

Name of meeting: **Licensing and Safety Committee**

Date: **18th July 2017**

Title of report: **Executive Hire**

**Purpose of report: Executive Status of Private Hire Vehicles**

Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	No
Key Decision - Is it in the <a href="#">Council's Forward Plan (key decisions and private reports?)</a>	Key Decision - No Private Report/Private Appendix - No
The Decision - Is it eligible for call in by Scrutiny?	Not applicable
Date signed off by <u>Strategic Director</u> & name	Naz Parkar - 06.07.17
Is it also signed off by the Service Director for Finance, IT and Transactional Services	Not applicable
Is it also signed off by the Service Director Legal Governance and Commissioning	Julie Muscroft - 10.07.17
Cabinet member <a href="#">portfolio</a>	Not applicable

Electoral wards affected: All

Ward councillors consulted: Not Applicable

Public or private: Public

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## 1. Summary

To ask the committee to alter a condition of the Private Hire Vehicle Licence Conditions to enable officers (rather than Regulatory Committee) to determine if a vehicle can have “executive hire” status (and be exempt from most vehicle signage conditions) and to agree a policy to enable officers to make such decisions.

## 2. Information required to take a decision

Private hire vehicles normally have to display certain signage on the vehicle to enable the public and enforcement officers to quickly and easily distinguish the vehicle as a private hire vehicle. This includes displaying a plate on the rear of the vehicle close to the number plate and door signs indicating which operator the private hire vehicle works for. A typical picture of the door signs and plates is shown in Appendix A. This signage is required to be displayed as part of the conditions of the Private Hire Vehicle Licence.

A small number of drivers ask licensing if their vehicle may be exempt from such signage. They ask this mainly for two reasons, firstly if their driving involves work entirely for corporate clients, e.g. taking their corporate customers clients to and from the airport, or if their work is entirely made up of airport trips to and from domestic properties or a combination of the two. Many small operators business model is based on these two scenarios or a mixture of both.

Drivers state that corporate clients often request that the vehicles used don't carry the door signs or the rear plates so that it gives the impression to their customers that the car used is “exclusive” to the company and this creates a better impression to their customers. They also state that customers who order airport trips prefer an “unmarked” vehicle collecting them from their home as this doesn't draw as much attention from neighbours that they will be away from the home for a number of days, which may have security implications.

Currently condition 3 of the current Private Hire Vehicle Conditions states:

***“Proprietors using vehicles for executive purposes only are exempted from conditions relating to signage and will be issued a licensed disc showing exemption. (Subject to committee approval)”.***

This means that every reasonable request for executive status of a vehicle must be taken before regulatory panel. Regulatory panel doesn't sit as often as it once did, and with many councillors often working full time arranging suitable dates for regulatory panel can sometimes be problematic. This reports requests that this condition is altered to include airport transfers as part of executive status and is changed and so that the Licensing Manager is able to take such decisions. This would make the process more efficient for both drivers and officers as it wouldn't have to wait for and go to regulatory panel.

When a vehicle is granted executive status it has to display a disc, similar to the former road tax disc all vehicles used to have to display, to indicate that it is still a Kirklees Council Licenced vehicle.

To help the Licensing Manager make consistent decisions on these requests and to impart an element of safeguarding the proposed Policy in Appendix B would be used by the Licensing Team Manager when taking decisions on such requests.

Condition 3 of the vehicle Licence Conditions would be changed to:

***“Proprietors using vehicles for executive purposes and/or Airport transfer only may be exempted from conditions relating to signage if issued a licensed disc showing exemption. (Issue of such discs is subject to the Licensing Manager’s approval. The Licensing Manager will assess any application against an agreed Executive Status Policy)”.***

### **3. Implications for the Council**

#### **3.1 Early Intervention and Prevention (EIP)**

Not applicable.

#### **3.2 Economic Resilience (ER)**

Drivers have informed the Council that some corporate clients insist on no door signage on their vehicle before accepting work using a particular vehicle. Drivers say that obtaining executive status will increase the number of corporate clients they are able to work for.

#### **3.3 Improving outcomes for Children**

Not applicable.

#### **3.4 Reducing demand of services**

Allowing the Licensing Manager to take decisions on executive status will reduce the officer work involved in preparing and organising Regulatory panel.

### **4. Consultees and their opinions**

The only consultation we have done is with drivers who are currently waiting for executive status to be determined and they are more than happy with the proposed policy.

### **5. Next steps**

Committee determines whether or not to implement the change in condition. If they agree to change the condition then the Licensing Manager decides all future executive status decisions based on policy. If committee decide not to change the decision then every executive status request is brought before the regulatory panel for a decision.

### **6. Officer recommendations and reasons**

That the condition is changed as this would make the decision process much more efficient and an agreed policy would make decisions more consistent.

### **7. Cabinet portfolio holder’s recommendations**

### **8. Contact officer**

Paul Bailey 01484 221000 Ext 77659  
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**9. Background Papers and History of Decisions**

See attached

**10. Service Director responsible**

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## Appendix A- Typical Signage and Plate Required on Kirklees Private Hire Vehicles



Typical Door Sign required on Private Hire Vehicle



Typical Licensing rear plate required on a private hire vehicle

## **Appendix B- Proposed Executive Status Policy**

### **PRIVATE HIRE VEHICLE LICENCES (EXECUTIVE TYPE USE ONLY) Policy**

From time to time Licensing receive requests from some operators who only do contract work for companies and/or Airports runs to have “executive status”

If a vehicle had executive status it would be exempt from certain conditions in the Private Hire vehicle licence conditions, namely it doesn't have to display door stickers and the rear plate. It would get an executive disc which it would have to display in the front window which indicates it has executive status and also includes the car's licenced number.

#### **Executive Status Policy**

Your vehicle may only be considered to be licensed as an executive use private hire vehicle if the following conditions are met: -

- It is used solely to take passengers to and from airports, and/or
- It is used for solely executive use i.e. commercial clients and bookings made under a contract, and
- All the vehicles used by the operator the vehicle is registered with must all be licenced for executive hire only.
- Licensing may carry out a test purchase to examine that the operator of such a vehicle is complying with the policy.
- Any operator of a vehicle with executive status proven to be undertaking any private hire work not as described above with an executive licenced vehicle may lose the right to operate any executive vehicles.

## Background Paper- “Executive Status”

### What is “Executive” Status

Licensing are getting many requests from proprietors of private hire vehicles to obtain executive status for their vehicles. They want this so they don't have to display most of the signage that easily distinguishes a private hire from another vehicle, i.e. the door stickers or the licensing plate on the rear. They state that customers on airport runs prefer this as it doesn't draw attention to the car when it's collecting them from their homes, i.e. a would be burglar is more likely to be aware that household is going on holiday if an obvious “taxi” pulls up rather than what looks like a private car. Also they often combine this type of Airport run with contact work for businesses and the operators state that many businesses want their customers to feel that the driver is working for them and is not a “taxi” they have hired, and therefore often ask the companies if they can have a vehicle with no obvious sign that it is a “taxi”.

The vast majority of proprietors who are applying for this are also operators. They usually work for themselves, occasionally with one or two other vehicles, usually operated by a friend or family member and they do not do the “typical” private hire work of taking people to and from licenced premises, to work, to schools or to and from supermarkets

### The Law

Section 48 of the Local Government Miscellaneous Provisions Act 1976 allows the council to register a vehicle as a Private Hire Vehicle. As part of this we can make the vehicle display signs:

*(2) A district council may attach to the grant of a licence under this section such conditions as they may consider reasonably necessary including, without prejudice to the generality of the foregoing provisions of this subsection, conditions requiring or prohibiting the display of signs on or from the vehicle to which the licence relates*

Section 48 also states that a plate *or disc* (my emphasis) should be displayed:

*(5) Where a district council grant under this section a vehicle licence in respect of a private hire vehicle they shall issue a plate or disc identifying that vehicle as a private hire vehicle in respect of which a vehicle licence has been granted.*

*(6) (a) Subject to the provisions of this Part of this Act, no person shall use or permit to be used in a controlled district as a private hire 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.*

### Current Position

The council currently have the following condition regarding the display of a licensing plate and disc and vehicle number:

2. No person shall use or permit the use of the vehicle as a private hire vehicle unless the disc and plate are exhibited on the vehicle in the following manner prescribed by the Council:

(a) The Proprietor shall cause the number of this licence to be fixed and displayed on the vehicle at all times during which the vehicle is licensed as a private hire vehicle, such number to be displayed by means of the licence disc and the licence plate issued by the Council to the Proprietor.

(b) The licence disc shall be fixed and displayed to the inside of the front windscreen on the kerb side in such a manner as to be clearly visible to any passenger, Constable or duly Authorised Officer, but not so as to obstruct or impair adequate forward vision of the driver of vehicle. The licence disc holder shall be fixed to the front near side windscreen, to be clearly visible to all passengers.

(c) The licence plate shall be permanently fixed and displayed on, or in the near vicinity of the rear bumper of the vehicle, so as to be clearly visible on the rear of the vehicle at all times.

(d) When a vehicle is licensed for private hire purposes it can only be used as a private hire vehicle and must be driven only by the holder of a current Kirklees Council Hackney Carriage/Private Hire driver's licence, clearly displayed on his/her person when driving such vehicle. No other person is permitted to drive the licensed vehicle at any time.

We also have the following condition re door signs:

12. The Proprietor shall not display or suffer or permit to be displayed on or from the vehicle:

(a) any roof sign;

(b) Any sign or notice which consists of or includes the word "taxi" or "cab", whether in the singularly or plural, or any word of similar meaning or appearance to any of those words, whether alone or as part of another word; or

(c) any advertisement, any other sign including religious or nationalistic symbols, notice or device or livery except as may be agreed from time to time by the Council or which is prescribed by or under any enactment;

(i) A Kirklees licensed private hire vehicle must display an adhesive sign on the top panel on each of the two front doors of the vehicle ONLY, and on no other part of the vehicle, glass or panels. Such door signs to be permanently stuck on to the door panel at all times the vehicle is licensed as a private hire vehicle. Magnetic signs are not permitted. Corporate door signs are now produced by the Council Licensing office.

(ii) The Corporate door signs are subject to the Council's prior approval of the design, colour and wording of the sign. All new Private Hire Vehicle applications and annual renewals if not already purchased from Kirklees Council must display the new corporate door signs manufactured by the Council.

(iii) Failure to comply with this condition will entail the immediate suspension of the vehicle licence, and seizure of the magnetic or defaced items for destruction.

(d) The door sign will contain only the Company name/logo and telephone number, the top section of the sign must contain the wording "ADVANCED BOOKINGS ONLY" with a minimum letter height of 35mm. Any colour of the sign/wording will be considered with the exception of blue. All signs must be approved by the Council before fitting to licensed vehicles. The Council Licensing Service now has facilities to produce corporate door signs on request. These Corporate signs to be purchased with all new and renewal applications if not already purchased from Kirklees Council.

So the council requires all Private Hire Vehicles to display a disc in the front nearside windscreen and a plate on the outside near the rear number plate with the number of the vehicle.

It also requires a sticker on both front doors with the company logo, telephone number and “advance bookings only”

We can remove these requirements because there is a condition in the private hire vehicle conditions that states:

### **3. VEHICLES USED FOR EXECUTIVE PURPOSES ONLY**

*Proprietors using vehicles for executive purposes only are exempted from conditions relating to signage and will be issued a licensed disc showing exemption. (Subject to committee approval)*

Please note the condition states that only committee can currently approve executive status.

### **Exemption in Law**

There is an exemption in the Local Government Miscellaneous Provisions Act 1976 which means that the council can exempt some Private Hire Vehicles from totally displaying any plates or discs *altogether (my emphasis)*:

#### **Section 75**

*(3) Where a licence under section 48 of this Act is in force for a vehicle, the council which issued the licence may, by a notice in writing given to the proprietor of the vehicle, provide that paragraph (a) of subsection (6) of that section shall not apply to the vehicle on any occasion specified in the notice or shall not so apply while the notice is carried in the vehicle; and on any occasion on which by virtue of this subsection that paragraph does not apply to a vehicle section 54(2)(a) of this Act shall not apply to the driver of the vehicle.*

Licensing do not rely on this provision to “exempt” vehicles of executive status from signage altogether as we still require the proprietor of these vehicles to display a licensing disc in the windscreen of these vehicles.

When we grant Executive status we still want them to display a disc so section 75 doesn't apply here, i.e. we don't have to issue any form of notice.

### **Other West Yorkshire Councils**

Leeds City Council do offer “executive” status. Similarly to Kirklees the vehicles they grant can just display the disc but their cars when first registered must cost more than £39,000 for saloons and £30,000 for people carriers and have to be less than 1 year old when first registered and can only register until they are 5 years old. They can only do contract work only, they cannot do Airport runs. Officers believe this may be suitable for some operators in Leeds which has a larger concentration of corporate clients than Kirklees but many operators in Kirklees have informed us they often need to combine corporate work with airport runs to make their business viable. In addition although many of the vehicles that are requested to be used as executive hire in Kirklees are of the more prestigious type of

vehicles, operators have informed us that an age restriction as per the Leeds City Council Policy would make their business not viable.

Calderdale Council do allow executive status for Airport runs and company work and also allow them to have tinted windows. Calderdale's Policy is in line with Kirklees except we do not allow greater tinted windows on executive status vehicles. We would like to keep our tinted glass policy, even on executive status vehicles to enable a certain degree of safeguarding.

Wakefield Council does not offer executive status at all.

Bradford City Council- still awaiting response from Bradford.