

Meeting of:	Public Protection Licensing Committee
Date of Meeting:	Tuesday, 21 September 2021
Relevant Scrutiny Committee:	Homes and Safe Communities
Report Title:	EXEMPTION FROM PRIVATE HIRE PLATE AND DOOR STICKER REQUIREMENTS
Purpose of Report:	To consider a request by Mr Duncan Forbes to be exempt from the requirement to display door stickers or a licence plate on his Private Hire Vehicle.
Report Owner:	Miles Punter, Director of Environment and Housing Services
Responsible Officer:	Miles Punter, Director of Environment and Housing Services
Elected Member and Officer Consultation:	None
Policy Framework:	This is a matter for the Public Protection Licensing Committee
Executive Summary:	<p>To consider a request by Mr Forbes to allow his vehicle, licensed Private Hire PH002, DFZ 500, to be exempt from the Vale of Glamorgan Council's conditions in relation to Private Hire Vehicle identification door stickers, and for the vehicle to be exempt from the requirement to display a Private Hire Licence Plate.</p>

Recommendations

1. It is recommended that Members give careful consideration to the application taking into account whether or not public safety would be compromised were one of the following recommendations accepted:-

grant an exemption from one, or both, conditions 8 and 9 relating to Private Hire vehicles to Mr Forbes in respect of an application made for a Private Hire Vehicle Licence, for vehicle registration DFZ 500.

If Members are minded to grant an exemption from the requirement to display a licence plate, they must instruct that the required notice be given to Mr Forbes.

Or,

2. refuse the application giving full reasons for their decision.

The Committee must consider the application on its merit. If they are of the view that there is no public interest in granting this exemption having regard to public safety, the application should be refused.

Members are reminded that when the vehicle is licensed as a Private Hire Vehicle the type of fares that are carried out by the vehicle cannot be controlled and as such it will not be restricted to chauffeur work.

Reason for Recommendations

3. To advise Members of the options available and request their instructions

1. Background

4. On 24th June 2021, Mr Forbes made application for a Private Hire Vehicle Licence in respect of his vehicle, an Audi A8 registration DFZ 500, first registered on 29th September 2016.
5. On 8th July 2021 Mr Forbes sent an email request that his vehicle be exempt from the requirement for door stickers and plates to be displayed. A copy of the request is attached at [Appendix A](#) to this Report.
6. Mr Forbes has advised officers that his business model is to offer an executive hire operation rather than the traditional private hire business where the public expect a liveried vehicle.
7. On 12th July 2021 the Licensing Section received an email in support of Mr Forbes's request from Tony Coultard of ABC Executive Travel. A copy of the message is attached at [Appendix B](#) to this Report.
8. On 27th July 2021 Mr Forbes was asked to provide some further information in relation to his request and he responded as follows;

He confirmed that he intends to work for ABC Executive Travel whilst establishing his own business.

That he wants to operate exclusively as executive hire and has no interest in regular private hire work and will be looking to provide wedding services, business people travelling to appointments, film and TV work etc

That, at that time, he did not have any contract / hire agreement / formal confirmation of work to be available detailing the longevity of the arrangement, types of client and journeys.

9. Current private hire legislation does not distinguish between the different types of business model and standard conditions relating to displaying a plate and door stickers apply to all vehicle licences. This is in order to ensure public safety.

2. Issues for Consideration

- 2.1 Section 48(6) of the Local Government (Miscellaneous Provisions) Act 1976 requires that a plate is issued in relation to, and displayed on, all licensed Private Hire Vehicles.
- 2.2 However, by virtue of Section 75(3) the Council has the power to issue a notice to a proprietor of a vehicle licensed under Section 48 to exempt them from the requirement to display a licence plate on the vehicle.
- 2.3 Section 75 also dis-applies the provisions of the Act in certain circumstances; While the vehicle is being used in connection with a wedding or funeral
When the vehicle is being used under a contract for a period of 24 hours or more
- 2.4 Condition number 8 of the Vale of Glamorgan Conditions for Private Hire Vehicles requires that the licence plate is permanently affixed to the outer rear of the vehicle's bodywork or to the rear bumper with the fixing kit supplied.
- 2.5 Condition number 9 of the Vale of Glamorgan Conditions for Private Hire Vehicles states that identification door stickers should be fixed to each of the vehicle's front doors by their adhesive backing.
- 2.6 Officers are not delegated the authority to issue a Private Hire Vehicle Licence other than in accordance with the Vale of Glamorgan Council's standard conditions.

3. How do proposals evidence the Five Ways of Working and contribute to our Well-being Objectives?

- 3.1 This report has been screened for evidence of the Five Ways of Working and how it may contribute to our Well-being Objectives.

- 3.2** Prevention and collaboration: the purpose of this regulatory function is to protect the public and ensure businesses comply with licence terms and conditions.

4. Resources and Legal Considerations

Financial

There are no financial implications arising directly from this report.

Employment

- 4.1** None.

Legal (Including Equalities)

- 4.2** Section 48(2) of the Local Government (Miscellaneous Provisions) Act 1976 allows a Council to make conditions relating to the prohibition or the displaying of signs on Private Hire Vehicles licensed by that Authority.
"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."
- 4.3** Section 48(6)(a) states;
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 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 a manner as the district council shall prescribe by condition attached to the grant of the licence.
- 4.4** Section 48(7) states;
Any person aggrieved by the refusal of a district council to grant a vehicle licence under this section, or by any conditions specified in such a licence, may appeal to a magistrates' court.
- 4.5** Section 75(3) states;
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 (refers to the fixing of plates or discs) of that section shall not apply to the vehicle on any occasion specified in the notice or shall not apply when the notice is carried in the vehicle; and on any occasion by virtue of this subsection that paragraph does not apply to a vehicle section 54(2)(a) (the wearing of a badge by the driver) of this Act shall not apply to the driver of the vehicle.

5. Background Papers

None.

APPENDIX A

From: Duncan G Forbes <>
Sent: 08 July 2021 13:51
To: Westall, Vince A <vawestall@valeofglamorgan.gov.uk>
Cc: Witchell, Yvonne <ywitchell@valeofglamorgan.gov.uk>; Licensing <Licensing@valeofglamorgan.gov.uk>
Subject: Door sticker and external plate exemption.

Good afternoon Vince,

Further to our conversation earlier could you please take this email as a request for an exemption from displaying door stickers and an external license plate on my car.

The reason I'm asking for this exemption is the nature of the clients I will be transporting, which will be high-profile VIPs, the film production work and associated passengers, and the wedding work requiring a vehicle that is discreet and does not appear to be a private hire vehicle.

Should you require any more information regarding this application, please do not hesitate to contact me.

Thank you,

Duncan Forbes

APPENDIX B

From: ABC Executive Travel <info@abcexecutivetravel.co.uk>
Date: 12 July 2021 at 20:11:03 BST
To: Duncan Forbes
Subject: Executive Cars

To whom it may concern.

I write to confirm that Duncan Forbes will be working alongside me on various television and film productions and that I will be sub contracting jobs to him.

One of my clients specific requirements is that all vehicles provided are not visible as private hire. Therefore I support the application for exemption of displaying door stickers and an external license plate on the Audi A8 that Duncan is applying to license.

Yours faithfully

Tony Coulthard
ABC Executive Travel
Telephone:
www.abcexecutivetravel.co.uk