

# LICENSING COMMITTEE (NON LICENSING ACT 2003 FUNCTIONS)

## Agenda Item 17

Brighton & Hove City Council

<b>Subject:</b>	<b>Private Hire Plate Exemption Policy</b>		
<b>Date of Meeting:</b>	<b>23 November 2017</b>		
<b>Report of:</b>	<b>Director of Neighbourhoods, Communities &amp; Housing</b>		
<b>Contact Officer:</b>	Name: <b>Martin Seymour</b>	Tel: <b>29-6659</b>	
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<b>Wards Affected:</b>	All		

### 1. SUMMARY AND POLICY CONTEXT:

- 1.1 Members are asked to consider adopting a formal policy with regard to determining applications for exemption from the requirement to display private hire licence plates and approve a new door signs as allowed by section 75 Local Government (Miscellaneous Provisions) Act 1976.

### 2. RECOMMENDATIONS:

- 2.1 That Members adopt the Private Hire Plate Exemption Policy as shown in appendix 1 with effect from 1 January 2018.
- 2.2 That Members approve the generic Private Hire door sign as shown in appendix 2

### 3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 The Local Government (Miscellaneous Provisions) Act 1976 requires that Private Hire Vehicles display an identification plate and drivers of those vehicles wear a driver's badge. The same legislation also allows Brighton & Hove City Council to exempt vehicles from the need to display an identification plate and, where that exemption applies, the requirement to wear a Private Hire Driver badge.
- 3.2 Brighton & Hove City Council has seen an increase in the number of applications for Private Hire Vehicles (PHV) to be exempt from the requirement to display PHV Licence identity plates. A policy is needed to ensure a consistent approach is taken to such applications, that there is a transparent decision making process and to ensure that public safety is not compromised
- 3.3 The practice of displaying a vehicle plate is to ensure clear identification of licensed vehicles by licensing officers, police officers and the hiring public. A strict policy in displaying plates can help prevent the highly illegal practice of unlicensed vehicles

operating for hire and reward and can also prevent confusion with hackney carriage vehicles.

- 3.4 For vehicles used by the general public, the display of identification plates on a licensed vehicle and of the driver's badge is important in terms of public safety and reassurance. They indicate to the travelling public and to enforcement authorities that prior to being licensed both the vehicle and the driver have been subjected to checks to ensure their (the public's) safety.
- 3.5 There are occasions when the requirement to display an external identification plate may have the opposite effect in terms of customer safety and could have commercial implications for the operating business. The display of Local Authority licence plates externally may also deter some corporate customers from using the service; and in some circumstances the identification of the vehicle as a licensed vehicle may allow "high risk" passengers to be more readily targeted putting both them and the driver at risk. For example, vehicles used by Government Ministers or celebrities.
- 3.6 According to some members of the trade the display of the vehicle plate externally may deter some corporate customers from using a private hire service.
- 3.7 Exemptions from displaying identification plates may be in respect of individual vehicles only based upon demonstrable evidenced based need. Applications for exemptions relating to a fleet of vehicles will not be allowed. Each application will be assessed on its own merit
- 3.8 Applications for exemption from the requirement to display identification plates may be considered where the following requirements are met;
  - a) Vehicles must be of a standard of comfort and equipped to a level higher than that of a 'standard' Private Hire Vehicle.
  - b) The vehicle will be in pristine condition with no visible defects, dents or blemishes to the external bodywork or internal trim and seating.
  - c) The type of work undertaken is 'executive' in nature. The type of work that may be considered 'executive' may include:
    - i) Corporate bookings to transport employees and clients on business related journeys
    - ii) Other journeys where the client specifically requires a vehicle without any private hire plates or signage on it at the time of booking
    - iii) Bookings for clients (for example politicians and celebrities) who for security or personal safety reasons would not want the vehicle to be identifiable as a private hire vehicle
  - d) The percentage of 'executive' work undertaken by the vehicle must constitute at least 75% of the total work carried out by the vehicle.
  - e) A dress code commensurate with executive work is required.

3.9 A generic door sign has been developed so it can be used where a vehicle is being operated on more than one circuit or if the driver believes that the vehicle has been targeted. (see appendix 2).

#### 4. COMMUNITY ENGAGEMENT AND CONSULTATION

4.1. The trade at the recent Hackney Carriage and Private Hire Forum were very supportive of the proposed policy.

4.2 The GMB Union have emailed the following:

##### **Exemption Policy**

For the record:

The GMB applauds the council for taking on the trades concerns about the high number of Brighton & Hove private hire proprietors who have removed all licensing identification following the support from Fred Jones to do so rendering the ordinary private hire vehicle to be unidentifiable which causes great concern for public safety.

I would like to offer a slight alteration based on what I mentioned at the meeting today under the conditions of attire:

The draft proposal states:

f. During the period of the exemption notice the driver of the vehicle whilst engaged on private hire work will be smartly dressed in a plain navy, black or grey formal chauffeur's uniform (or equivalent for a chauffeuse).

My slight alteration is:

f. During the period of the exemption notice the driver of the vehicle whilst engaged on private hire work will be smartly dressed in accordance to the suitability as a chauffeur (or equivalent for a chauffeuse).

One point on the Exemption Policy: Is there any intention to remove the requirement for CCTV when an Exemption certificate is active?

4.3 Uber have emailed the following:

I wanted to provide some suggestions to the update PHV Plate / Livery Exemption policy before it goes to committee.

It seems that there is strong will from across the Trade for livery on all PHV cars for public safety reasons. Whilst I disagree with this rationale with the advent of modern technology, I respect the decision.

As you are aware from the reports by Uber partner-drivers and myself there have been unintended consequences of livery on Brighton & Hove private hire vehicles in the past 12 months. These include:

- Enabling Operators to exercise undue control over drivers, preventing them from working with multiple operators at the same time which they are entitled to do
- Targeting drivers from one operator for physical and verbal abuse when on the road
- Make cars driving with one Operator easily identifiable and potentially more likely to be vandalised.

Ultimately the consequence of these is to restrict consumer choice and availability of licensed vehicles, both to the detriment of the travelling public and safety.

In order to fulfil the stated policy objectives regarding public safety / vehicle identification but also address remove the opportunity for unintended consequences of livery outlined above I wanted to suggest some amendments to the proposed Policy to be put in front of committee:

- Council livery is mandatory (Council Logo, Pre-Booked statement) when undertaking bookings
- No individual operator identifiers permitted on any livery (name, phone number etc)
- All cars will look the same, with clear markings for the public.
- Permit magnetic signage that can be removed when not working and impose a condition on drivers to fix magnets when working

## **5. FINANCIAL & OTHER IMPLICATIONS:**

### Financial Implications:

5.1. There are no direct financial implications arising from the recommendations made in this report.

Finance Officer Consulted: Michael Bentley

Date: 09.11.17

### Legal Implications:

5.2. The legal basis for exemptions relating to the plate or disc is provided for by Section 75 (3) of the Local Government (Miscellaneous Provisions) Act 1976

Lawyer Consulted: Rebecca Sidell

Date: 6.10.17

### Equalities Implications:

5.3 None.

### Sustainability Implications:

5.4 None.

Crime & Disorder Implications:

5.5 Contained in the body of the report.

**6. EVALUATION OF ANY ALTERNATIVE OPTION(S):**

6.1. Option 1

Do nothing. Applications for plate exemptions shall be considered on an individual basis but members and officers will not rely on any policy. There would be a risk of a lack of a consistent approach.

6.2. Option 2

No plate exemptions shall be granted for any licensed private hire vehicles. Current practise has however already involved the agreement of some exemptions.

16. Option 3

Plate exemptions for private hire vehicles that are specifically vintage or classic vehicles. In view of the vast numbers of makes and models of vehicles available, it is best practice not to produce a policy listing specific vehicles that would be approved, as this list will require constant updating.

**7. REASONS FOR REPORT RECOMMENDATIONS**

7.1. To formally adopt a Private Hire Plate Exemptions Policy

