of members from both Policy Review Committee and the Licensing Committee meet in the coming weeks to work with officers to propose the necessary amendments to the Taxi Licensing Policy for Executive approval.

Reasons for recommendation

Officers have raised concerns over the number of discreet plates which Selby District Council currently have. 27 in total out of 141 Private Hire Vehicles are licenced with discreet plates. This poses a risk to the public as being granted a discreet plate removes the need to show the licence plate of the vehicle. The vehicles are therefore not distinguishable as a Selby District Council licensed vehicle.

Any procedural changes will require appropriate changes to the Taxi Licensing Policy ('the Policy') to facilitate them. It is proposed that a working group made up of members from both this Committee and the Licensing Committee will work with officers to propose changes to the Policy for Executive approval, addressing Executive Hire and any other relevant issues i.e. Wheelchair Accessible Vehicles.

1. Introduction and background

1.1 Members of the Committee will recall a Report being presented to Licensing Committee in May 2017 in respect of the number of applications which the Licensing Department were receiving for discreetly licensed vehicles.

- 1.2 The Report highlighted the potential problems arising from the absence of identification features, particularly if those vehicles are still being used as non-executive, private hire vehicles.
- 1.3 The Committee recognised the concerns over the number of discreetly licenced vehicles and established a working group to consider a review of the Policy in relation to discreet vehicle licences and the introduction of conditions on the grant of a discreet licence.

2 The Report

- 2.1 The Executive Working Group met on the second occasion in December 2017, and, following consideration of benchmarking, agreed the proposed amendments to the Policy.
- 2.2 The amendments proposed are both in respect of the application process and the conditions imposed on the grant of a discreet vehicle licence as set out in the recommendations above. The proposed procedural amendments were designed to:
 - (a) Increase public safety;
 - (b) Ensure that vehicles are kept in pristine condition in keeping with the Executive nature of work they are licenced for;
 - (c) Ensure that drivers remain smart in keeping with the Executive nature of work they are licenced for; and
 - (d) Ensure the Council's policy and procedures are consistent with benchmarked authorities.
- 2.2 It is now proposed that a working group made up of members from both Policy Review Committee and the Licensing Committee meet in the coming weeks to work with officers to propose amendments to the Policy for Executive approval.
- 2.3 The Policy Review Committee should also be aware that members of the Executive Hire Working Group highlighted the importance of educating the public about Hackney Carriage, Private hire and Discreet Vehicles, which would help promote and protect public safety.

3 Legal/Financial Controls and other Policy matters

Legal Issues

- 3.1 The Local Government (Miscellaneous Provisions) Act 1976 ('the 1976 Act'), was created to enable conditions of safety to be placed upon drivers, vehicles and operators making private contracts. 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 1976 Act 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 1976 Act 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 1976 Act, 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”.

In other words, Section 75(3) enables the Local Authority to ‘discreetly licence’ vehicles.

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 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.

Financial Issues

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

4. Conclusion

4.1 That the Licensing Committee note the update from the Working Group and recommend that the proposed amendments are now put forward in a joint working group meeting with members of the Policy Review Committee and member of the Licensing Committee.

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Background Documents

Information gathered from other authorities on how they deal with discreet plate applications

Minutes from the May meeting 2017

Appendices:

Appendix 1 – Discreet Plate application proposal